

**2010 No. 422**

**NATIONAL HEALTH SERVICE**

**The Community Health Partnerships (Scotland) Amendment  
Regulations 2010**

<i>Made</i>	- - - -	<i>25th November 2010</i>
<i>Laid before the Scottish Parliament</i>		<i>30th November 2010</i>
<i>Coming into force</i>	- -	<i>28th January 2011</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 4B(6), 105(7) and 108(1) of, and paragraphs 6 and 11 of Schedule 1 to, the National Health Service (Scotland) Act 1978(a) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Community Health Partnerships (Scotland) Amendment Regulations 2010 and come into force on 28th January 2011.

**Amendment of the Community Health Partnerships (Scotland) Regulations 2004**

2.—(1) The Community Health Partnerships (Scotland) Regulations 2004(b) are amended as follows.

(2) In regulation 1(2) (interpretation)—

(a) for the definition of “the 1977 Act” substitute—

““the 2006 Act” means the National Health Service Act 2006(c);

“the 2006 (Wales) Act” means the National Health Service (Wales) Act 2006(d);” and

(b) in the definition of “health service body” for “or the Common Services Agency constituted under section 10(1) of the Act” substitute “, the Common Services Agency

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(a) 1978 c.29 (the “1978 Act”). Section 4B(6) was inserted by the National Health Service Reform (Scotland) Act 2004 (asp 7), section 2; section 105(7) was amended by the Health Services Act 1980 (c.53) (“the 1980 Act”), Schedule 6, paragraph 5(1) and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), section 29(1) and Schedule 9, paragraph 24 and the Health Act 1999 (c.8), section 65(1), Schedule 4, paragraph 60; paragraph 11 of Schedule 1 to the 1978 Act was amended by the 1980 Act, Schedule 6, paragraph 7(4)(a) and Schedule 7, the National Health Service and Community Care Act 1990 (c.19), section 27(3) and Schedule 5, paragraph 7 and the Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), section 1(7). See section 66(1) of the 1999 Act in relation to any provision of that Act being taken to be a pre-commencement enactment within the meaning of the Scotland Act 1998 (c.46) (“the 1998 Act”). Section 108(1) contains a definition of “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State so far as they are exercisable in Scotland were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) S.S.I. 2004/386.

(c) 2006 c.41.

(d) 2006 c.42.

constituted under section 10(1) of the Act or Healthcare Improvement Scotland established under section 10A(1) of the Act(a)”.

(3) In regulation 3(1) (membership) for sub-paragraphs (c) to (e) substitute—

- “(c) a person registered as a pharmacist in Part 1 of the register maintained under article 19 of the Pharmacy Order 2010(b) whose name is included in, or who is fully or substantially employed by a person or body whose name is included in, a pharmaceutical list prepared by a Board in accordance with regulation 5(1) of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009(c);
- (d) a person registered in the principal list of the dentists register maintained under section 14 of the Dentists Act 1984(d) who is either included in sub-part A of the first part of the dental list prepared by a Board in accordance with regulation 4(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010(e) or is performing services by virtue of section 39 of the Act;
- (e) a person registered in the register of optometrists maintained under section 7 of the Opticians Act 1989(f) whose name is included in the first part of the ophthalmic list prepared by a Board in accordance with regulation 6(1) of the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006(g);”.

(4) In regulation 7(2) (disqualification)—

- (a) in sub-paragraph (e) for “section 29” substitute “section 29B(h)”;
- (b) for sub-paragraph (g) substitute—

“(g) a person who has had their name removed from any list prepared under—

- (i) Parts 4 to 6 of the 2006 Act by a Primary Care Trust under regulation 10(3) of the National Health Service (Performers Lists) Regulations 2004(i);
- (ii) Part 7 of the 2006 Act by virtue of section 151 (except sub-section (5)) of that Act;
- (iii) Part 4 or 5 of the 2006 (Wales) Act by a Local Health Board under regulation 10(3) of the National Health Service (Performers Lists) (Wales) Regulations 2004(j); or
- (iv) Part 6 or 7 of the 2006 (Wales) Act by virtue of section 107 (except sub-section (5)) of that Act,

and has not subsequently had their name included in such a list;”;

- (c) in sub-paragraph (h) for “Part I or Part II of the 1977 Act” substitute “Parts 4 to 7 of the 2006 Act or the 2006 (Wales) Act”; and
- (d) in sub-paragraph (j) for “or by the Charity Commissioner” substitute “, the Charity Commission for England and Wales or by the Charity Commissioners for England and Wales”.

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(a) Section 10A(1) of the 1978 Act will be inserted upon the commencement of section 108 of the Public Services Reform (Scotland) Act 2010 (asp 8).

(b) S.I. 2010/231.

(c) S.S.I. 2009/183; to which there are amendments not relevant to these Regulations.

(d) 1984 c.24; section 14 was amended by S.I. 2005/2011 and 2007/3101.

(e) S.S.I. 2010/208; to which there are amendments not relevant to these Regulations.

(f) 1989 c.44; section 7 was amended by S.I. 2005/848.

(g) S.S.I. 2006/135; which was relevantly amended by S.S.I. 2007/193.

(h) Section 29B of the 1978 Act was inserted by the Health Act 1999, section 58(1) and was amended by the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), section 26(4) and schedule 3, paragraph 1.

(i) S.I. 2004/585; to which there are amendments not relevant to these Regulations.

(j) S.I. 2004/1020; to which there are amendments not relevant to these Regulations.

(5) In paragraph 3(1) to the Schedule for “these” substitute “there”.

St Andrew’s House,  
Edinburgh  
25th November 2010

*NICOLA STURGEON*  
A member of the Scottish Executive

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Community Health Partnerships (Scotland) Regulations 2004 (“the principal Regulations”).

Regulation 2(2)(a) amends the principal Regulations to take account of the repeal of the National Health Service Act 1977 (c.49) and the enactment of the National Health Service Act 2006 and the National Health Service (Wales) Act 2006.

Regulation 2(2)(b) amends the principal Regulations to recognise the establishment of Healthcare Improvement Scotland as a new health service body by the Public Services Reform (Scotland) Act 2010.

Regulation 2(3) substitutes regulation 3(1)(c) to (e) of the principal Regulations to update references to other enactments.

Substituted regulation 3(1)(c) provides that a registered pharmacist who is not a visiting practitioner and who is, or is employed by, a person or body who is included in a pharmaceutical list prepared under the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 can become a member of a Community Health Partnership.

Substituted regulation 3(1)(d) provides that a dentist who is not a visiting dentist or temporary registrant and who is either included in sub-part A of the first part of the dental list prepared under the National Health Service (General Dental Services) (Scotland) Regulations 2010 or is performing services under section 19 of the National Health Service (Scotland) Act 1978 can become a member of a Community Health Partnership.

Substituted regulation 3(1)(e) provides that an optician who is not a visiting optometrist or body corporate and who is included in the first part of the ophthalmic list prepared under the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006 can become a member of a Community Health Partnership.

Regulation 2(4)(a) corrects a reference in regulation 7(2)(e) of the principal Regulations.

Regulation 2(4)(b) and (c) amends regulation 7(2)(g) and (h) of the principal Regulations to take account of the repeal of the National Health Service Act 1977 and the re-enactment of equivalent provisions in the National Health Service Act 2006 and the National Health Service (Wales) Act 2006.

Regulation 2(4)(d) amends the principal Regulations to take account of the abolition of the Charity Commissioner for England and Wales and the creation of the Charity Commission for England and Wales by section 6 of the Charities Act 2006 (c.50).

Regulation 2(5) corrects an error in paragraph 3(1) of the Schedule to the principal Regulations.

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