

**2008 No. 312**

**NATIONAL HEALTH SERVICE**

**The National Health Service (Functions of the Common Services Agency) (Scotland) Order 2008**

*Made* - - - - *11th September 2008*

*Coming into force* - - *1st October 2008*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 10(3) and (4) and 105(6) and (7) of the National Health Service (Scotland) Act 1978(a) and all other powers enabling them to do so.

In accordance with section 10(4) of that Act, they have consulted with Health Boards, Special Health Boards and other interests as appear to them to be concerned.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the National Health Service (Functions of the Common Services Agency) (Scotland) Order 2008 and comes into force on 1st October 2008.

(2) In this Order—

“the Act” means the National Health Service (Scotland) Act 1978;

“the Agency” means the Common Services Agency for the Scottish Health Service constituted under section 10(1) of the Act(b);

“Health Board” means a Health Board constituted under section 2(1)(a) of the Act(c);

“pharmaceutical services” has the meaning ascribed to it by section 27(1) of the Act(d);

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(a) 1978 c.29. Section 10(3) was amended by the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) (“the 2005 Act”), section 42(1) and schedule 2, paragraph 2(4); section 10(4) was amended by the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”), section 66(2) and Schedule 10 and by the Health Act 1999 (c.8) (“the 1999 Act”), section 65(1) and Schedule 4, paragraph 44; 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) (“the 1983 Act”), Schedule 9, Part I, paragraph 24 and the 1999 Act, Schedule 4, paragraph 60. 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) Section 10(1) was amended by the 1980 Act, Schedule 6, paragraph 2.

(c) Section 2(1)(a) was amended by the 1983 Act, section 14(2) and Schedule 7, paragraph 1, the 1990 Act, section 28(a)(i) and the 2005 Act, section 42(1) and schedule 2, paragraph 2(2).

(d) Subsection (1) of section 27 was amended by the 1980 Act, section 20(2), the 1990 Act, Schedule 9, paragraph 19(7)(9), the Medicinal Products: Prescription by Nurses etc. Act 1992 (c.28), section 3, the National Health Services (Primary Care) Act 1997 (c.46), Schedule 2, Part I, paragraph 44, and the Health and Social Care Act 2001 (c.15), section 44(2); subsections (1A) and (1B) were inserted by the Health and Social Care Act 2001 (c.15), sections 44(3) and 70(2); subsections (2) to (6) were amended by the National Health Service (Amendment) Act 1986 (c.66), section 3(3); subsection (2) was also amended by the 1990 Act, Schedule 9, paragraph 19(7)(c) and (d); subsection (4) was also amended by S.I. 1987/2202 and the 1990 Act, section 66(1) and Schedule 9, paragraph 19(17)(c) and (d).

“the Scottish Dental Practice Board” means the Board constituted under section 4(1) of the Act(a);

“Special Health Board” means a Special Health Board constituted under section 2(1)(b) of the Act(b).

## **Functions of the Agency**

2. The functions of the Agency are to:

- (a) examine, check and price prescriptions for drugs, medicines and appliances supplied under the arrangements for the provision of pharmaceutical services;
- (b) provide accommodation of the kind referred to in section 36(1) of the Act for the functions of the Agency and, if so directed by Scottish Ministers, for the functions of Health Boards and Special Health Boards;
- (c) provide such services relating to the exercise by Scottish Ministers, Health Boards or Special Health Boards of functions under section 36(1) or section 48 of the Act as they may require;
- (d) procure equipment, supplies and services in support of the functions of the Scottish Ministers, Health Boards and Special Health Boards;
- (e) exercise the power of the Scottish Ministers under section 40(1) of the Act to make arrangements with medical practitioners for the vaccination or immunisation of persons against yellow fever, either by medical practitioners or by persons acting under their control;
- (f) provide information, advice and management services in support of the functions of Scottish Ministers, Health Boards and Special Health Boards other than where the Health Protection Agency is exercising functions under the Health Protection Agency (Scottish Health Functions) Order 2006(c);
- (g) exercise the functions of the Scottish Ministers under section 44 of the Act to provide supplies of human blood for the purposes of carrying out blood transfusion, or provide material which has come from a human body and consists of, or includes, human cells, and provide related services for the purpose of, or in the course of, providing any service in relation to the health service;
- (h) provide staff, accommodation and other facilities required by the Scottish Dental Practice Board to enable the Board to discharge its duties with respect to the approval of estimates of dental treatment and appliances;
- (i) co-ordinate personnel policies, including, to such extent as may be agreed with Health Boards and Special Health Boards, arrangements for appointment, training and planned movement of staff and the organisation of and participation in training;
- (j) collect and disseminate epidemiological data and participate in epidemiological investigations;
- (k) provide legal services to Health Boards and Special Health Boards;
- (l) prevent, detect and investigate fraud or other irregularities in relation to the health service;
- (m) exercise the powers of the Scottish Ministers under section 79(1) of the Act(d) to take on lease or to purchase by agreement moveable property and land which is required for the functions of the Agency and to use for those functions and manage any heritable or moveable property so acquired; and

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(a) Section 4(1) was amended by the Health and Medicines Act 1988 (c.49), section 25(2) of Schedule 3 to provide that the Scottish Dental Estimates Board be renamed the Scottish Dental Practice Board.

(b) Section 2(1)(b) was amended by the 1990 Act, section 28(a)(ii) and the 2005 Act, section 42(1) and schedule 2, paragraph 2(2).

(c) S.S.I. 2006/559 as amended by S.S.I. 2007/316.

(d) Section 79(2A) clarifies the powers of the Scottish Ministers under section 79(1).

- (n) exercise the powers of the Scottish Ministers under section 79(1A) of the Act<sup>(a)</sup> to dispose of land no longer required for the functions of the Agency.

**Revocations**

3. The Orders specified in the Schedule are revoked.

St Andrew's House,  
Edinburgh  
11th September 2008

*S. ROBISON*  
Authorised to sign by the Scottish Ministers

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<sup>(a)</sup> Section 79(1A) was amended by the Requirements of Writing (Scotland) Act 1995 (c.7), section 14(2) and Schedule 5. Section 79(2A) clarifies the powers of the Scottish Ministers under section 79(1A).

## SCHEDULE

Article 3

### REVOCATIONS

<i>Orders revoked</i>	<i>References</i>
The National Health Service (Functions of the Common Services Agency) (Scotland) Order 1974	S.I. 1974/467
The Common Services Agency (Withdrawal and Amendment of Functions) (Scotland) Order 1991	S.I. 1991/900
The National Health Service (Functions of the Common Services Agency) (Scotland) Amendment Order 2000	S.S.I. 2000/224
The National Health Service (Functions of the Common Services Agency) (Scotland) Amendment Order 2003	S.S.I. 2003/159
The National Health Service (Functions of the Common Services Agency) (Scotland) Amendment (No. 2) Order 2003	S.S.I. 2003/306
The National Health Service (Functions of the Common Services Agency) (Scotland) Amendment (No. 2) Order 2006	S.S.I. 2006/603

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order consolidates the National Health Service (Functions of the Common Services Agency) (Scotland) Order 1974 and related Orders.

The Order specifies the functions to be undertaken by the Common Services Agency for the Scottish Health Service (“the Agency”).

Article 2 of the Order lists the functions of the Agency and extends those functions to include the provision of accommodation, services, procurement, information and advice, and co-ordination of personnel policies to Special Health Boards.

Article 3 of, and the Schedule to, the Order provide for the revocation of the Orders being consolidated.

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