

*These notes relate to the Health Boards (Membership and Elections)
(Scotland) Act 2009 (asp 5) which received Royal Assent on 22 April 2009*

HEALTH BOARDS (MEMBERSHIP AND ELECTIONS) (SCOTLAND) ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 6 – Termination of pilot scheme

47. Subsection (1) provides that the pilot order can only stay in force for 7 years after the day the first election is held in a Health Board area specified in the pilot order. But the Scottish Ministers could revoke the pilot order on an earlier date.
48. If the pilot order is revoked before a roll-out order is made under section 7 of the Act, or a question of whether to resolve to approve a draft roll-out order is not agreed by the Scottish Parliament, then, on the day the pilot order is revoked, or on the day after the question is put, subsections (3) and (4) come into force (subsection (2)). This means that in order for the main provisions of the Act to continue to have effect in the areas specified in the pilot order, a roll-out order has to be made before the pilot order is revoked (note that the pilot order is automatically revoked under subsection (1) at the end of the 7 year time-limit). Another effect of the self-repealing provision of subsection (2) is that it would no longer be possible to bring the main provisions of the Act into force in areas not specified in the pilot order.
49. Subsections (3) and (4) only come into force in the circumstances set out in subsection (2). In such circumstances, subsections (3) and (4) repeal the main provisions of the Act that provide for elections to Health Boards to be held but retain the statutory basis for the appointment of local councillors as Health Board members.