SCOTTISH STATUTORY INSTRUMENTS

2005 No.115

NATIONAL HEALTH SERVICE

The NHS Quality Improvement Scotland (Amendment) Order 2005

Made - - - -	*1st March 2005*
Laid before the Scottish Parliament	*3rd March 2005*
Coming into force - -	*1st April 2005*

The Scottish Ministers in exercise of the powers conferred by sections 2(1)(b) and 105(6) of the National Health Service (Scotland) Act 1978(**a**), and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the NHS Quality Improvement Scotland (Amendment) Order 2005 and shall come into force on 1st April 2005.

Amendment to the principal Order

2. In article 4(1)(a) of the NHS Quality Improvement Scotland Order 2002(**b**) (Functions of the Board), omit head (i) and substitute–

"(i) supporting, ensuring and monitoring–

(aa) the quality of healthcare provided or secured by the National Health Service in Scotland, including without prejudice to the foregoing generality, providing quality assurance and accreditation;

(bb) the discharge of the duty under section 2B of the Act (duty to encourage public involvement)(**c**) by each body to whom that section applies, other than the Board; and

(cc) the discharge of the duty under section 2D of the Act (duty to discharge functions in a manner that encourages equal opportunities and in particular the observance of the equal opportunity requirements)(**d**) by each body to whom that section applies, other than the Board, insofar as the discharge of that duty is relevant, and relates directly, to–

(**a**) 1978 c.29 ("the Act"). Section 2(1)(b) of the Act was inserted by the National Health Service and Community Care Act 1990 (c. 19), section 28. The functions of the Secretary of State so far as they are exercisable in Scotland were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46) ("the 1998 Act").

(**b**) S.S.I. 2002/534.

(**c**) Section 2B of the Act was inserted by the National Health Service Reform (Scotland) Act 2004 (asp 7) ("the 2004 Act"), section 7.

(**d**) Section 2D of the Act was inserted by the 2004 Act, section 4.

(ccA) the quality of healthcare provided or secured by the National Health Service in Scotland; or

(ccB) the discharge of the duty under section 2B of the Act.".

ANDREW P KERR
A member of the Scottish Executive

St Andrew's House,
Edinburgh
1st March 2005

EXPLANATORY NOTE

(This note is not part of the Order)

The NHS Quality Improvement Scotland Order 2002 (S.S.I. 2002/534) constituted the Special Health Board known as NHS Quality Improvement Scotland ("NHS QIS"). That Order is amended by Article 2 of this Order which extends existing functions of the Board and confers new functions.

This Order extends NHS QIS's functions of supporting ensuring and monitoring the quality of healthcare provided by the National Health Service in Scotland (including providing quality assurance and accreditation) to also cover health care secured by the National Health Service in Scotland.

This Order confers a new function on NHS QIS of supporting, ensuring and monitoring the discharge of the duty under (i) section 2B of the National Health Service (Scotland) Act 1978 (c.29) (duty to encourage public involvement) and (ii) section 2D of that Act (duty to discharge functions in a manner that encourages equal opportunities and in particular the observance of the equal opportunity requirements) by Health Boards, Special Health Boards and the Common Services Agency for the Scottish Health Service. The function of supporting, ensuring and monitoring the discharge of the duties under sections 2B and D of that Act by NHS QIS will be performed by the Scottish Ministers and is not conferred on NHS QIS by this Order.

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