

2014 No. 282

SOCIAL CARE

**The Public Bodies (Joint Working) (Local Authority Officers)
(Scotland) Regulations 2014**

Made - - - - - *28th October 2014*

Laid before the Scottish Parliament *30th October 2014*

Coming into force - - - *28th November 2014*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 23(1) of the Public Bodies (Joint Working) (Scotland) Act 2014(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Public Bodies (Joint Working) (Local Authority Officers) (Scotland) Regulations 2014 and come into force on 28th November 2014.

Prescribed functions and prescribed conditions

2.—(1) The functions specified in column A of the table in the Schedule are the functions prescribed for the purposes of section 23(1)(a) of the Public Bodies (Joint Working) (Scotland) Act 2014.

(2) The conditions specified in column B of the table in the Schedule are the conditions prescribed for the purposes of section 23(1)(b) of the Public Bodies (Joint Working) (Scotland) Act 2014 in relation to the functions specified in the corresponding entry in column A of that table.

ALEX NEIL

A member of the Scottish Government

St Andrew's House,
Edinburgh
28th October 2014

(a) 2014 asp 9. Section 68(1) contains a definition of “prescribed” relevant to the exercise of the powers under which these Regulations are made.

SCHEDULE

Regulation 2

Prescribed functions and prescribed conditions

<i>Column A</i> <i>Prescribed function</i>	<i>Column B</i> <i>Prescribed condition</i>
The functions conferred on a council officer by sections 7 to 10 of the Adult Support and Protection (Scotland) Act 2007 (a)	The officer of the Health Board or, as the case may be, the other local authority which prepared the integration scheme or which is a constituent authority of the integration joint board meets the requirements of article 3(2) of the Adult Support and Protection (Scotland) Act 2007 (Restriction on the Authorisation of Council Officers) Order 2008 (b)
The functions conferred on a council officer by or by virtue of sections 11, 14, 16 and 18 of the Adult Support and Protection (Scotland) Act 2007	The officer of the Health Board or, as the case may be, the other local authority which prepared the integration scheme or which is a constituent authority of the integration joint board meets the requirements of article 3(2)(a)(i), (iii) or (iv) and (b) of the Adult Support and Protection (Scotland) Act 2007 (Restriction on the Authorisation of Council Officers) Order 2008 (c)

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- (a) 2007 asp 10. Section 53 contains a definition of “council officer” by reference to section 64 of the Local Government (Scotland) Act 1973 (c.65). Section 64 of that Act provides for the appointment of officers by a local authority.
- (b) S.S.I. 2008/306, as amended by S.I. 2012/1479.
- (c) These requirements are applied in relation to sections 11, 14, 16 and 18 of the Adult Support and Protection (Scotland) Act 2007 by article 4 of S.S.I. 2008/306.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe functions conferred on local authority officers for the purpose of section 23 of the Public Bodies (Joint Working) (Scotland) Act 2014 (“the Act”), and prescribe conditions which must be satisfied in order for section 23 to apply those prescribed functions.

The Act requires Health Boards and local authorities to agree arrangements for joint working in relation to certain of their statutory functions. Section 23 of the Act makes provision to allow prescribed functions which are conferred on local authority officers to be exercised by persons other than the persons on whom the functions are directly conferred.

Regulation 2 and the Schedule set out the prescribed functions and the prescribed conditions for the application of section 23 of the Act to the prescribed functions.

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