



# 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.”.

<sup>F1</sup>(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)”.

<sup>F2</sup>(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*

#### <sup>F3</sup>2 Health Board elections

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*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)*

#### 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))

### **F3 3 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*

### **F3 4 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))

### **F3 5 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.