
STATUTORY INSTRUMENTS

1991 No. 570

The Functions of Health Boards (Scotland) Order 1991

Persons for whose health care each Health Board is responsible

2.—(1) In exercising the functions conferred on then under this Order it shall be a function of each Health Board to provide for the health care—

- (a) in so far as that health care consists of providing or securing the provision to patients of goods and services, other than those specified in sub-paragraph (b) of this paragraph, for of—
 - (i) persons who reside ordinarily in its area; and
 - (ii) persons who reside ordinarily outside the United Kingdom who are in its area; and
 - (b) in so far as that health care consists of providing or securing the provision of—
 - (i) accident and emergency services; and
 - (ii) any other services, as the Secretary of State may direct, which are needed for any individual whose condition is such that it is not practicable before providing them to enter into an NHS contract for their provision,
- for all persons in the area of the Health Board.

(2) Subject to any directions which the Secretary of State may give as to any particular case or class of case^{MI}, for the purpose of determining where a person ordinarily resides for the purposes of paragraph (1)(a) —

- (a) where it is unclear as to where he ordinarily resides he shall be treated as ordinarily residing at the address which he gives to the Health Board which provides him with health care as being that at which he ordinarily resides;
- (b) where there is no evidence of his present address he shall be treated as ordinarily residing at his most recent address and, where there is any doubt as to this, he shall be treated as ordinarily residing at the address which he gives to that Health Board as his most recent address;
- (c) where the address at which he usually resides cannot be determined under paragraphs (a) and (b) above he shall be treated as ordinarily residing in the area in which he is present.

(3) In this article references to accident and emergency services are references to health care provided for a person who after an accident, or in an emergency, requires immediate treatment at a hospital where that treatment is provided in a department of a hospital which administers accident or emergency services excluding any in-patient or out-patient treatment provided subsequently for such a person and connected with the provision of those services,

(4) In paragraph (3)—

- (a) “in-patient” means a patient who has been admitted to hospital and who spends at least one night in hospital (other than for overnight observation); and
- (b) “out-patient” means any patient attending a hospital other than as an in-patient.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Functions of Health Boards (Scotland) Order 1991. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Marginal Citations

- M1** [Section 2\(5\)](#) of the Act, which contains a power to direct Health Boards as to the carrying out of their functions, was amended by the 1990 Act, Schedule 9, paragraph 19(1).

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Changes and effects yet to be applied to :

- art. 2 applied by [S.S.I. 2003/376 reg. 12\(2\)](#)
- art. 2(1)(a) word omitted by [S.S.I. 2017/304 art. 2\(2\)\(a\)\(ii\)](#)
- art. 2(1)(a) words inserted by [S.S.I. 2017/304 art. 2\(2\)\(a\)\(i\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 2(1)(c) and word inserted by [S.S.I. 2017/304 art. 2\(2\)\(b\)](#)
- art. 2(1)(ba) inserted by [2021 asp 3 sch. para. 2\(3\)\(a\)](#)
- art. 2(2A) inserted by [S.S.I. 2017/304 art. 2\(2\)\(c\)](#)
- art. 2(3A) inserted by [2021 asp 3 sch. para. 2\(3\)\(b\)](#)
- art. 3(1A) inserted by [2021 asp 3 sch. para. 2\(4\)\(b\)](#)
- art. 3(5) inserted by [S.S.I. 2017/304 art. 2\(3\)](#)
- art. 4(ba) inserted by [S.S.I. 2006/132 art. 2\(2\)](#)
- art. 4(ea)(eb) inserted by [S.S.I. 2006/132 art. 2\(3\)](#)
- art. 4(ja) inserted by [S.S.I. 2018/27 art. 2](#)
- art. 4(qa) inserted by [S.S.I. 2006/132 art. 2\(4\)](#)
- art. 5(4)(e) and word inserted by [S.S.I. 2011/211 Sch. 2 para. 14\(b\)](#)