



Health Boards (Membership and Elections) (Scotland) Act 2009

2009 asp 5

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 12th March 2009 and received Royal Assent on 22nd April 2009

An Act of the Scottish Parliament to make provision about the constitution of Health Boards; to provide for piloting of the election of certain members of Health Boards; to require the Scottish Ministers to report on those pilots; to confer a power to extend those elections to all Health Board areas following publication of that report; and for connected purposes.

Constitution of Health Boards

1 Constitution of Health Boards

(1) Schedule 1 (Health Boards) to the National Health Service (Scotland) Act 1978 (c. 29) (the “1978 Act”) is amended as follows.

(2) For paragraph 2 substitute—

- “2
- (1) A Health Board is to consist of the following types of members—
- (a) a chairman, and other members, appointed by the Scottish Ministers (“appointed members”),
 - (b) councillors appointed by the Scottish Ministers following nomination by local authorities in the area of the Health Board (“councillor members”), and
 - (c) individuals elected as members of the Health Board at an election held under Schedule 1A (“elected members”).

(2) Regulations must, in relation to each Health Board, specify—

- (a) the total number of members of the Board, and
- (b) the number of each type of member.

(3) But—

*Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Health Boards (Membership and Elections) (Scotland) Act 2009. (See end of Document for details)*

- (a) the total number of councillor members and elected members of a Board must amount to more than half the total number of members, and
 - (b) a Board must contain at least one councillor member for each local authority whose area is wholly or partly within the area of the Board.
- (4) The conditions imposed by sub-paragraph (3) do not apply during any period when an elected member or, as the case may be, councillor member vacates office and the vacancy has not been filled.”.
- (3) In paragraph 2A, for “persons appointed under paragraph 2 above” substitute “appointed members”.
- (4) In paragraph 3—
- (a) for “Appointments under paragraph 2 shall be made” substitute “An appointed member may be appointed only”, and
 - (b) sub-paragraph (a) is omitted.
- (5) After paragraph 3 insert—

“3A
A person appointed as chairman of a Health Board may not be an employee of that Health Board.”.

^{F1}(6)

- (7) In paragraph 11(a), for “chairman and members of Health Boards” substitute “appointed members and councillor members (including provision specifying circumstances in which the Scottish Ministers may determine that such a member is to vacate office)”.

^{F2}(8)

Textual Amendments	
F1	S. 1(6) repealed (31.12.2013) (conditionally) by Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5) , ss. 6(2)(3)(a), 11(1); S.S.I. 2013/364, art. 2 (with art. 3(1))
F2	S. 1(8) repealed (31.12.2013) (conditionally) by Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5) , ss. 6(2)(3)(a), 11(1); S.S.I. 2013/364, art. 2 (with art. 3(1))
Commencement Information	
I1	S. 1 in force at 24.6.2009 for specified purposes by S.S.I. 2009/242 , art. 2 (which commencing S.S.I. 2009/242 was revoked (31.12.2013) by S.S.I. 2013/364 , art. 2 (with savings in art. 3))

Elected members of Health Boards

^{F3}**2 Health Board elections**

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Boards (Membership and Elections) (Scotland) Act 2009. (See end of Document for details)*

Textual Amendments

F3 Ss. 2-5 repealed (31.12.2013) (conditionally) by [Health Boards \(Membership and Elections\) \(Scotland\) Act 2009 \(asp 5\)](#), ss. 6(2)(3)(b), 11(1); S.S.I. 2013/364, art. 2 (with art. 3(1))

F33 Scottish Ministers' powers in relation to elected members

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Textual Amendments

F3 Ss. 2-5 repealed (31.12.2013) (conditionally) by [Health Boards \(Membership and Elections\) \(Scotland\) Act 2009 \(asp 5\)](#), ss. 6(2)(3)(b), 11(1); S.S.I. 2013/364, art. 2 (with art. 3(1))

Pilot scheme and action following pilot

F34 Pilot scheme

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Textual Amendments

F3 Ss. 2-5 repealed (31.12.2013) (conditionally) by [Health Boards \(Membership and Elections\) \(Scotland\) Act 2009 \(asp 5\)](#), ss. 6(2)(3)(b), 11(1); S.S.I. 2013/364, art. 2 (with art. 3(1))

F35 Report on pilot scheme

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Textual Amendments

F3 Ss. 2-5 repealed (31.12.2013) (conditionally) by [Health Boards \(Membership and Elections\) \(Scotland\) Act 2009 \(asp 5\)](#), ss. 6(2)(3)(b), 11(1); S.S.I. 2013/364, art. 2 (with art. 3(1))

6 Termination of pilot scheme

F4(1)

F4(2)

(3) The following provisions of this Act are repealed—

- (a) section 1(6) and (8),
- (b) sections 2 to 5,
- (c) subsections (1) and (2) of this section (except in so far as bringing this subsection and subsection (4) into force), and
- (d) section 7,

and the amendments of the 1978 Act made by provisions so repealed are accordingly to cease to have effect.