



Public Bodies (Joint Working) (Scotland) Act 2014

2014 asp 9

PART 2

SHARED SERVICES

62 Shared services

- (1) The Common Services Agency for the Scottish Health Service (the “Agency”) may, with the consent of the Scottish Ministers, enter into arrangements with a person mentioned in subsection (2) under which the Agency provides, or secures the provision of, any goods or services for the person.
- (2) The persons are—
 - (a) the Scottish Ministers,
 - (b) any other office-holder in the Scottish Administration,
 - (c) any Scottish public authority,
 - (d) any Scottish public authority with mixed functions or no reserved functions,
 - (e) any government department,
 - (f) any cross-border public authority,
 - (g) any body corporate formed by a Health Board or by the Agency, or in the formation of which a Health Board or the Agency participated, by virtue of a delegation of the power in section 84B(1) of the National Health Service (Scotland) Act 1978 (joint ventures).
- (3) Services which may be provided under subsection (1) include in particular—
 - (a) administrative services,
 - (b) technical services,
 - (c) legal services,
 - (d) other professional services,
 - (e) accommodation services.
- (4) The power to make arrangements under subsection (1) is without prejudice to any other power of the Agency to provide goods or services to other persons.

- (5) The Scottish Ministers may by order amend subsection (2) so as to add or remove a person, or a description of a person, for the time being mentioned in or falling within that subsection.
- (6) In this section—
- “cross-border public authority” has the meaning given by section 88(5) of the Scotland Act 1998,
 - “government department” has the meaning given by section 126(1) of that Act,
 - “office-holder in the Scottish Administration” is to be construed in accordance with section 126(7) of that Act,
 - “Scottish public authority” has the meaning given by section 126(1) of that Act except that it does not include—
 - (a) a Health Board,
 - (b) a Special Health Board (constituted under section 2(1)(b) of the National Health Service (Scotland) Act 1978), or
 - (c) Healthcare Improvement Scotland,
- “Scottish public authority with mixed functions or no reserved functions” means persons, bodies and office-holders (other than the Agency) listed in schedule 5 to the Public Services Reform (Scotland) Act 2010 (improvement of public functions: listed bodies) under the heading “*Scottish public authorities with mixed functions or no reserved functions*”.

63 Section 62: consequential provision

- (1) The National Health Service (Scotland) Act 1978 is amended in accordance with subsections (2) and (3).
- (2) In section 10 (Common Services Agency)—
- (a) in subsection (1), the words from “which” to the end are repealed, and
 - (b) after that subsection, insert—
 - “(1A) The Agency has the functions conferred on it by—
 - (a) this Act, and
 - (b) section 62 of the Public Bodies (Joint Working) (Scotland) Act 2014.”
- (3) In section 15 (supply of goods and services to local authorities etc.)—
- (a) in subsection (1)—
 - (i) for “, a Health Board or the Agency”, in the first two places where it occurs, substitute “or a Health Board”, and
 - (ii) in paragraph (e), the words “or the Agency” are repealed,
 - (b) after that subsection, insert—
 - “(1ZA) Paragraph (a) of subsection (1) applies to the Agency as it applies to a Health Board.”,
 - (c) in subsection (2), after “including” insert “paragraph (a) as applied by subsection (1ZA) and”, and
 - (d) subsections (2A) to (2D) are repealed.
- (4) In section 17(2) of the Patient Rights (Scotland) Act 2011, for “that Act” substitute “the 1978 Act”.

64 Common Services Agency for the Scottish Health Service: residual liabilities

In section 2(1) of the National Health Service (Residual Liabilities) Act 1996 (certain Scottish health bodies: duty to transfer residual liabilities on ceasing to exist), for “or a Special Health Board” substitute “, a Special Health Board or the Common Services Agency for the Scottish Health Service”.

65 Extension of schemes for meeting losses and liabilities of health service bodies

(1) Section 85B of the National Health Service (Scotland) Act 1978 (schemes for meeting losses and liabilities of health service bodies) is amended as follows.

(2) In subsection (2)—

- (a) the word “and” immediately after paragraph (ea) is repealed,
- (b) after paragraph (f), add—
 - “(g) local authorities; and
 - (h) integration joint boards established by order under section 9(2) of the 2014 Act.”.

(3) After subsection (2A), insert—

“(2B) The reference—

- (a) in paragraph (a) of subsection (1) to property of a local authority is to be construed as a reference to property held by a local authority in connection with the exercise of its relevant functions;
- (b) in paragraph (b) of that subsection to the functions of a local authority is to be construed as a reference to the relevant functions of a local authority.

(2C) In subsection (2B), “relevant functions” means—

- (a) integration functions; and
- (b) such other functions as the Scottish Ministers may by order specify.

(2D) In subsection (2C)(a), “integration functions” means functions which in pursuance of an integration scheme under the 2014 Act are—

- (a) delegated to the authority;
- (b) to be carried out in conjunction with functions delegated to the authority (that is, functions set out in the integration scheme in pursuance of section 1(3)(c) of that Act); or
- (c) to be carried out by the authority by virtue of a direction under section 26 of the 2014 Act.”.

(4) After subsection (4), insert—

“(4A) Subsection (4)(a) does not apply in relation to a local authority.”.

(5) After subsection (5), insert—

“(6) In this section, “the 2014 Act” means the Public Bodies (Joint Working) (Scotland) Act 2014.”.