



# Public Bodies (Joint Working) (Scotland) Act 2014

## 2014 asp 9

### PART 1

#### FUNCTIONS OF LOCAL AUTHORITIES AND HEALTH BOARDS

##### *Carrying out of delegated functions*

#### **27 Section 26: supplementary**

- (1) A direction under section 26—
- (a) must, where provision of the type mentioned in section 1(3)(d) is included in the integration scheme in relation to the function to which the direction relates, set out the amount which has been set aside by the Health Board for the use of the person who is to carry out the function,
  - (b) must, in any other case, set out, or set out a method of determining, payments that are to be made by the integration authority to the person who is to carry out the function,
  - (c) must specify how such an amount or, as the case may be, such a payment is to be used,
  - (d) may—
    - (i) regulate the manner in which the function is to be carried out,
    - (ii) make such supplementary, incidental or consequential provision as the integration authority considers appropriate.
- (2) The provision referred to in subsection (1)(d)(ii) may include in particular the imposition on the person who is to carry out the function of requirements—
- (a) to provide information to the integration authority,
  - (b) to take action to enable the integration authority to comply with any order of a court made against it in connection with the carrying out of the function.
- (3) The integration authority must make payments in accordance with any provision included in the direction by virtue of subsection (1)(b).

---

*Status: This is the original version (as it was originally enacted).*

---

- (4) A person to whom a direction under section 26 is given must comply with the direction.
- (5) A direction under section 26—
  - (a) may vary or revoke an earlier direction under that section given by the same integration authority,
  - (b) must be in writing.
- (6) If the conditions in subsection (7) are met, the Scottish Ministers may by order provide that an integration authority which is an integration joint board may decide not to give a direction under section 26 in relation to the carrying out of a function specified in the order.
- (7) The conditions are—
  - (a) that the Scottish Ministers receive a written application from the constituent authorities requesting that an order be made in relation to the functions specified in the application, and
  - (b) that the Scottish Ministers consider that the making of an order in relation to some or all of those functions would improve compliance with the integration delivery principles and contribute to achieving the national health and wellbeing outcomes in relation to the carrying out of the functions.
- (8) If the Scottish Ministers do not consider under subsection (7)(b) that the making of an order under subsection (6) would improve compliance with the integration delivery principles or contribute to achieving the national health and wellbeing outcomes in relation to the carrying out of any functions, they need not include those functions in the order.