

*Draft Order laid before the Scottish Parliament under section 105(3) of the National Health Service (Scotland) Act 1978 for approval by resolution of the Scottish Parliament.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2017 No.**

**PUBLIC HEALTH**

**The National Health Service (Scotland) Act 1978 (Independent  
Clinic) Amendment Order 2017**

*Made* - - - - 2017

*Coming into force* - - 1st April 2017

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 10G and 105(7) of the National Health Service (Scotland) Act 1978(a) and all other powers enabling them to do so.

In accordance with section 10G of that Act, they have consulted with such persons or groups of persons as they considered appropriate.

In accordance with section 105(3) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament(b).

**Citation and commencement**

**1.** This Order may be cited as the National Health Service (Scotland) Act 1978 (Independent Clinic) Amendment Order 2017 and comes into force on 1st April 2017.

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(a) 1978 c.29. Section 10G was inserted by section 108 of the Public Services Reform (Scotland) Act 2010 (asp 8). Section 105(7) was amended by paragraph 5 of schedule 6 and schedule 7 of the Health Services Act 1980 (c.53), section 29(1) of and paragraph 24 of schedule 9 of the Health and Social Services and Social Security Adjudications Act 1983 (c.41) and paragraph 60 of schedule 4 of the Health Act 1999 (c.8). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) Section 105(3) has been modified by paragraph 5 of schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

**Modification of section 10F of the National Health Service (Scotland) Act 1978**

2. In section 10F(2A) (meaning of “independent health care services”) of the National Health Service (Scotland) Act 1978, after paragraph (b) insert—

“(ba) is provided by the Agency, a Health Board or a Special Health Board;”.

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 definition of “independent clinic” in section 10F of the National Health Service (Scotland) Act 1978 to add clinics provided by the Common Services Agency, Health Boards and Special Health Boards to the exceptions to the definition.

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