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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 86**

**NATIONAL HEALTH SERVICE  
PUBLIC HEALTH**

**The Healthcare Improvement Scotland  
(Delegation of Functions) Order 2016**

*Made* - - - - - *2nd February 2016*  
*Laid before the Scottish*  
*Parliament* - - - - - *4th February 2016*  
*Coming into force* - - - - - *1st April 2016*

The Scottish Ministers make the following Order in exercise of the power conferred by section 10D(1) of the National Health Service (Scotland) Act 1978(1) and all powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Healthcare Improvement Scotland (Delegation of Functions) Order 2016 and comes into force on 1st April 2016.

(2) In this Order, “HIS” means Healthcare Improvement Scotland(2).

**Delegation of function**

2. The function of giving a direction to Health Boards under section 2(5) of the National Health Service (Scotland) Act 1978, insofar as the direction relates to closing a hospital ward to new admissions, is delegated to HIS who may exercise that function where article 3 applies.

3. This article applies where—

- (a) the direction is necessary in exercise of the Health Board’s duties under sections 36 and 37 of the National Health Service (Scotland) Act 1978(3); and
- (b) HIS believes that, in the absence of such a direction, there is a serious risk to the life, health or wellbeing of persons.

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(1) [1978 c.29](#) (“the 1978 Act”). Section 10D was inserted by section 108 of the Public Services Reform (Scotland) Act [2010 \(asp 8\)](#) (“the 2010 Act”).

(2) Healthcare Improvement Scotland was established under section 10A of the 1978 Act which was inserted by section 108 of the 2010 Act.

(3) The duties of Health Boards under sections 36 (accommodation and services) and 37 (prevention of illness, care and after-care) are conferred upon them by the Functions of Health Boards (Scotland) Order 1991 ([S.I. 1991/570](#)).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House, Edinburgh  
2nd February 2016

*SHONA ROBISON*  
A member of the Scottish Government

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## EXPLANATORY NOTE

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

This Order delegates functions to Healthcare Improvement Scotland (“HIS”). The Scottish Ministers have a power, in section 2(5) of the National Health Service (Scotland) Act 1978, to issue directions to Health Boards. That direction making power is delegated to HIS in certain circumstances (articles 2 and 3).