

POLICY NOTE
THE PUBLIC BODIES (JOINT WORKING) SCOTLAND ACT 2014
(COMMENCEMENT No. 1) ORDER 2014
SSI 2014/202 (C. 16)

The above instrument is made in exercise of the powers conferred by section 64, part 2 of the Public Bodies (Joint Working) (Scotland) Act 2014. It is laid before the Scottish Parliament by virtue of section 30(2) of the Interpretation and Legislative Reform (Scotland) Act 2010.

Policy Objectives

1. This Order brings section 64 of the Public Bodies (Joint Working) Scotland Act 2014 (“the Act”) into force.
2. The policy objectives relating to the Act are fully described in the Policy Memorandum which accompanied the Bill and is available on the Scottish Parliaments website - [http://www.scottish.parliament.uk/S4_Bills/Public%20Bodies%20\(Joint%20Working\)%20\(Scotland\)%20Bill/b32s4-introd-pm.pdf](http://www.scottish.parliament.uk/S4_Bills/Public%20Bodies%20(Joint%20Working)%20(Scotland)%20Bill/b32s4-introd-pm.pdf)

Appointed Days

3. Article 2 of this Order brings section 64 of the Act in to force on 25th July 2014. This section makes an amendment to section 2(1) of the National Health Service (Residual Liabilities) Act 1996, which provides for the transfer of liabilities of health service bodies should such bodies be dissolved or otherwise cease to exist. This provision has not previously applied to the Common Services Agency for the Scottish Health Service.
4. As explained during the course of the Bill, Scottish Ministers consider that this anomaly in the application of section 2(1) of the National Health Service (Residual Liabilities) Act 1996 should to be addressed. The amendment made by section 64 of the Act will place the Common Services Agency in the same position as other Scottish health service bodies. This will have the effect that bodies entering into contracts with the Common Services Agency are offered the same protection, in the event that the Common Services Agency should cease to exist, as for other health service bodies. Section 64 is being brought into force on 25 July 2014 in order that the provisions of the National Health Service (Residual Liabilities) Act 1996 , as amended, will apply to certain contracts of the Common Services Agency when these come into effect in late July.

Transitional Provisions

5. There are no transitional provisions.

Saving provisions

6. There are no savings provisions.

Impact Assessments

7. An equality impact assessment has already been completed on the Public Bodies (Joint Working) (Scotland) Act 2014 and is available on the Scottish Parliaments website - <http://www.scotland.gov.uk/Resource/0042/00423510.pdf>

Financial Effects

8. A Business and Regulatory Impact Assessment has already been completed on the Public Bodies (Joint Working) (Scotland) Act 2014 and is available on the Scottish Parliaments website - <http://www.scotland.gov.uk/Resource/0042/00423477.pdf>

Scottish Government
Directorate for Health and Social Care Integration
Integration and Reshaping Care Division