



# National Health Service (Scotland) Act 1978

## 1978 CHAPTER 29

### PART I

#### ORGANISATION

##### *[<sup>F1</sup>Community health partnerships*

VALID FROM 01/09/2004

#### **[<sup>F1</sup>4B Community health partnerships: further provision**

- (1) Every Health Board shall, within such period as the Scottish Ministers may specify, prepare and submit to them a scheme for the establishment of one or more community health partnerships in pursuance of section 4A(1).
- (2) In preparing a scheme under subsection (1) or (5) a Health Board shall—
  - (a) have regard to—
    - (i) any guidance issued under subsection (7),
    - (ii) community planning under section 15(1) of the Local Government in Scotland Act 2003 (asp 1) so far as relating to the area of the Board,
  - (b) consult—
    - (i) each local authority whose area includes all or part of the area or district of a community health partnership proposed by the scheme, and
    - (ii) any other person whom the Health Board think fit, and
  - (c) encourage the involvement of local authorities and other persons consulted under paragraph (b) in the preparation of the scheme.

*Status: Point in time view as at 08/03/1991. This version of this provision is not valid for this point in time.*

*Changes to legislation: National Health Service (Scotland) Act 1978, Section 4B is up to date with all changes known to be in force on or before 02 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) The Scottish Ministers may—
- (a) approve (with or without modifications), or
  - (b) refuse to approve,
- a scheme submitted to them under subsection (1) or (5) or in pursuance of subsection (4).
- (4) Where the Scottish Ministers refuse to approve a scheme, they must return it to the Health Board and may direct the Board to resubmit the scheme with—
- (a) such modifications (if any) as the direction may specify, and
  - (b) any further modifications which the Board consider appropriate,
- by such time as the direction may specify.
- (5) A Health Board—
- (a) may, at any time,
  - (b) if so directed by the Scottish Ministers, must, within such period as they may specify,
- submit to the Scottish Ministers a new scheme under this section.
- (6) Regulations may make provision in relation to—
- (a) the membership of a community health partnership,
  - (b) the form and content of, and the procedure in relation to, schemes under this section,
  - (c) the functions of a community health partnership and the exercise of those functions,
  - (d) the application in relation to joint community health partnerships, with such modifications as may be specified, of the provisions of this Act, and any provision made under this Act, so far as applying in relation to community health partnerships,
  - (e) such other matters with respect to community health partnerships as the Scottish Ministers think fit.
- (7) The Scottish Ministers may, after consulting such persons as they think fit, issue guidance about community health partnerships and shall publish such guidance.
- (8) For the purposes of establishing a joint community health partnership in pursuance of section 4A(3), any power to appoint committees conferred on Health Boards by virtue of this Act shall include power for two or more Health Boards jointly to appoint joint committees.
- (9) Nothing in section 4A or this section affects the extent of any power under this Act so far as relating to committees or sub-committees of Health Boards.]

#### Textual Amendments

- F1** Ss. 4A, 4B inserted (1.9.2004 for certain purposes otherwise 30.9.2004) by [National Health Service Reform \(Scotland\) Act 2004 \(asp 7\)](#), [ss. 2, 12\(1\)](#); [S.S.I. 2004/361](#), [art. 2\(a\)\(ii\)\(b\)\(ii\)](#)

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