
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 27

NATIONAL HEALTH SERVICE

**The Functions of Health Boards and Special Health Boards
(Scotland) (Miscellaneous Amendments) Order 2018**

Made - - - - 25th January 2018
*Laid before the Scottish
Parliament* - - - - 29th January 2018
Coming into force - - 19th March 2018

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 2(1) (a) and (b) and 105(7) of the National Health Service (Scotland) Act 1978(1) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Functions of Health Boards and Special Health Boards (Scotland) (Miscellaneous Amendments) Order 2018 and comes into force on 19th March 2018.

Amendment of the Functions of Health Boards (Scotland) Order 1991

2. In article 4 of the Functions of Health Boards (Scotland) Order 1991(2) (functions to be exercised by Health Boards) after paragraph (j) insert—

“(ja) the duty of the Scottish Ministers under section 46A (provision of communication equipment)(3) to provide, or secure the provision of, communication equipment and support in using that equipment to any person who has lost their voice or has difficulty speaking to such extent as the Health Board considers necessary to meet all reasonable requirements;”.

(1) 1978 c.29. Section 2(1)(a) was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c.41) (“the 1983 Act”), schedule 7, paragraph 1; the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”), section 28; the National Health Service (Primary Care) Act 1997 (c.46), section 10; the National Health Service Reform (Scotland) Act 2004 (asp 7), schedule 1, paragraph 1(2)(a); and the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) (“the 2005 Act”), schedule 2, paragraph 2(2). Section 2(1)(b) was inserted by the 1990 Act, section 28(a)(ii) and amended by the 2005 Act, schedule 2, paragraph 2(2). Section 105(7) was amended by the Health Services Act 1980 (c.53), schedule 6, paragraph 5 and schedule 7; the 1983 Act, schedule 9, paragraph 24; and the Health Act 1999 (c.8), schedule 4, paragraph 60. 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).

(2) S.I. 1991/570; relevantly amended by S.S.I. 2006/132.

(3) Section 46A was inserted by the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (asp 14), section 33.

Amendment of the State Hospitals Board for Scotland Order 1995

3. In article 4(2) of the State Hospitals Board for Scotland Order 1995(4) (functions of the Board) after sub-paragraph (e) insert—

“(ea) the duty of the Scottish Ministers under section 46A of the Act (provision of communication equipment) to provide, or secure the provision of, communication equipment and support in using that equipment to any person suffering from an illness consisting of mental disorder who has lost their voice or has difficulty speaking to such extent as the Board considers necessary to meet all reasonable requirements;”.

St Andrew’s House,Edinburgh
25th January 2018

MAUREEN WATT
Authorised to sign by the Scottish Ministers

(4) [S.I. 1995/574](#) to which there are no relevant amendments.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Functions of Health Boards (Scotland) Order 1991 (“the 1991 Order”) and the State Hospitals Board for Scotland Order 1995 (“the 1995 Order”).

The 1991 Order specifies the functions to be exercised by Health Boards on behalf of the Scottish Ministers by virtue of section 2(1)(a) of the National Health Service (Scotland) Act 1978 (“the 1978 Act”).

The 1995 Order constituted, under section 2(1)(b) of the 1978 Act, a Special Health Board for the whole of Scotland to be known as the State Hospitals Board for Scotland. The Order also specifies functions to be exercised by that Special Health Board on behalf of the Scottish Ministers.

This Order amends the 1991 Order and the 1995 Order to include among the functions so specified the functions of the Scottish Ministers under section 46A of the 1978 Act to provide communication equipment and support in using that equipment to any person who has lost their voice or who has difficulty speaking.