

2014 No. 100

NATIONAL HEALTH SERVICE

The National Health Service (Functions of the Common Services Agency) (Scotland) Amendment Order 2014

<i>Made</i> - - - -	<i>2nd April 2014</i>
<i>Laid before the Scottish Parliament</i>	<i>4th April 2014</i>
<i>Coming into force</i> - -	<i>19th May 2014</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 10(3) and (4) and 105(6) 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 and commencement

1. This Order may be cited as the National Health Service (Functions of the Common Services Agency) (Scotland) Amendment Order 2014 and comes into force on 19th May 2014.

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

2. In article 2 of the National Health Service (Functions of the Common Services Agency) (Scotland) Order 2008(b)—

- (a) in paragraph (d) after “services” insert “, including the national procurement of clinical services,”;
- (b) in paragraph (e) omit “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”;
- (c) in paragraph (f) omit “other than where the Health Protection Agency is exercising functions under the Health Protection Agency (Scottish Health Functions) Order 2006”;
- (d) in paragraph (g) omit “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”;

(a) 1978 c.29. Section 10(3) was amended by the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), schedule 2, paragraph 2(4). Section 10(4) was amended by the National Health Service and Community Care Act 1990 (c.19), Schedule 10 and by the Health Act 1999 (c.8), Schedule 4, paragraph 44. 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.S.I. 2008/312, as amended by S.S.I. 2011/211.

- (e) after paragraph (l) insert—
 - “(la)exercise the power of the Scottish Ministers under section 47 of the Act;”;
- (f) in paragraph (m)—
 - (i) after “Agency” insert “, HIS, Health Boards and Special Health Boards”; and
 - (ii) omit the final “and”; and
- (g) at the end of paragraph (n) insert—
 - “; and
 - (o) exercise the functions of the Scottish Ministers under section 84B of the Act (power to form companies etc)(a).”.

ALEX NEIL

A member of the Scottish Government

St Andrew’s House,
Edinburgh
2nd April 2014

(a) Section 84B was inserted by section 37(1) of the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) and amended by S.I. 2009/1941. Further amendments to this section are made by section 66 of the Public Bodies (Joint Working) (Scotland) Act 2014 which is not yet in force.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the National Health Service (Functions of the Common Services Agency) (Scotland) Order 2008 (“the principal Order”), which specified the functions to be undertaken by the Common Services Agency for the Scottish Health Service (“the Agency”). The Agency is constituted by section 10(1) of the National Health Service (Scotland) Act 1978.

Articles 2(a), (b) and (d) to (h) set out amendments to the functions of the Agency set out in article 1 of the principal Order. The effect of the amendments is to clarify that the Agency has the function of the national commissioning of clinical services, and has the following functions: the making of arrangements for immunisation against all diseases; the provision of human blood, cells and tissues, which were acquired for the purpose of health service but not required for those services, to other persons; the conducting of, or the provision of facilities and funding for, teaching, training and research related to the health service; functions relating to property and power to form, or participants in forming, companies.

Article 2(c) amends the principal Order to reflect the dissolution of the Health Protection Agency. The Health Protection Agency formerly exercised certain functions in Scotland, and the principal Order provided that the Agency’s functions did not include certain functions to the extent that they were exercised by the Health Protection Agency. The amendment removes this provision.

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