



# National Health Service (Scotland) Act 1978

## 1978 CHAPTER 29

### PART I

#### ORGANISATION

##### *Administrative bodies*

#### **[<sup>F1</sup>2B Duty to encourage public involvement**

- (1) It is the duty of every body to which this section applies to take action with a view to securing, as respects health services for which it is responsible [<sup>F2</sup>and services which it has the function of providing to individuals under the 2021 Act], that persons to whom those services are being or may be provided are involved in, and consulted on—
  - (a) the planning and development, and
  - (b) decisions to be made by the body significantly affecting the operation, of those services.
- (2) This section applies to—
  - (a) Health Boards,
  - (b) Special Health Boards, and
  - (c) the Agency.
- (3) For the purposes of subsection (1) a body is responsible for health services if they are health services—
  - (a) which it is the function of the body to provide, or secure the provision of, and
  - (b) which are provided, or to be provided, to individuals by—
    - (i) the body, or
    - (ii) another person on the body's behalf, at the body's direction or in accordance with an agreement made by the body with that other person.]

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**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](https://legislation.gov.uk) editorial team to National Health Service (Scotland) Act 1978. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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#### Textual Amendments

- F1** S. 2B inserted after s. 2A (30.9.2004) by [National Health Service Reform \(Scotland\) Act 2004 \(asp 7\)](#), [ss. 7, 12\(1\)](#); S.S.I. 2004/361, [art. 2\(b\)\(i\)](#)
- F2** Words in s. 2B(1) inserted (1.4.2022) by [Forensic Medical Services \(Victims of Sexual Offences\) \(Scotland\) Act 2021 \(asp 3\)](#), s. 20(2), [sch. para. 1\(3\)](#) (with s. 3); S.S.I. 2022/24, reg. 2
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#### Modifications etc. (not altering text)

- C1** Pt. 1 applied (7.12.2019) by [The Public Health Scotland Order 2019 \(S.S.I. 2019/336\)](#), art. 1(2), [sch. 1 Pt. 1](#) (with art. 4(4)(5))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10C(3A) inserted by [2019 asp 6 s. 6\(3\)\(a\)](#)
- s. 10I(1)(b)(c) and word inserted by [2019 asp 6 s. 6\(4\)\(b\)](#)
- s. 16A(5) added by [2002 asp 5 Sch. 2 para. 2\(2\)](#)
- s. 19A(2)(b) words repealed by [2003 asp 4 sch. 4 para. 5\(4\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(a) words substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(b) substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(c) words substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(e) word substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 70A inserted by [1997 c. 46 s. 26\(2\)](#)
- s. 70A(2) word substituted by [2005 asp 13 s. 14\(3\)](#)
- s. 85AB(7) inserted by [2005 asp 13 sch. 2 para. 2\(18\)\(b\)](#)
- Sch. 11 para. 2(1A) inserted by [2005 asp 13 s. 14\(6\)\(a\)](#)