

Draft Order laid before the Scottish Parliament under section 25(2)(b) of the Public Services Reform (Scotland) Act 2010, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

**REGULATORY REFORM
PUBLIC HEALTH**

**The Public Services Reform (Functions of the
Common Services Agency for the Scottish
Health Service) (Scotland) Order 2013**

Made - - - - *2013*

Coming into force - - *29th June 2013*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 17(1) and (9)(a) of the Public Services Reform (Scotland) Act 2010(1) and all other powers enabling them to do so.

The Scottish Ministers consider that the conditions in section 18(2) of the Act are satisfied.

The Scottish Ministers have consulted in accordance with section 26 of the Act.

The Scottish Ministers have laid a draft of this Order and an explanatory document before the Scottish Parliament in accordance with section 25(2)(b) of the Act.

In accordance with section 25(2)(c) of the Act, the draft of this Order has been approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Public Services Reform (Functions of the Common Services Agency for the Scottish Health Service) (Scotland) Order 2013 and comes into force on 29th June 2013.

Amendment of the National Health Service (Scotland) Act 1978

2. The National Health Service (Scotland) Act 1978(2) is amended as follows.

(1) 2010 asp 8. The functions of the Minister were, in so far as within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
(2) 1978 c.29.

3. In section 10 (Common Services Agency), at the end of subsection (1) insert—
“and section 15”.

4. In section 15 (supply of goods and services to local authorities, etc.), after subsection (2) insert—

“(2A) Without prejudice to subsection (1), the Agency may—

- (a) purchase and store and, on such terms and conditions as may be agreed, supply to the Scottish Ministers any equipment, goods or materials of any kind (whether or not of a kind used in the health service);
- (b) purchase and store and, on such terms and conditions as may be agreed, supply to government departments, local authorities and such public bodies or classes of public bodies as may be determined by the Scottish Ministers, any equipment, goods or materials of a kind not used in the health service;
- (c) provide the Scottish Ministers, government departments and such public bodies or classes of public bodies as may be determined by the Scottish Ministers, on such terms and conditions as may be agreed, with any administrative, professional or other services of persons employed by, or having contracts with, the Agency;
- (d) permit government departments and such public bodies or classes of public bodies as may be determined by the Scottish Ministers, on such terms and conditions as may be agreed, to use premises occupied for the purposes of the health service;
- (e) permit government departments and such public bodies or classes of public bodies as may be determined by the Scottish Ministers, on such terms and conditions as may be agreed, to use any vehicle, plant or apparatus belonging to the Agency;
- (f) carry out, on such terms and conditions as may be agreed, maintenance work in connection with land or buildings for the maintenance of which the Scottish Ministers, a government department or such public bodies or classes of public bodies as may be determined by the Scottish Ministers, is responsible.

(2B) Without prejudice to the generality of subsections (1)(c) and (2A)(c), the services which may be provided under those subsections include—

- (i) procuring equipment, supplies and services;
- (ii) distribution of equipment, goods and materials;
- (iii) providing information, advice and management services;
- (iv) using computers and telecommunications equipment to store, retrieve, transmit and manipulate data;
- (v) legal services;
- (vi) preventing, detecting and investigating fraud and other irregularities;
- (vii) accounting and financial services;
- (viii) human resource management;
- (ix) property management (including the management of facilities of a property).

(2C) The Agency may only provide services under subsections (1)(c) and (2A)(c) with the agreement of the Scottish Ministers.

(2D) In subsection (2A)(a) and (b), the power to supply equipment, goods and materials includes a power to make arrangements with third parties for the supply by them of those things.”.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Public Services Reform (Functions of the Common Services Agency for the Scottish Health Service) (Scotland) Order 2013 No. 220

St Andrew's House,
Edinburgh
Date

Name
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Order)

By virtue of section 10 of the National Health Service (Scotland) Act 1978 (“the 1978 Act”), the Common Services Agency of the Scottish Health Service undertakes a variety of functions delegated to it by the Scottish Ministers, and referred to it from Health Boards by the Scottish Ministers. It also has power to provide services to, and carry out tasks for bodies associated with the health service in Scotland.

In addition, by virtue of section 15 of the 1978 Act, the Agency has functions of supplying certain goods and services to other bodies including local authorities and government departments.

This Order expressly recognises that section 15 confers functions on the Agency, and extends the range of bodies in relation to which the Agency can exercise those functions so as to—

- (a) enable the Agency to purchase and store and supply equipment, goods and materials to the Scottish Ministers;
- (b) extend the types of equipment, goods and materials which it may purchase and supply to others;
- (c) extend the range of public bodies to which the Agency may provide services (subject to the agreement of the Scottish Ministers);
- (d) extend the range of public bodies which the Agency may permit to use premises occupied for the purposes of the health service;
- (e) extend the range of public bodies which the Agency may permit to use any vehicle, plant or apparatus belonging to it; and
- (f) extend the range of public bodies for which the Agency may carry out maintenance work in connection with land or buildings.

The power of the Agency to enter into agreements to supply services under section 15(1)(c) and (2A)(c) is subject to the agreement of the Scottish Ministers.

A Business and Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on the costs of business.