



Public Bodies (Joint Working) (Scotland) Act 2014

2014 asp 9

PART 1

FUNCTIONS OF LOCAL AUTHORITIES AND HEALTH BOARDS

Integration schemes

1 Integration schemes: same local authority and Health Board area

- (1) Subsection (2) applies where the area of a local authority is the same as the area of a Health Board.
- (2) The local authority and the Health Board must jointly prepare an integration scheme for the area of the local authority.
- (3) An integration scheme is a scheme setting out—
 - (a) which integration model mentioned in subsection (4) is to apply,
 - (b) the functions that are to be delegated in accordance with that model,
 - (c) where functions are to be delegated in accordance with the model mentioned in subsection (4)(b), (c) or (d), the functions of the person to whom functions are to be delegated which are to be carried out in conjunction with the delegated functions,
 - (d) in relation to any functions to which subsection (14) applies that are to be delegated, a method of determining amounts to be made available by the Health Board for use by the person to whom the functions are delegated in respect of those functions,
 - (e) in relation to any functions other than those mentioned in paragraph (d) that are to be delegated (including any functions mentioned in that paragraph but in relation to which the Health Board deems subsection (14) not to apply), a method of determining payments that are to be made in respect of the delegated functions by the person delegating the functions to the person to whom the functions are delegated,
 - (f) prescribed information about such other matters as may be prescribed.

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- (4) The integration models are—
 - (a) delegation of functions by the local authority to a body corporate that is to be established by order under section 9 (an “integration joint board”) and delegation of functions by the Health Board to the integration joint board,
 - (b) delegation of functions by the local authority to the Health Board,
 - (c) delegation of functions by the Health Board to the local authority,
 - (d) delegation of functions by the local authority to the Health Board and delegation of functions by the Health Board to the local authority.
- (5) A local authority may delegate a function under an integration scheme only if the function is conferred—
 - (a) by an enactment listed in Part 1 of the schedule, or
 - (b) by virtue of an enactment listed in Part 2 of the schedule.
- (6) A Health Board may delegate a function under an integration scheme only if the function is prescribed.
- (7) The Scottish Ministers may by regulations prescribe which of the functions conferred by or by virtue of enactments listed in the schedule local authorities must delegate under an integration scheme so far as the functions are exercisable in relation to persons of at least 18 years of age where the integration model mentioned in subsection (4)(a) or (b) is to apply under the scheme.
- (8) The Scottish Ministers may by regulations prescribe functions of Health Boards which Health Boards must delegate under an integration scheme so far as the functions are exercisable in relation to persons of at least 18 years of age where the integration model mentioned in subsection (4)(a) or (c) is to apply under the scheme.
- (9) If the integration model mentioned in subsection (4)(d) is to apply under an integration scheme either—
 - (a) the local authority must delegate the functions prescribed under subsection (7) so far as the functions are exercisable in relation to persons of at least 18 years of age, or
 - (b) the Health Board must delegate the functions prescribed under subsection (8) so far as the functions are exercisable in relation to persons of at least 18 years of age.
- (10) The Scottish Ministers may by regulations prescribe functions of Health Boards that a Health Board—
 - (a) must delegate under an integration scheme other than in prescribed circumstances,
 - (b) may not delegate under an integration scheme in prescribed circumstances.
- (11) The Scottish Ministers may by regulations prescribe which of the functions conferred by or by virtue of enactments listed in the schedule local authorities may not delegate in prescribed circumstances.
- (12) The Scottish Ministers may by regulations remove an enactment from the schedule.
- (13) A function may not be set out under subsection (3)(c) if it is a function which may not be delegated under an integration scheme.
- (14) This subsection applies where functions that a Health Board proposes to delegate under an integration scheme—

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- (a) are carried out in a hospital in the area of the Health Board, and
 - (b) are provided for the areas of two or more local authorities.
- (15) Regulations under subsection (3)(f) may include provision—
- (a) conferring discretion on local authorities and Health Boards,
 - (b) requiring local authorities and Health Boards to establish processes and procedures relating to prescribed matters,
 - (c) imposing requirements on local authorities and Health Boards about the disclosure of information,
 - (d) in relation to such other matters relating to integration schemes as the Scottish Ministers think fit.
- (16) In this section, “Health Board” means a Health Board constituted under section 2(1) (a) of the National Health Service (Scotland) Act 1978.