SCOTTISH STATUTORY INSTRUMENTS

2026 No. 20

NATIONAL HEALTH SERVICE

The National Health Service (Functions of the Common Services Agency) (Miscellaneous Amendments) (Scotland) Order 2026

Made - - - -	*21st January 2026*
Laid before the Scottish Parliament	*23rd January 2026*
Coming into force - -	*1st April 2026*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 2(1)(b), 10(3), and 105(6) and (7), of the National Health Service (Scotland) Act 1978(**a**), and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the National Health Service (Functions of the Common Services Agency) (Miscellaneous Amendments) (Scotland) Order 2026 and comes into force on 1 April 2026.

(2) In this Order "NHS Education for Scotland" means the Special Health Board constituted under the NHS Education for Scotland Order 2002(**b**).

Amendment of the National Health Service (Functions of the Common Services Agency) (Scotland) Order 2008

2.—(1) The National Health Service (Functions of the Common Services Agency) (Scotland) Order 2008(**c**) is amended in accordance with paragraph (2).

(2) In article 2 (functions of the Agency)—

(a) after paragraph (a) insert—

"(aa) exercise the power of the Scottish Ministers under section 16 of the Act(**d**) to assist any voluntary organisations whose activities include

(**a**) 1978 c. 29. Section 2(1)(b) was inserted by the National Health Service and Community Care Act 1990 (c. 19), section 28(a)(ii), and amended by the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) ("the 2005 Act"), schedule 2, paragraph 2(2); section 10(3) was amended by the 2005 Act, schedule 2, paragraph 2(4); section 105(7) was amended by the Health Services Act 1980 (c. 53), 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, Part I, 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 section 53 of the Scotland Act 1998 (c. 46).

(**b**) S.S.I. 2002/103, as amended by S.S.I. 2003/242, S.I. 2003/1590, S.S.I. 2006/79, S.S.I. 2011/211, S.I. 2012/1479, S.I. 2019/1094 and S.S.I. 2021/330.

(**c**) S.S.I. 2008/312, as amended by S.S.I. 2011/211 and S.S.I. 2014/100.

(**d**) Section 16 was amended by the Health Services Act 1980 (c. 53), schedule 7, and the Vehicle Excise and Registration Act 1994 (c. 22), schedule 3, paragraph 13.

the provision of a service similar or related to a service provided by the Agency under the Act;

(ab) exercise the power of the Scottish Ministers under section 16B of the Act(**a**) to give financial assistance to voluntary organisations limited to assisting such organisations to which that section would apply if the expression "relevant service" as defined in section 16B(3) were limited to the provision of services provided by the Agency;",

(b) for paragraph (la) substitute—

"(la) exercise functions in relation to education and training relating to the health service including, without prejudice to the foregoing generality, functions specified in section 47 of the Act (making available facilities for education, research and training);".

Dissolution and revocation

3.—(1) NHS Education for Scotland is dissolved.

(2) The following enactments are revoked—

(a) the NHS Education for Scotland Order 2002,

(b) the Scottish Council for Postgraduate Medical and Dental Education and NHS Education for Scotland (Transfer of Staff) Regulations 2002(**b**),

(c) the NHS Education for Scotland Amendment Order 2006(**c**), and

(d) the NHS Education for Scotland Amendment Order 2021(**d**).

Transfer of property etc

4.—(1) With effect from 1 April 2026, all property, rights, liabilities and obligations to which paragraph (2) applies, are transferred to, and vest in, the Agency.

(2) Paragraph (1) applies to—

(a) all property (including corporeal and incorporeal moveable property) which immediately before the transfer date was owned by NHS Education for Scotland, and

(b) all rights, liabilities and obligations which, immediately before 1 April 2026, subsisted in respect of NHS Education for Scotland.

Consequential amendments

5. The schedule has effect.

Transitional provisions

6.—(1) Any relevant thing done by or in relation to NHS Education for Scotland before 1 April 2026, so far as is required for continuing its effect on and after that date, has effect as if done by or in relation to the Agency.

(2) Any relevant thing (which may include legal proceedings) which, immediately before 1 April 2026, is in the process of being done by or in relation to NHS Education for Scotland may continue to be done by or in relation to the Agency on and after that date.

(3) No right to terminate or vary a contract, arrangement or instrument is to operate or become exercisable, and no provision of any contract, arrangement or instrument is to operate or become exercisable or be contravened, by reason of any transfer under or other operation of this Order.

(**a**) Section 16B was inserted by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 3.
(**b**) S.S.I. 2002/105.
(**c**) S.S.I. 2006/79.
(**d**) S.S.I. 2021/330.

(4) The transfers provided for by this Order are to be made—

(a) irrespective of any requirement for consent that would otherwise apply (whether arising under any enactment, instrument, agreement or otherwise), and

(b) whether or not they would otherwise be capable of being transferred.

(5) In this article "relevant thing" means anything which, if it were to be done on or after 1 April 2026, would be done by or in relation to the Agency.

NEIL GRAY
A member of the Scottish Government

St Andrew's House,
Edinburgh
21st January 2026

SCHEDULE

Article 5

Part 1

Consequential amendments and repeals of primary legislation

The Ethical Standards in Public Life etc. (Scotland) Act 2000

1. In schedule 3 (devolved public bodies) of the Ethical Standards in Public Life etc. (Scotland) Act 2000(**a**) the entry relating to NHS Education for Scotland is repealed.

The Scottish Public Services Ombudsman Act 2002

2.—(1) The Scottish Public Services Ombudsman Act 2002(**b**) is amended in accordance with sub-paragraph (2).

(2) In schedule 5 (disclosure of information by the ombudsman)—

(a) in the entry relating to the Common Services Agency for the Scottish Health Service, after paragraph 2 in the second column insert—

"**3.** The education or training of persons providing, or intending to provide, services under the National Health Service (Scotland) Act 1978", and

(b) the entry relating to NHS Education for Scotland is repealed.

The Freedom of Information (Scotland) Act 2002

3. In schedule 1 (Scottish public authorities) of the Freedom of Information (Scotland) Act 2002(**c**) paragraph 32A is repealed(**d**).

The Islands (Scotland) Act 2018

4. In the schedule (duties in relation to island communities: relevant authorities) of the Islands (Scotland) Act 2018(**e**) paragraph 44 is repealed.

Part 2

Consequential amendments and revocations of secondary legislation

The Ethical Standards in Public Life etc. (Scotland) Act 2000 (Devolved Public Bodies) Order 2003

5. Omit article 2(2)(b)(i) (devolved public bodies) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Devolved Public Bodies) Order 2003(**f**).

(**a**) 2000 asp 7. Schedule 3 was relevantly amended by S.S.I. 2003/119.
(**b**) 2002 asp 11. Schedule 5 was relevantly amended by S.S.I. 2020/5.
(**c**) 2002 asp 13.
(**d**) Paragraph 32A was inserted by S.S.I. 2008/297.
(**e**) 2018 asp 12. Schedule 1 was amended for purposes not relevant to this Order.
(**f**) S.S.I. 2003/119.

The Health Professions Order 2001 (Consequential Amendments) Order 2003

6. In the schedule (consequential amendments to primary and secondary legislation) of the Health Professions Order 2001 (Consequential Amendments) Order 2003(**a**) omit paragraph 13.

The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004

7. In the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004(**b**)—

(a) in regulation 2 (interpretation) omit the definition of "NHS Education for Scotland", and

(b) in regulation 14 (disclosure of information) omit paragraphs (2)(h) and (8)(k).

The National Health Service (Vocational Training for General Dental Practice) (Scotland) Regulations 2004

8. In the National Health Service (Vocational Training for General Dental Practice) (Scotland) Regulations 2004(**c**)—

(a) in regulation 1 (citation, commencement and interpretation)—

(i) omit the definitions of "the Board" and "NHS Education for Scotland",

(ii) in the definition of "vocational training" for "NHS Education for Scotland" substitute "the Agency", and

(b) in each place where it occurs in regulations 2 (applications for vocational training numbers and vocational training (orthodontic) numbers), 3 (satisfactory completion of vocational training), 5 (procedure on appeal), and 6 (service of documents) for "the Board" substitute "the Agency".

The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006

9. In the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006(**d**)—

(a) in regulation 14 (disclosure of information) omit paragraphs (2)(h) and (7)(k),

(b) in paragraphs 3(1) and 3A(1)(a) of schedule 1 (terms of service) for "NHS Education for Scotland" substitute "the Agency", and

(c) in paragraph 3(b) of Part A and paragraph 3(b) of Part B of schedule 2 (information, undertakings, consents and declarations to be included in an application for inclusion in an ophthalmic list) for "NHS Education for Scotland" substitute "the Agency".

The Adults with Incapacity (Requirements for Signing Medical Treatment Certificates) (Scotland) Regulations 2007

10. In regulation 2(b) (requirements to be satisfied by relevant health professional signing medical treatment certificate) of the Adults with Incapacity (Requirements for Signing Medical Treatment Certificates) (Scotland) Regulations 2007(**e**) for "NHS Education for Scotland" substitute "the Common Services Agency for the Scottish Health Service constituted under section 10 of the National Health Service Act 1978(**f**)".

(**a**) S.I. 2003/1590, to which there are amendments not relevant to this Order.
(**b**) S.S.I. 2004/114, relevantly amended by S.S.I. 2011/392.
(**c**) S.S.I. 2004/292, relevantly amended by S.S.I. 2010/229, S.S.I. 2022/170.
(**d**) S.S.I. 2006/135, relevantly amended by S.S.I. 2007/193, S.S.I. 2013/355, S.S.I. 2018/212 and S.S.I. 2022/169.
(**e**) S.S.I. 2007/105, relevantly amended by S.S.I. 2012/170.
(**f**) 1978 c. 29. Section 10 was amended by the Health Services Act 1980 (c. 53), schedule 6, paragraph 2, the National Health Service and Community Care Act 1990 (c. 19), section 66(2) and schedule 10, the Health Act 1999 (c. 8), schedule 4, paragraph 44, the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), schedule 2, paragraph 2(4), and the Public Bodies (Joint Working) (Scotland) Act 2014 (asp 9), section 63(2).

The Official Statistics (Scotland) Order 2008

11. In the schedule (persons specified as producers of official statistics) of the Official Statistics (Scotland) Order 2008(**a**) omit "NHS Education for Scotland".

The Freedom of Information (Scotland) Act 2002 (Scottish Public Authorities) Amendment Order 2008

12. In schedule 1 of the Freedom of Information (Scotland) Act 2002 (Scottish Public Authorities) Amendment Order 2008(**b**) omit "32A NHS Education for Scotland".

The National Health Service (General Dental Services) (Scotland) Regulations 2010

13. In the National Health Service (General Dental Services) (Scotland) Regulations 2010(**c**)—

(a) in regulation 2(1) (interpretation)—

(i) in each place where it occurs for "NHS Education for Scotland" substitute "the Agency",

(ii) omit the definition of "NHS Education for Scotland",

(b) in regulation 5(1B), (14) and (15) (application for inclusion in the dental list and notification of changes) for "NHS Education for Scotland" substitute "the Agency",

(c) in regulation 14 (disclosure of information) omit paragraphs (2)(h) and (7)(j),

(d) in paragraph 2(3) of schedule B1 (enhanced skills in domiciliary care) for "NHS Education for Scotland" substitute "the Agency", and

(e) in paragraphs 40(3) and (4) and 52 of schedule 1 (terms of service for dentists) for "NHS Education for Scotland" substitute "the Agency".

The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011

14. In schedule 2 (modifications relating to Healthcare Improvement Scotland) of the Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011(**d**) omit paragraph 22.

The National Health Service (Primary Medical Services Performers Lists) (Scotland) Amendment Regulations 2011

15. In regulation 2 (amendment of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004) of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Amendment Regulations 2011(**e**)—

(a) in paragraph (2)(a) omit the definition of "NHS Education for Scotland", and

(b) omit paragraph (9)(c) and (d)(iii).

The Adults with Incapacity (Requirements for Signing Medical Treatment Certificates) (Scotland) Amendment Regulations 2012

16. In regulation 2 (amendment of the Adults with Incapacity (Requirements for Signing Medical Treatment Certificates) (Scotland) Regulations 2007) of the Adults with Incapacity (Requirements for Signing Medical Treatment Certificates) (Scotland) Amendment Regulations 2012(**f**) omit "; or (b) NHS Education for Scotland".

(**a**) S.S.I. 2008/131, relevantly amended by S.S.I. 2019/416.
(**b**) S.S.I. 2008/297.
(**c**) S.S.I. 2010/208, relevantly amended by S.S.I. 2016/53, S.S.I. 2017/289, S.S.I. 2019/174, S.S.I. 2022/170, S.S.I. 2023/247 and S.S.I. 2025/380.
(**d**) S.S.I. 2011/211.
(**e**) S.S.I. 2011/392.
(**f**) S.S.I. 2012/170.

The Health and Social Care Act 2012 (Consequential Provision-Social Workers) Order 2012

17. In the schedule (consequential amendments and other provision) of the Health and Social Care Act 2012 (Consequential Provision-Social Workers) Order 2012(**a**) omit paragraph 25.

The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2013

18. In regulation 6 of the National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2013(**b**) omit paragraphs (b) and (c).

The Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015

19. In schedule 1 (listed bodies) of the Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015(**c**) omit "NHS Education for Scotland".

The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018

20. In paragraph 57 of schedule 6 (other contractual terms) of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018(**d**) for "NHS Education for Scotland" substitute "the Agency".

The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018

21. In paragraph 28(3) of schedule 1 (content of agreements) of the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018(**e**) for "NHS Education for Scotland" substitute "the Agency".

The Official Statistics (Scotland) Amendment Order 2019

22. In the schedule (persons specified as producers of official statistics) of the Official Statistics (Scotland) Amendment Order 2019(**f**) omit "NHS Education for Scotland".

The Children and Social Work Act 2017 (Consequential Amendments) (Social Workers) Regulations 2019

23. In schedule 2 (amendments consequential on the renaming of the Health Professions Order 2001) of the Children and Social Work Act 2017 (Consequential Amendments) (Social Workers) Regulations 2019(**g**) omit paragraph 14.

The Public Services Reform (The Scottish Public Services Ombudsman) (Healthcare Whistleblowing) Order 2020

24. In article 3(7) (amendment of the Scottish Public Services Ombudsman Act 2002) of the Public Services Reform (The Scottish Public Services Ombudsman) (Healthcare Whistleblowing)

(**a**) S.I. 2012/1479.
(**b**) S.S.I. 2013/355.
(**c**) S.S.I. 2015/347, relevantly amended by S.S.I. 2019/336.
(**d**) S.S.I. 2018/66, to which there are amendments not relevant to this Order.
(**e**) S.S.I. 2018/67, to which there are amendments not relevant to this Order.
(**f**) S.S.I. 2019/416.
(**g**) S.I. 2019/1094.

Order 2020(**a**) omit "NHS Education for Scotland" and the corresponding entry in the opposite column.

The National Health Service (Vocational Training for Dentists) (Miscellaneous Amendment) (Scotland) Regulations 2022

25. In the National Health Service (Vocational Training for Dentists) (Miscellaneous Amendment) (Scotland) Regulations 2022(**b**) omit regulations 3(b) and (c)(ii) (amendment of the National Health Service (Vocational Training for General Dental Practice) (Scotland) Regulations 2004) and 6 (amendment of the National Health Service (General Dental Services) (Scotland) Regulations 2010).

The Consumer Scotland Act 2020 (Relevant Public Authorities) Regulations 2024

26. In the schedule of the Consumer Scotland Act 2020 (Relevant Public Authorities) Regulations 2024(**c**)—

(a) after "Health Bodies" insert "the Common Services Agency for the Scottish Health Service", and

(b) omit "NHS Education for Scotland".

(**a**) S.S.I. 2020/5.
(**b**) S.S.I. 2022/170.
(**c**) S.S.I. 2024/78.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order dissolves NHS Education for Scotland and transfers the functions carried out by that body to the Common Services Agency for the Scottish Health Service ("the Agency").

Article 2 amends article 2 of the National Health Service (Functions of the Common Services Agency) (Scotland) Order 2008 to transfer the specified functions of NHS Education for Scotland to the Agency, including in relation to Scottish Ministers' powers under sections 16 and 16B of the National Health Service (Scotland) Act 1978 to assist voluntary organisations.

Article 3 dissolves NHS Education for Scotland and revokes previous legislation made in relation to that body.

Article 4 transfers the property, rights, liabilities and obligations of NHS Education for Scotland to the Agency.

Article 5 and the schedule make consequential amendments to primary and secondary legislation.

Article 6 provides that things done by or in relation to NHS Education for Scotland before 1 April 2026 will have effect as if done by or in relation to the Agency, and contracts cannot be terminated, varied, exercised or contravened by reason of this Order.

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