

Draft Order laid before the Scottish Parliament under section 69(4) of the Public Bodies (Joint Working) (Scotland) Act 2014, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2014 No.

**PUBLIC HEALTH
SOCIAL CARE**

**The Public Bodies (Joint Working) (Scotland)
Act 2014 (Modifications) Order 2014**

Made - - - -

Coming into force in accordance with article 1

The Scottish Minister make this Order in exercise of the powers conferred by section 70(1)(a) and 70(2) of the Public Bodies (Joint Working) (Scotland) Act 2014⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 69(4) of that Act, a draft of this Order has been laid before, and approved by resolution of, the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Public Bodies (Joint Working) (Scotland) Act 2014 (Modifications) Order 2014 and comes into force on the day after the day on which it is made.

Modifications of Public Bodies (Joint Working) (Scotland) Act 2014

2.—(1) The Public Bodies (Joint Working) (Scotland) Act 2014 is amended as follows.

(2) In section 23(3) (carrying out of functions conferred on officers of local authorities), the words from “or”, where it second occurs, to “jointly” are repealed.

(3) In section 24(3) (carrying out of functions conferred on officers of Health Boards), the words from “or”, where it second occurs, to “jointly” are repealed.

(4) In section 26 (directions by integration authority)—

(a) in subsection (2), after “Where” insert “, as mentioned in section 59(b) or (c),”;

(b) after subsection (2), insert—

“(2A) Where, as mentioned in section 59(d)(i), the integration authority in relation to a particular function is a local authority or Health Board, the integration authority may give a direction to the Health Board or, as the case may be, the local authority which delegated the function to carry out the function.”.

(5) In section 36 (significant decisions outside strategic plan: public involvement), after subsection (4) insert—

“(5) This section does not apply where the integration authority for the area of a local authority falls within paragraph (d) of section 59.”.

(6) In section 59(d) (meaning of “integration authority” where functions delegated in accordance with model in section 1(4)(d)), after “1(4)(d)” insert—

“(i) in sections 23 to 28, 29(4) and (6)(b) and 41(1) and so far as relating to a particular function, the local authority or Health Board to which the function is delegated,

(ii) in any other section.”.

(7) In section 62(2)(g) (bodies corporate with which the Common Services Agency for the Scottish Health Service may enter into arrangements for the provision of goods or services etc.), after “84B(1)” insert “, (1A) or (2A)”.

St Andrew’s House,
Edinburgh
Date

Name
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Public Bodies (Joint Working) (Scotland) Act 2014 (“the 2014 Act”) for the purposes of, and in order to give full effect to, the provisions of that Act.

Article 2 sets out the modifications to the 2014 Act. Paragraphs (2) to (6) make modifications which are necessary in order to give full effect to section 1(4)(d) of the 2014 Act. Paragraphs (4) to (6) make insert supplementary provision which was omitted (in respect of section 1(4)(d)) from the 2014 Act as enacted and which is necessary for the integration model set out in section 1(4)(d) to take full effect. Paragraphs (2) and (3) make repeals which are necessary in consequence of the supplementary modifications and to ensure that sections 23 and 24 give full effect to section 1(4)(d).

Paragraph (7) of article 2 makes a modification to section 62(2)(g) for the purposes of section 66(b) and (d) of the 2014 Act. The effect of this modification is that section 62(2) will apply to bodies created under the new powers inserted into the National Health Service (Scotland) Act 1978 by section 66(b) and (d) of the 2014 Act in the same way as it applies to bodies created under the pre-existing powers in section 84B(1) of the National Health Service (Scotland) Act 1978.