

2005 No. 550

NATIONAL HEALTH SERVICE

**The Common Services Agency (Membership and Procedure)
Amendment (Scotland) Regulations 2005**

Made - - - - - *8th November 2005*

Laid before the Scottish Parliament *9th November 2005*

Coming into force *1st December 2005*

The Scottish Ministers, in exercise of the powers conferred by sections 10(2) and 105(7) and 108(1) of, and paragraphs 3A and 8 of Schedule 5 to, the National Health Service (Scotland) Act 1978(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Common Services Agency (Membership and Procedure) Amendment (Scotland) Regulations 2005 and shall come into force on 1st December 2005.

Amendment of the Common Services Agency (Membership and Procedure) Regulations 1991

2.—(1) The Common Services Agency (Membership and Procedure) Regulations 1991(b) are amended as follows.

(2) For regulation 2(3) substitute—

“(3) The other members of the Committee who are prescribed for the purposes of paragraph 3A of Schedule 5 to the Act (members of the Committee, in addition to the chairman, to whom remuneration may be paid) are those members who are not members of staff of a Board or the Scottish Administration.”.

(a) 1978 c.29. Section 105(7) was amended by the Health Services Act 1980 (c.53) (“the 1980 Act”), Schedule 6, paragraph 5(1) and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, Part I, paragraph 24 and the Health Act 1999 (c.8), Schedule 4, paragraph 60; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made; paragraph 3A of Schedule 5 was inserted by the 1980 Act, Schedule 6, paragraph 8(2) and amended by the National Health Service and Community Care Act 1990 (c.19), Schedule 5, paragraph 9. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1991/564 as amended by S.S.I. 2004/212.

(3) In regulation 4(1) (disqualification) omit paragraphs (a) and (c).

St Andrew's House,
Edinburgh
8th November 2005

ANDREW P KERR
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Common Services Agency (Membership and Procedure) Regulations 1991 (“the principal Regulations”) which make provision with respect to the Common Services Agency for the Scottish Health Service (“the Agency”).

Paragraph 3A of Schedule 5 to the National Health Service (Scotland) Act 1978 (c.29) empowers the Scottish Ministers to pay such remuneration as they may determine to the chairman of the Management Committee of the Agency and “to such other members as may be prescribed”.

Regulation 2(3) of the principal Regulations provides that remuneration may be paid to those members of the Committee who are not officers of the Agency, a Health Board (which includes a Special Health Board) or of the Scottish Ministers.

Regulation 2(2) of these Regulations substitutes a new Regulation 2(3) which prescribes the other members of the Committee (that is, the members other than the chairman) to whom such remuneration may be paid as being those members who are not members of the staff of a Health Board (including a Special Health Board) or of the Scottish Administration. Its primary effect is to enable remuneration to be paid to members of the Committee who are members of the staff of the Agency.

Regulation 2(3) of these Regulations removes references in Regulation 4 of the principal Regulations to National Health Services trusts and fund holding practices following the dissolution of all such trusts and practices.

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