

SCHEDULE

Regulation 2

MODIFICATIONS RELATING TO THE FUNCTIONS OF HEALTH IMPROVEMENT SCOTLAND AND SUPPLEMENTARY PROVISION

The National Health Service (Scotland) Act 1978

1. The National Health Service (Scotland) Act 1978(1) is amended as follows.
2. In section 10A(1) (Healthcare Improvement Scotland)—
 - (a) in paragraph (a), after “enactment” insert “(including the 2021 Act)”, and
 - (b) in paragraph (b), after “health care” insert “and of services provided under the 2021 Act”.
3. In section 10B(2) (principles) after “health service” insert “or under the 2021 Act”.
4. In section 10C (health service functions)—
 - (a) after subsection (2) insert—

“(2A) HIS is to exercise the following functions—

 - (a) a duty of supporting, ensuring and monitoring the quality of services provided by Health Boards under the 2021 Act including, without prejudice to the foregoing generality, providing quality assurance and accreditation,
 - (b) a duty of supporting, ensuring and monitoring the discharge of the duty under section 2B by Health Boards, insofar as the discharge of that duty relates to services provided under the 2021 Act,
 - (c) a duty of supporting, ensuring and monitoring the discharge of the duty under section 2D by Health Boards, insofar as the discharge of that duty is relevant to—
 - (i) the quality of services provided under the 2021 Act, or
 - (ii) the discharge of the duty under section 2B (insofar as the discharge of that duty relates to services provided under the 2021 Act).”
 - (b) in subsection (3)—
 - (i) in paragraph (a), after “health service” insert “or under the 2021 Act”, and
 - (ii) in paragraph (e)(i), after “health service” insert “or under the 2021 Act”.
5. In section 10I (inspections of services provided under the health service)—
 - (a) in the heading, at the end insert “or under the 2021 Act”,
 - (b) after subsection (1B) insert—

“(1C) HIS may inspect any service provided under the 2021 Act in pursuance of its general duty of furthering improvement in the quality of those services.”.
6. In section 10M(1)(a) (inspections at request of Scottish Ministers) after “health service” insert “or under the 2021 Act”.
7. In section 10Z12(1)(b) (inquiries) after “health service” insert “or under the 2021 Act”.
8. In section 12H (duty of quality), after subsection 2 insert—

(1) 1978 c. 29. Sections 10A, 10B, 10C, 10I, 10M, 10Z12 were inserted by section 108 of the Public Services Reform (Scotland) Act 2010 (asp 8), and section 10I was relevantly amended by section 55(2)(b) of the Public Bodies (Joint Working) (Scotland) Act 2014 (asp 9). Section 12H was inserted by section 51 of the Health Act 1999 (c. 8).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Forensic Medical Services (Modification of Functions of Healthcare Improvement Scotland and Supplementary Provision) Regulations 2022 No. 88

“(2A) Each Health Board must put and keep in place arrangements for the purposes of monitoring and improving the quality of services provided under the 2021 Act which it provides to individuals.

(2B) The reference in subsection (1A) to services under the 2021 Act which a body provides to individuals includes services which the body provides jointly with another person to individuals.”.