

*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

COMMENTARY ON SECTIONS

Section 5 – Report on pilot scheme

42. Subsection (1) provides that at least 2 but no later than 5 years after the first election held in a Health Board area specified in the pilot order, the Scottish Ministers must publish a report. The report must contain the following things—
- (a) a description of the changes made to the 1978 Act by sections 1 to 3 and how the constitution of Health Boards was changed by those sections coming into force in the Health Board areas specified in the pilot order,
 - (b) a description of the Health Board elections held in the Health Board areas, and
 - (c) an evaluation (carried out by an independent person) of—
 - (i) the level of public participation in the Health Board elections,
 - (ii) whether having elected members on Health Boards led to increased engagement with patients and other members of the public or improved local accountability of the Health Board in the specified Health Board areas, and
 - (iii) the cost of holding the Health Board elections and the estimated cost of holding future Health Board elections in all Health Board areas.
43. Subsection (2) provides that the report may contain such other information, and an evaluation of such other matters, as the Scottish Ministers consider appropriate.
44. Subsection (3) provides that Ministers must appoint a person to carry out the evaluation of the pilot Health Board elections at least 3 months before the first Health Board election is held.
45. Subsection (4) provides that the Scottish Ministers must lay a copy of the published report before the Scottish Parliament.
46. Subsection (5) sets out persons who would not be considered independent for the purpose of undertaking the evaluation.