



Health Boards (Membership and Elections) (Scotland) Act 2009

2009 asp 5

Constitution of Health Boards

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(1) Schedule 1 (Health Boards) to the National Health Service (Scotland) Act 1978 (c. 29) (the “1978 Act”) is amended as follows.

(2) For paragraph 2 substitute—

- “2 (1) A Health Board is to consist of the following types of members—
- (a) a chairman, and other members, appointed by the Scottish Ministers (“appointed members”),
 - (b) councillors appointed by the Scottish Ministers following nomination by local authorities in the area of the Health Board (“councillor members”), and
 - (c) individuals elected as members of the Health Board at an election held under Schedule 1A (“elected members”).

(2) Regulations must, in relation to each Health Board, specify—

- (a) the total number of members of the Board, and
- (b) the number of each type of member.

(3) But—

- (a) the total number of councillor members and elected members of a Board must amount to more than half the total number of members, and
- (b) a Board must contain at least one councillor member for each local authority whose area is wholly or partly within the area of the Board.

(4) The conditions imposed by sub-paragraph (3) do not apply during any period when an elected member or, as the case may be, councillor member vacates office and the vacancy has not been filled.”

- (3) In paragraph 2A, for “persons appointed under paragraph 2 above” substitute “appointed members”.
- (4) In paragraph 3—
- (a) for “Appointments under paragraph 2 shall be made” substitute “An appointed member may be appointed only”, and
 - (b) sub-paragraph (a) is omitted.
- (5) After paragraph 3 insert—
- “3A A person appointed as chairman of a Health Board may not be an employee of that Health Board.”.
- (6) Before paragraph 11 insert—
- “10A (1) An elected member holds office for a period beginning with the day after the day of the Health Board election at which the member was elected and ending on the day of the next following Health Board election in the Health Board area.
- (2) An elected member vacates office on becoming—
- (a) a member of the European Parliament,
 - (b) a member of the House of Commons,
 - (c) a member of the House of Lords,
 - (d) a member of the Scottish Parliament, or
 - (e) a local authority councillor.
- (3) Regulations may specify further circumstances in which an elected member must vacate office before the end of that period and, in particular, may specify that an elected member is to vacate office on becoming the holder of a post set out in a list of restricted posts maintained by the Health Board concerned for that purpose.”.
- (7) In paragraph 11(a), for “chairman and members of Health Boards” substitute “appointed members and councillor members (including provision specifying circumstances in which the Scottish Ministers may determine that such a member is to vacate office)”.
- (8) In paragraph 12, after “appointment” insert “or, as the case may be, election”.