
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 334

**NATIONAL HEALTH SERVICE
REPRESENTATION OF THE PEOPLE**

The Health Boards (Membership) (Scotland) Regulations 2013

Made - - - - 20th November 2013
Laid before the Scottish 22nd November
Parliament - - - - 2013
Coming into force - - 31st December 2013

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 2(10) and 105(6) and (7) of, and by paragraphs 2(2), 10A(3) and 11(a) of Schedule 1 to, the National Health Service (Scotland) Act 1978(1) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Health Boards (Membership) (Scotland) Regulations 2013 and come into force on 31st December 2013.

Interpretation

2. In these Regulations—

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

“the 2009 Regulations” means the Health Boards (Membership) (Scotland) Regulations 2009(2);

“appointed members” has the meaning given by paragraph 2(1)(a) of Schedule 1 to the Act;

“councillor members” has the meaning given by paragraph 2(1)(b) of Schedule 1 to the Act;

“specified Health Board” means a Health Board specified in column 1 of the table in regulation 3.

(1) 1978 c.29. Section 105(7) was amended by paragraph 5 of Schedule 6, and Schedule 7, to the Health Services Act 1980 (c.53), paragraph 24 of Schedule 9 to the Health and Social Services and Social Security Adjudications Act 1983 (c.41) and by paragraph 60 of Schedule 4 to the Health Act 1999 (c.8). Paragraphs 2 and 11(a) of Schedule 1 were modified, and paragraph 10A(3) was inserted, by section 1 of the Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5). Section 108(1) contains the relevant definition of “regulations”. The relevant functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(2) S.S.I. 2009/302.

Number of members of specified Health Boards

3. In respect of the following table:—

- (a) the total number of members in relation to the specified Health Board is the number mentioned in the corresponding entry in column 2;
- (b) the number of appointed members in relation to the specified Health Board is the number mentioned in the corresponding entry in column 3; and
- (c) the number of councillor members in relation to the specified Health Board is the number mentioned in the corresponding entry in column 4.

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> | <i>Column 4</i> |
|--------------------------|--------------------------------|------------------------------------|-------------------------------------|
| <i>Health Board</i> | <i>Total number of members</i> | <i>Number of appointed members</i> | <i>Number of councillor members</i> |
| Fife(3) | 17 | 16 | 1 |
| Dumfries and Galloway(4) | 15 | 14 | 1 |

Revocation

4. The 2009 Regulations are revoked.

Incidental provision

5.—(1) Amendments made by the 2009 Regulations(5) to the 2001 Regulations cease to have effect.

(2) The 2001 Regulations, as they existed immediately before being amended by the 2009 Regulations, are revived.

(3) In this regulation, “the 2001 Regulations” means the Health Boards (Membership and Procedure) (Scotland) Regulations 2001(6).

(4) This regulation has effect only in respect of the specified Health Boards.

St Andrew’s House,
Edinburgh
20th November 2013

ALEX NEIL
A member of the Scottish Government

(3) Fife Health Board is constituted by the National Health Service (Constitution of Health Boards) (Scotland) Order 1974 (S.I. 1974/267), as amended by S.S.I. 2003/217 and S.S.I. 2006/32.

(4) Dumfries and Galloway Health Board is constituted by the National Health Service (Constitution of Health Boards) (Scotland) Order 1974 (S.I. 1974/267), as amended by S.S.I. 2003/217 and S.S.I. 2006/32.

(5) Regulation 5 of, and the Schedule to, the 2009 Regulations amend the 2001 Regulations.

(6) S.S.I. 2001/302, as amended by S.S.I. 2004/212, S.S.I. 2005/108 and S.S.I. 2009/302.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Health Boards (Membership) (Scotland) Regulations 2009 (“the 2009 Regulations”).

Regulation 3 specifies the total number of members and the number of each type of member of Fife and Dumfries and Galloway Health Boards; this is in accordance with paragraph 2(2) of Schedule 1 to the National Health Service (Scotland) Act 1978 as it has been modified for Fife and Dumfries and Galloway Health Board areas by the Health Boards (Membership and Elections) (Scotland) Act 2009.

Regulation 4 revokes the 2009 Regulations. Regulation 5 makes incidental provision to revive how the Health Boards (Membership and Procedure) (Scotland) Regulations 2001 stood immediately prior to being amended by the 2009 Regulations.