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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 533**

**The Community Care (Joint Working  
etc.) (Scotland) Regulations 2002**

**Payments by local authorities towards expenditure by NHS bodies on prescribed functions**

**3.—**(1) Subject to paragraph (2), the functions prescribed for the purposes of section 14 of the Act (payments by local authorities to NHS bodies) are specified in Schedule 2.

(2) A function so specified shall not include one whose performance involves the provision of emergency ambulances.

(3) The conditions prescribed for the purposes of section 14 of the Act are—

- (a) the local authority shall before making a payment under section 14 of the Act be satisfied—
  - (i) that the proposed payment is likely to secure more effective use of resources than applying the equivalent amount on the provision by it of services in performance of any functions to which regulation 2 applies;
  - (ii) that the proposed payment is consistent with any local plan which relates to the function in respect of which the payment is to be made;
  - (iii) that, if the proposed payment is intended to meet or be applied towards capital costs in relation to the performance of any function to which this regulation applies, the amount of that payment shall be determined by the local authority and the NHS body before those capital costs are incurred; and
  - (iv) that the NHS body to which the proposed payment is to be made intends to meet the balance of costs incurred or to be incurred in the performance of the function in respect of which the payment is to be made for so long as the local authority and NHS body consider necessary or desirable; and
- (b) The local authority and NHS body shall enter into an agreement in writing in relation to the performance of the function and the payment and such agreement shall include terms as to—
  - (i) the function or functions which are the subject of the agreement;
  - (ii) the specific objectives which the payment is intended to help secure and how the attainment of those objectives is to be measured;
  - (iii) the establishment and operation by the NHS body of systems of monitoring, accounting and audit in respect of the payment and performance of the functions in respect of which it is to be applied;
  - (iv) the provision to the local authority by the NHS body of audited accounts of expenditure against payments received at such intervals as may be agreed;
  - (v) variation of the amount of payment by the local authority as a result of any variation in the level of service provided by the NHS body in performance of the function in respect of which the payment is made; and

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (vi) consequences for the agreement where, in the event that the agreement is made in respect of the costs of acquiring land or buildings, such land or buildings are used for a purpose other than that for which the payment was made.