

*These notes relate to the National Health Service Reform (Scotland) Act 2004 (asp 7) which received Royal Assent on 11 June 2004*

# **NATIONAL HEALTH SERVICE REFORM (SCOTLAND) ACT 2004**

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## **EXPLANATORY NOTES**

### **THE ACT – AN OVERVIEW**

3. The Act gives effect to the proposals in the White Paper “Partnership for Care” and fulfils the commitments in the Partnership Agreement (“A Partnership for a Better Scotland: Partnership Agreement” published in May 2003) to bring forward legislation to reform the National Health Service (“NHS”) by introducing provisions in relation to:
  - the dissolution of NHS Trusts;
  - establishing Community Health Partnerships;
  - placing a duty on Health Boards to co-operate with each other, with Special Health Boards and with the Common Services Agency, in the interests of developing more effective regional planning of health services;
  - extending Ministerial powers to intervene to secure the quality of healthcare services;
  - placing a duty on Health Boards and Special Health Boards to involve the public in the planning, development and operation of health services; and
  - placing a duty on the Scottish Ministers and Health Boards to take action to promote health improvement.
4. The Act also includes provisions in relation to:
  - the governance of NHS staff;
  - the promotion of equal opportunities in the NHS; and
  - certain minor and consequential amendments and repeals.
5. The Act primarily impacts upon the National Health Service (Scotland) Act 1978 (“the 1978 Act”) by repealing and amending provisions of that Act and by inserting new sections into it.
6. The Act is in three Parts:
  - Part 1: Organisation and operation of National Health Service;
  - Part 2: Promotion of health improvement;
  - Part 3: Supplementary