EXECUTIVE NOTE

The National Health Service (Functions of the Common Services Agency) (Scotland) Amendment Order 2006 SSI/2006/560

The above instrument was made in exercise of the powers conferred by section 10(4) of the National Health Service (Scotland) Act 1978 and of all other powers enabling them in that behalf.

Background – poisons, chemicals and emergencies advisory & support services

The Common Services Agency ("CSA") currently has a broad function, by virtue of the National Health Service (Functions of the Common Services Agency) (Scotland) Order 1974 (as amended), of providing information, advisory and management services in support of the functions of the Scottish Ministers and health boards. As part of that function, the CSA advises and supports health care professionals and public health authorities in Scotland in relation to the provision of chemical advisory services, poisons advisory services and emergencies advisory and support services. In practical terms, these advisory services are performed by Health Protection Scotland ("HPS"), a division of the CSA.

However, whilst HPS currently advises and supports relevant professionals and authorities in Scotland in relation to the provision of the above services, they will seek specialist advice from the HPA who are the only UK body who can offer the appropriate level of expertise in these areas. These integrated arrangements are intended to ensure that there are consistent levels of support across the UK. Accordingly, under the Health Protection Agency (Scottish Health Functions) Order 2006, the Scottish Ministers have conferred on the HPA the function of providing certain advisory services as specified therein, which may be grouped into three broad categories, namely chemical advisory services, poisons advisory services and emergencies advisory, training and support services. This requires an ancillary amendment to the CSA Functions Order, which this instrument provides, which will make the exercise of the CSA's existing broad function by HPS of providing information, advisory and management services subject to where the HPA is exercising functions under this instrument. The package of the two instruments, which will come into force on the same date, therefore gives effect to the policy intention of the new arrangements for Scotland, whereby the provision of chemical advisory services, poisons advisory services and emergencies advisory and support services will be carried out not only by HPS but also by the HPA

Background – yellow fever designation

The Scottish Ministers have power under section 40(1) of the National Health Service (Scotland) Act 1978 to make arrangements with medical practitioners for the vaccination or immunisation of persons against yellow fever, either by medical practitioners or by persons acting under their control. This power enables the Scottish Ministers to designate medical practices as yellow fever centres.

However, to ensure that health advice reaches high risk travellers such as those receiving yellow fever vaccination**,** Health Protection Scotland will be more effective at targeting those requiring vaccination through the delivery and provision of their travel health advice.

Conferring the power to make arrangements with medical practitioners for the vaccination or immunisation of persons against yellow fever, either by medical practitioners or by persons acting under their control, on the CSA will ensure that HPS will take over responsibility from the Scottish Ministers for designating yellow fever centres.

Amendments

The amendments contained in this Order will therefore:

1) reflect the new arrangements in relation to the provision by the CSA and the HPA of chemical advisory services, poisons advisory services and emergencies advisory and support services to health care professionals and public health authorities in Scotland , and

2) transfer the authority from the Scottish Executive Health Department to the CSA (in practical terms HPS) to make arrangements with medical practitioners for the vaccination and immunisation of persons against yellow fever.

Consultation

Department of Health and the Common Services Agency have been consulted on the effects of the instrument.

Financial Effects

The instrument places no financial burden on the Scottish Executive, local authorities, voluntary sector, charities or businesses.

Scottish Executive Health Department
2006