



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

## 2014 asp 9

### PART 2

#### SHARED SERVICES

#### 62 Shared services

- (1) The Common Services Agency for the Scottish Health Service (the “Agency”) may, with the consent of the Scottish Ministers, enter into arrangements with a person mentioned in subsection (2) under which the Agency provides, or secures the provision of, any goods or services for the person.
- (2) The persons are—
  - (a) the Scottish Ministers,
  - (b) any other office-holder in the Scottish Administration,
  - (c) any Scottish public authority,
  - (d) any Scottish public authority with mixed functions or no reserved functions,
  - (e) any government department,
  - (f) any cross-border public authority,
  - (g) any body corporate formed by a Health Board or by the Agency, or in the formation of which a Health Board or the Agency participated, by virtue of a delegation of the power in section 84B(1)<sup>(1)</sup>, (1A) or (2A)] of the National Health Service (Scotland) Act 1978 (joint ventures).
- (3) Services which may be provided under subsection (1) include in particular—
  - (a) administrative services,
  - (b) technical services,
  - (c) legal services,
  - (d) other professional services,
  - (e) accommodation services.
- (4) The power to make arrangements under subsection (1) is without prejudice to any other power of the Agency to provide goods or services to other persons.

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*Changes to legislation:* There are currently no known outstanding effects for the Public Bodies (Joint Working) (Scotland) Act 2014, PART 2. (See end of Document for details)

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- (5) The Scottish Ministers may by order amend subsection (2) so as to add or remove a person, or a description of a person, for the time being mentioned in or falling within that subsection.
- (6) In this section—
- “cross-border public authority” has the meaning given by section 88(5) of the Scotland Act 1998,
  - “government department” has the meaning given by section 126(1) of that Act,
  - “office-holder in the Scottish Administration” is to be construed in accordance with section 126(7) of that Act,
  - “Scottish public authority” has the meaning given by section 126(1) of that Act except that it does not include—
    - (a) a Health Board,
    - (b) a Special Health Board (constituted under section 2(1)(b) of the National Health Service (Scotland) Act 1978), or
    - (c) Healthcare Improvement Scotland,
  - “Scottish public authority with mixed functions or no reserved functions” means persons, bodies and office-holders (other than the Agency) listed in schedule 5 to the Public Services Reform (Scotland) Act 2010 (improvement of public functions: listed bodies) under the heading “*Scottish public authorities with mixed functions or no reserved functions*”.

#### Textual Amendments

- F1** Words in s. 62(2)(g) inserted (28.11.2014) by [The Public Bodies \(Joint Working\) \(Scotland\) Act 2014 \(Modifications\) Order 2014 \(S.S.I. 2014/342\)](#), arts. 1, **2(7)**

#### Commencement Information

- I1** S. 62 in force at 22.9.2014 by [S.S.I. 2014/231](#), **art. 2**

### 63 Section 62: consequential provision

- (1) The National Health Service (Scotland) Act 1978 is amended in accordance with subsections (2) and (3).
- (2) In section 10 (Common Services Agency)—
- (a) in subsection (1), the words from “which” to the end are repealed, and
  - (b) after that subsection, insert—
    - “(1A) The Agency has the functions conferred on it by—
    - (a) this Act, and
    - (b) section 62 of the Public Bodies (Joint Working) (Scotland) Act 2014.”
- (3) In section 15 (supply of goods and services to local authorities etc.)—
- (a) in subsection (1)—
    - (i) for “, a Health Board or the Agency”, in the first two places where it occurs, substitute “ or a Health Board ”, and
    - (ii) in paragraph (e), the words “or the Agency” are repealed,
  - (b) after that subsection, insert—

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- “(1ZA) Paragraph (a) of subsection (1) applies to the Agency as it applies to a Health Board.”,
- (c) in subsection (2), after “including” insert “ paragraph (a) as applied by subsection (1ZA) and ”, and
  - (d) subsections (2A) to (2D) are repealed.
- (4) In section 17(2) of the Patient Rights (Scotland) Act 2011, for “that Act” substitute “ the 1978 Act ”.

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**Commencement Information**

**I2** S. 63 in force at 22.9.2014 by [S.S.I. 2014/231](#), [art. 2](#)

**64 Common Services Agency for the Scottish Health Service: residual liabilities**

In section 2(1) of the National Health Service (Residual Liabilities) Act 1996 (certain Scottish health bodies: duty to transfer residual liabilities on ceasing to exist), for “or a Special Health Board” substitute “, a Special Health Board or the Common Services Agency for the Scottish Health Service ”.

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**Commencement Information**

**I3** S. 64 in force at 25.7.2014 by [S.S.I. 2014/202](#), [art. 2](#)

**65 Extension of schemes for meeting losses and liabilities of health service bodies**

- (1) Section 85B of the National Health Service (Scotland) Act 1978 (schemes for meeting losses and liabilities of health service bodies) is amended as follows.
- (2) In subsection (2)—
- (a) the word “and” immediately after paragraph (ea) is repealed,
  - (b) after paragraph (f), add—
    - “(g) local authorities; and
    - (h) integration joint boards established by order under section 9(2) of the 2014 Act,”.
- (3) After subsection (2A), insert—
- “(2B) The reference—
- (a) in paragraph (a) of subsection (1) to property of a local authority is to be construed as a reference to property held by a local authority in connection with the exercise of its relevant functions;
  - (b) in paragraph (b) of that subsection to the functions of a local authority is to be construed as a reference to the relevant functions of a local authority.
- (2C) In subsection (2B), “relevant functions” means—
- (a) integration functions; and
  - (b) such other functions as the Scottish Ministers may by order specify.

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(2D) In subsection (2C)(a), “integration functions” means functions which in pursuance of an integration scheme under the 2014 Act are—

- (a) delegated to the authority;
- (b) to be carried out in conjunction with functions delegated to the authority (that is, functions set out in the integration scheme in pursuance of section 1(3)(c) of that Act); or
- (c) to be carried out by the authority by virtue of a direction under section 26 of the 2014 Act.”.

(4) After subsection (4), insert—

“(4A) Subsection (4)(a) does not apply in relation to a local authority.”.

(5) After subsection (5), insert—

“(6) In this section, “the 2014 Act” means the Public Bodies (Joint Working) (Scotland) Act 2014.”.

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**Commencement Information**

**I4** S. 65 in force at 25.2.2015 by [S.S.I. 2014/231](#), **art. 2A** (as inserted by S.S.I. 2015/44, art. 2)

**Changes to legislation:**

There are currently no known outstanding effects for the Public Bodies (Joint Working) (Scotland) Act 2014, PART 2.