

Draft Order laid before the Scottish Parliament under section 69(4) of the Public Bodies (Joint Working) (Scotland) Act 2014, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2016 No.

**PUBLIC HEALTH
SOCIAL CARE**

**The Public Bodies (Joint Working) (Scotland) Act
2014 (Consequential Modifications) Order 2016**

Made - - - - 2016
Coming into force - - 1st April 2016

The Scottish Ministers make the following Order in exercise of the powers conferred by section 70 of the Public Bodies (Joint Working) (Scotland) Act 2014⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 69(4) of that Act a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Public Bodies (Joint Working) (Scotland) Act 2014 (Consequential Modifications) Order 2016 and comes into force on 1st April 2016.

Amendment of the Protection of Vulnerable Groups (Scotland) Act 2007

2.—(1) The Protection of Vulnerable Groups (Scotland) Act 2007⁽²⁾ is amended as follows.

(2) In section 94 (meaning of “protected adult”), in subsection (1)—

(a) in paragraph (b), after sub-paragraph (ii), insert—

“(iia) by, or which is secured by, a person to whom such functions are delegated by a Health Board in pursuance of an integration scheme prepared under section 1 or 2 of the Public Bodies (Joint Working) (Scotland) Act 2014,”; and

(b) in paragraph (c)—

(i) after sub-paragraph (i), insert—

(1) 2014 asp 9.

(2) 2007 asp 14. Relevant amendments were made to section 94 by the Public Services Reform (Scotland) Act 2010 schedule 14 and by S.S.I. 2014/90.

- “(ia) provided or secured by a person to whom a function conferred by either of those Acts is delegated by a council in pursuance of an integration scheme prepared under section 1 or 2 of the Public Bodies (Joint Working) (Scotland) Act 2014.”;
 - (ii) in sub-paragraph (ii), the words “a council has made” are repealed; and
 - (iii) in that sub-paragraph, at the end, insert “is made by a council or a person to whom functions are delegated by a council in pursuance of an integration scheme under section 1 or 2 of the Public Bodies (Joint Working) (Scotland) Act 2014 (or by another person acting under the direction of the person to whom functions are delegated)”.
- (3) In Part 3 of schedule 2 (regulated work with children), in paragraph 17—
 - (a) the words from “provided” to the end become sub-paragraph (1) of that paragraph; and
 - (b) after that sub-paragraph insert —
 - “, or
 - (2) provided or secured by a person to whom a function conferred by a provision mentioned in sub-paragraph (1)(a) or (b) is delegated by a council in pursuance of an integration scheme prepared under section 1 or 2 of the Public Bodies (Joint Working) (Scotland) Act 2014”.
- (4) In Part 3 of schedule 3 (regulated work with adults), in paragraph 9—
 - (a) the words from “a council” to the end become sub-paragraph (1) of that paragraph; and
 - (b) after that sub-paragraph insert—
 - “, or
 - (2) a person to whom a function conferred by a provision mentioned in sub-paragraph (1)(a) or (b) is delegated by a council in pursuance of an integration scheme prepared under section 1 or 2 of the Public Bodies (Joint Working) (Scotland) Act 2014.”

Amendment of the Protection of Vulnerable Groups (Scotland) Act 2007 (Prescribed Services) (Protected Adults) Regulations 2010

- 3.—**(1) Regulation 3 (prescribed services) of the Protection of Vulnerable Groups (Scotland) Act 2007 (Prescribed Services) (Protected Adults) Regulations 2010(3) is amended as follows.
- (2) For “and (ii)”, substitute “, (ii) and (ia)”.
 - (3) The words from “provided” to “1978” become paragraph (a).
 - (4) After that paragraph insert—
 - “, or
 - (b) provided or secured by a person to whom a function conferred by that Act is delegated by a Health Board in pursuance of an integration scheme prepared under section 1 or 2 of the Public Bodies (Joint Working) (Scotland) Act 2014.”.
 - (5) The words from “which” to the end become the closing words after new paragraphs (a) and (b).

St Andrew's House,
Edinburgh
Date

Name
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Protection of Vulnerable Groups (Scotland) Act 2007 (“the 2007 Act”) in consequence of the Public Bodies (Joint Working) (Scotland) Act (“the 2014 Act”).

The 2014 Act makes provision to require Health Boards and local authorities to enter into joint working arrangements for the purpose of integrating the provision of health and social care services. As part of those arrangements, and as set out in an integration scheme prepared for each local authority area under section 1 or 2 of the 2014 Act, certain statutory functions will be delegated by the Health Board or local authority, or by both of them. Amendments are made by this Order in consequence of those provisions of section 1, 9 and 15 of the 2014 Act which provide for the delegation of functions by Health Boards and local authorities.

Article 2 of this Order amends section 94 of, and schedules 2 and 3 to, the 2007 Act so that, references to the provision of a service by a local authority or Health Board are updated to include the circumstances where the statutory functions relating to the service have been delegated for the purpose of joint working arrangements under the 2014 Act. Article 3 of this Order makes a similar amendment to the Protection of Vulnerable Groups (Scotland) Act 2007 (Prescribed Services) (Protected Adults) Regulations 2010.