

# HEALTH ACT 1999

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part III – Miscellaneous and Supplementary

##### *Section 61: English and Scottish border provisions*

351. This section enables Her Majesty to make an Order in Council, approved by both the Scottish and Westminster Parliaments, which would make provision for:
- the Secretary of State in England (or Health Authorities or Primary Care Trusts) to exercise NHS functions in respect of the provision of services for NHS patients who are resident in Scotland, instead of Scottish Ministers or Health Board exercising equivalent functions under the 1978 Act; and
  - similar arrangements under which Scottish Ministers (or Health Boards or Scottish NHS trusts) would exercise NHS functions in relation to NHS patients who are resident in England, instead of the Secretary of State or Health Authorities or Primary Care Trusts exercising equivalent functions under the 1977 Act.
352. The functions which are to be exercisable across the border, and the persons to which these arrangements are to apply will be set out in the Order.
353. [Section 61](#) only applies to the provision of NHS services to persons living in the area of any Health Authority or Health Board next to the English/Scottish border, i.e. North Cumbria and Northumberland Health Authorities; and Dumfries & Galloway and Borders Health Boards. The intention is to use section 61 to simplify the arrangements for the planning and commissioning of health care services for patients registered with GP practices that have patients on both sides of the English/Scottish border.