
EXPLANATORY NOTE

(This note is not part of the Order)

This Order constitutes, under article 3, a Special Health Board for the whole of Scotland to be known as Public Health Scotland (the “Board”). In accordance with article 1 the Order comes into force on 7 December 2019, except articles 6 and 7, which relate to the dissolution of the Special Health Board known as NHS Health Scotland, and the consequential amendments in paragraphs 1(2)(a) and 2 to 16 of schedule 2, which come into force on 1 April 2020.

Article 4 of the Order confers on the new Board functions in relation to:

- health education, including that specified in section 42 of the National Health Service (Scotland) Act 1978 (“the Act”),
- the provision of research and development services in the field of public health,
- the collection, dissemination and analysis of epidemiological data and the participation in epidemiological investigations,
- examining data relating to prescriptions for drugs, medicines and appliances supplied under the arrangements for the provision of pharmaceutical services,
- the provision of information services in support of the functions conferred on the Board, and
- the protection of public health including those specified in section 1 of the Public Health etc. (Scotland) Act 2008.

Article 4 also enables the Board to exercise in connection with its functions, certain functions of the Scottish Ministers, such as the giving of assistance to voluntary organisations, the duty to make arrangements for the purposes of the prevention of illness and in connection with the acquisition, management and disposal of property.

Article 5 and schedule 1 apply various provisions to the Board in enactments which apply to Health Boards in general. These include provisions as to the funding of Health Boards and the keeping and auditing of accounts, provisions in schedule 1 of the Act including those for appointment and remuneration of Board members and staff and other provisions in statutory instruments relating to Health Boards.

Article 6 dissolves the Special Health Board known as NHS Health Scotland and revokes the enactments relating to its constitution.

Article 7 provides that the property and all other rights and liabilities of NHS Health Scotland will transfer to and vest in Public Health Scotland with effect from 1 April 2020.

Article 8 gives effect to the consequential amendments in schedule 2.

Changes to legislation:

There are currently no known outstanding effects for the The Public Health Scotland Order 2019.