

POLICY NOTE

THE FUNCTIONS OF HEALTH BOARDS AND SPECIAL HEALTH BOARDS (SCOTLAND) (MISCELLANEOUS AMENDMENTS) ORDER 2018

SSI 2018/27

1. The above instrument was made in exercise of the powers conferred by sections 2(1)(a) and (b) and 105(7) of the National Health Service (Scotland) Act 1978 (“the 1978 Act”). The instrument is subject to the negative procedure.

Policy Objectives

2. This Order amends the Functions of Health Boards (Scotland) Order 1991 (“the 1991 Order”) to confer on Health Boards the duty of the Scottish Ministers under section 46A (provision of communication equipment and support) of the 1978 Act (as amended by Part 4 of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016). This function is delegated to Health Boards to provide communication equipment and the support available in using that equipment to any person who has lost their voice or has difficulty speaking to such extent as the Health Boards consider necessary to meet all reasonable requirements.

3. The Order also makes amendments to the State Hospitals Board for Scotland Order 1995 to confer the duty of the Scottish Ministers under section 46A of the 1978 Act (as amended by Part 4 of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016) on the State Hospitals Board for Scotland, a Special Health Board. This function is delegated to this Special Health Board, as the provider of healthcare services, to provide communication equipment and the support available in using that equipment to any person who has lost their voice or has difficulty speaking to such extent as the Special Health Board considers necessary to meet all reasonable requirements.

4. In the Health Board context where the current services have delegated arrangements under the Public Bodies (Joint Working) (Scotland) Act 2014 the delegated arrangements will apply to the new duty.

Consultation

5. Discussions have taken place with Health Boards, Special Health Boards and stakeholders to inform the timings for implementation and the operational aspects of the delivery of the function. These discussions followed earlier discussions with stakeholders during the Bill process on the amendment this Order will make to the 1991 Order to confer on Health Boards the duty of the Scottish Ministers under section 46A of the 1978 Act. Further engagement with stakeholders will continue during and after the process of delegating this function to Boards.

Impact Assessments

6. This Order ensures that Health Boards and the Special Health Board, the State Hospitals Board for Scotland will have the function of delivering this service. An Equality Impact Assessment (EQIA) was carried out for the Health (Tobacco, Nicotine etc. and Care)

(Scotland) Act 2016 and is available on the Scottish Government website:
<http://www.gov.scot/Publications/2016/03/4409/0>

Financial Effects

7. A Business Regulatory Impact Assessment (BRIA) was carried out for the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 and is available on the Scottish Government website: <http://www.gov.scot/Publications/2016/03/7711>

Scottish Government
Directorate for Health and Social Care Integration
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