
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health and Care (Staffing) (Scotland) Act 2019 (“the Act”).

The Health and Care (Staffing) (Scotland) Bill (“the Bill”) became the Act on 6 June 2019. During the Bill’s parliamentary passage, amendments were made to certain provisions concerning functions carried out by Health Boards, Special Health Boards, the Common Services Agency for the Scottish Health Service and Social Care and Social Work Improvement Scotland. To ensure the amendments were properly reflected throughout the Bill cross-references to the amendments required to be inserted into other Bill provisions and in certain instances those cross-references were not completed. Other cross-references required updating to reflect the amendments and in certain instances those updates were not made. These Regulations make provision for omitted and erroneous cross-references.

Section 4 of the Act (NHS duties in relation to staffing) inserts new sections into the National Health Service (Scotland) Act 1978 (“the 1978 Act”). Regulation 3(2) amends section 4 to make provision for omitted and erroneous cross-references in inserted sections 12IC(2)(d) (duty to have real-time staffing assessment in place), 12ID(2)(h) (duty to have risk escalation process in place) and 12IL(e) (ii) (training and consultation of staff) of the 1978 Act.

Regulation 3(3) makes provision for omitted cross-references in section 5(5)(c) of the Act which amends the Scottish Ambulance Service Board Order 1999 ([S.I. 1999/686](#)).

Section 12 of the Act (functions of SCSWIS in relation to staffing methods) inserts new sections into the Public Services Reform (Scotland) Act 2010 (“the 2010 Act”). Regulation 3(4) amends section 12 to make provision for an omitted cross-reference in inserted section 82C(3) of the 2010 Act.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.