



Community Care and Health (Scotland) Act 2002

2002 asp 5

PART 2

JOINT WORKING ETC.

15 Delegation etc. between local authorities and NHS bodies

- (1) Any number of local authorities and NHS bodies may, in accordance with regulations made by the Scottish Ministers, enter into arrangements for—
- (a) the delegation to—
 - (i) any of the NHS bodies of the exercise, in conjunction with functions mentioned in paragraph (b) of subsection (2) below, of functions mentioned in paragraph (a) of that subsection; and
 - (ii) any of the local authorities of the exercise, in conjunction with functions mentioned in paragraph (a) of that subsection, of functions mentioned in paragraph (b) of that subsection;
 - (b) the making of payments—
 - (i) by the local authority to the NHS body in connection with arrangements mentioned in paragraph (a)(i) above; and
 - (ii) by the NHS body to the local authority in connection with arrangements mentioned in paragraph (a)(ii) above; and
 - (c) for the purposes of paragraph (b) above and, if they so wish, also for the purpose of making payments towards expenditure incurred in exercising functions mentioned in subsection (2) below which are not delegated as mentioned in paragraph (a) above, the establishment and maintenance of a fund—
 - (i) which may be held by any of the local authorities or NHS bodies;
 - (ii) to which any of the authorities and bodies (a “contributor”) may make payments; and
 - (iii) out of which any contributor may make payments towards expenditure incurred by that contributor in exercising functions mentioned in subsection (2) below.

Status: This is the original version (as it was originally enacted).

- (2) The functions are—
- (a) such functions of local authorities as may be prescribed; and
 - (b) such functions of NHS bodies as may be prescribed.
- (3) Arrangements mentioned in subsection (1) above may be entered into by a local authority or an NHS body only if, in their opinion, to do so would be likely to lead to an improvement in the way in which functions mentioned in subsection (2) above are exercised; and for this purpose the reference to an improvement in the way in which functions are exercised includes an improvement in the provision to any individuals of any services to which those functions relate.
- (4) Regulations under subsection (1) above may in particular make provision—
- (a) as to cases (or classes of case) as respects which a local authority or an NHS body may not enter into arrangements mentioned in that subsection;
 - (b) as respects consultation by local authorities and NHS bodies on proposals to enter into any such arrangements;
 - (c) as respects the provision of staff in connection with any such arrangements, including the transfer and secondment, and terms and conditions, of such staff;
 - (d) as respects the provision of goods, services or accommodation in connection with any such arrangements;
 - (e) requiring the approval of the Scottish Ministers to the entering into of any such arrangements or class of arrangements (including the circumstances in which such approval is required, how it is to be sought, and the grant, with or without modification, or refusal, of approval);
 - (f) for the variation or termination of any such arrangements, including variation or termination at the direction of the Scottish Ministers given after consultation with the local authorities and NHS bodies; or
 - (g) as to the monitoring and supervision by the local authorities and NHS bodies of arrangements entered into by virtue of subsection (1) above.
- (5) Arrangements entered into by virtue of subsection (1) above—
- (a) do not affect—
 - (i) the liability of a local authority in relation to the exercise of any of their functions;
 - (ii) the liability of an NHS body in relation to the exercise of any of its functions; or
 - (iii) any power or duty to recover sums in respect of services provided by such an authority or body in the exercise of any of their functions; and
 - (b) do not prevent any such authority or body from themselves, or itself, exercising—
 - (i) the delegated function; or
 - (ii) any power delegated with the function.