

## **POLICY NOTE**

### **THE HEALTH BOARDS (MEMBERSHIP) (SCOTLAND) REGULATIONS 2013**

**SSI 2013/334**

#### **Purpose and Background**

1. These Regulations are made by the Scottish Ministers under 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 and all other powers enabling them to do so. The Regulations are subject to negative procedure.
2. Subject to approval by the Scottish Parliament, the draft Health Boards (Membership and Elections) (Scotland) Order 2013 will terminate the pilot Health Board elections that are in place in NHS Dumfries and Galloway and NHS Fife areas on 31st December 2013 (it will do this by revoking the “pilot order” in terms of section 4 of the Health Boards (Membership and Elections) (Scotland) Act 2009). Consequently, on that date elected members will cease to be members of the Health Boards in these areas. The Regulations will come into force on that date.
3. The Regulations revoke the Health Boards (Membership) (Scotland) Regulations 2009 (“the 2009 Regulations”) which provide for the number and type of members (including members elected by virtue of the pilot elections) on the Health Boards of NHS Dumfries and Galloway and NHS Fife. The Regulations replace what was provided for by the 2009 Regulations with the revised number and type of members (which now excludes elected members). The number and type of members must be specified in relation to NHS Dumfries and Galloway and NHS Fife Health Boards in accordance with paragraph 2 of Schedule 1 to the National Health Service (Scotland) Act 1978 as amended by section 1 of the Health Boards (Membership and Elections) (Scotland) Act 2009 and (from 31st December 2013) further amended by section 6(4) of that Act by virtue of section 6(2) of that Act.
4. The number of appointed members is being increased by the Regulations to offset against the loss of elected members on NHS Dumfries and Galloway and NHS Fife Health Boards. The number of councillor members is remaining the same at one on each of those Health Boards.
5. The 2009 Regulations also made amendments to remove provision made as a consequence of elected members taking office in the rules on membership and procedure laid down in the Health Boards (Membership and Procedure) (Scotland) Regulations 2001 (“the 2001 Regulations”) in respect of NHS Dumfries and Galloway and NHS Fife Health Boards. The Regulations undo these amendments and return the 2001 Regulations to how they stood in respect of these Health Boards immediately before being amended by the 2009 Regulations.

## **Timing**

6. The Regulations come into force on 31st December 2013.

## **Consultation**

7. The decision to terminate the pilot Health Board elections was based on the findings of the independent evaluation of the Health Board Elections and Alternative Pilots, which was carried out by the London School of Economics.

## **Financial Effects**

8. There will be no adverse financial effects associated with the Regulations.

Health and Social Care Directorate  
November 2013