

*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

THE ACT

3. The Act will introduce, by way of pilots, elections to Health Boards in Scotland.
4. The Act changes the constitution of Health Boards in Scotland and in particular changes the way some individuals become members of these Boards by introducing a system of elections whereby a proportion of the membership of each Health Board will be made up of elected members. The Act also, for the first time, sets out on a statutory basis the membership of local authority councillor members on Health Boards and specifies that there must be at least one member per local authority within a Health Board area.
5. The Act therefore makes a number of amendments to Schedule 1 to the National Health Service (Scotland) Act 1978 (the “1978 Act”) so as to change the make-up of Health Boards and inserts a new Schedule 1A into that Act setting out the framework for the elections.
6. The Act provides for these changes to be introduced in certain areas on a pilot basis and provides for those pilot schemes to be evaluated before the changes are rolled-out to other areas.
7. The changes to Schedule 1 to the 1978 Act will not extend to Special Health Boards (these are Boards with special functions operating across Scotland as a whole). These Boards are set up by orders under the 1978 Act which commonly apply the provisions in Schedule 1 to that Act with appropriate modifications. Those orders will be amended where necessary to ensure that the new provisions inserted by this Act are not applied to any Special Health Boards.
8. The Act also extends the power of the Scottish Ministers to remunerate Health Board members to include power to remunerate members of committees and sub-committees of a Health Board.