

NATIONAL HEALTH SERVICE REFORM (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Organisation and Operation of National Health Service

Section 5 - Health Boards: duty of co-operation

31. **Section 5** inserts a new section 12I into the 1978 Act. Subsection (1) of the new section places a new duty on Health Boards to co-operate with one another and with Special Health Boards and the Common Services Agency in exercising their functions in relation to the planning and provision of services.
32. Subsection (2) covers two distinct circumstances. Firstly, where a Health Board provides services for persons in the area of another Health Board, the second Health Board (the one who is having services provided for it) is given the power to enter into these arrangements with the first Health Board. Secondly, Health Boards are given the power to provide services jointly across their areas.
33. Subsection (3) sets out the things a Health Board may do when either providing services on behalf of another Health Board or providing services jointly. Under subsection (3), those Health Boards may enter into arrangements with other Health Boards, Special Health Boards or the Common Services Agency in relation to the provision of services and, so that they can provide services for persons outwith their geographical area, they may do anything in relation to those persons which they could do in relation to the provision of services to persons from within their own area.