

EXECUTIVE NOTE

SSI 2009/242 (C.21) THE HEALTH BOARDS (MEMBERSHIP AND ELECTIONS) (SCOTLAND) ACT 2009 (COMMENCEMENT NO. 1) ORDER 2009

Purpose

1. This Order is made in exercise of powers conferred by section 4(1) of the Health Boards (Membership and Elections) (Scotland) Act 2009 (“the Act”). It appoints 24th June 2009 as the day on which sections 1 to 3 of the Act come into force in respect of Fife and Dumfries and Galloway Health Board areas. This will allow election regulations to be made at a future date for the purposes of piloting Health Board elections in those areas.

2. The Order made under section 4(1) is defined as the pilot order in the Act. This Order is accordingly the pilot order in terms of the Act. However the title refers to commencement to make it clear that the Order commences certain sections of the Act for certain areas.

Procedure

3. Section 4(4) of the Act provides that a pilot order which adds to, replaces or omits any part of the text of sections 1 to 3 will be subject to affirmative procedure. As no modifications have been made to the Act, no parliamentary procedure applies to this Order.

4. As set out in Section 7 of the Act, there will be no further roll-out of elections until after an evaluation, carried out by an independent person, is laid before Parliament and a roll out order has been approved by Parliament under the enhanced procedure set out in the Act.

Timing

5. The original timescale that was intimated during the passage of this legislation through Parliament remains in place. With the Commencement Order in place, work will be undertaken to bring forward subordinate legislation to support the delivery of the elections themselves. The elections will take place in Spring 2010, with the precise date being made known at the time when the draft election regulations are laid before Parliament.

Consultation

6. No public consultation was carried out in relation to the identification of the pilot Health Board areas. As indicated during the passage of the legislation, this was a decision for the Cabinet Secretary for Health and Wellbeing applying a clear set of selection criteria.

7. The criteria applied were:

- To minimise any disruptive turnover of health board members, areas where appointed member vacancies will occur between now and May 2010 were selected. This means that appointed member vacancies would be filled by elected members after the election.
- In pursuance of our simple administrative approach to elections, pilot board areas that were co-terminus with local authority boundaries were chosen.
- To reflect the diversity of the health boards across Scotland and to ensure the pilots would provide meaningful lessons that would be transferable to other areas, one predominately rural health board and one predominantly urban area were selected.

Financial effects

7. The financial effects associated with Health Board elections and implementation of the pilots were set out in the Financial Memorandum accompanying the Bill.

Scottish Government Health Directorate
16th June 2009