



The Scottish Parliament
Pàrlamaid na h-Alba

Published 1 November 2017
SP Paper 221
12th Report, 2017 (Session 5)

Health and Sport Committee Comataidh Slàinte is Spòrs

Health and Sport Committee: Functions of Health Boards (Scotland) Amendment Order 2017 (SSI 2017/304)



Published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish
Parliament website at:
[http://www.parliament.scot/abouttheparliament/
91279.aspx](http://www.parliament.scot/abouttheparliament/91279.aspx)

For information on the Scottish Parliament contact
Public Information on:
Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@parliament.scot

Contents

Introduction	1
Delegated Powers and Law Reform Committee Consideration	2
Motion to Annul	3

Health and Sport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Sport.



<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/health-committee.aspx>



healthandsport@parliament.scot



0131 348 5524

Committee Membership



Convener
Neil Findlay
Scottish Labour



Deputy Convener
Clare Haughey
Scottish National Party



Tom Arthur
Scottish National Party



Miles Briggs
Scottish Conservative
and Unionist Party



Alex Cole-Hamilton
Scottish Liberal
Democrats



Jenny Gilruth
Scottish National Party



Alison Johnstone
Scottish Green Party



Ivan McKee
Scottish National Party



Colin Smyth
Scottish Labour



Maree Todd
Scottish National Party



Brian Whittle
Scottish Conservative
and Unionist Party

Introduction

1. The Functions of Health Boards (Scotland) Amendment Order 2017 (SSI 2017/304) was laid on 21st September 2017. The Order was subject to negative procedure.
2. The Order was made under section 105(2) of the National Health Service (Scotland) Act 1978.
3. The Order amends the Functions of Health Boards (Scotland) Order 1991 (“the 1991 Order”). Article 2 of the 1991 Order describes the persons for whose health care each Health Board is responsible. Article 2 is amended by this Order to provide that Health Boards are responsible for providing, or securing the provision of, abortion services to women who reside ordinarily in Northern Ireland but who present for treatment in the Health Board’s area. “Abortion services” is defined at new paragraph (2A) of article 2 and includes the provision of advice and information and the medical examination of the patient as well as associated contraceptive and sexual health services.
4. Article 2(3) of the Order amends article 3 of the 1991 Order and provides that Health Boards may make arrangements to secure the provision of abortion services to women for whom they are responsible by virtue of the amendments made by this Order.

Delegated Powers and Law Reform Committee Consideration

5. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on 3 October 2017. The Committee determined that it did not need to draw the attention of the Parliament to this instrument on any grounds within its remit.

Motion to Annul

6. On 26 October 2017, Jeremy Balfour lodged motion S5M-08451 to annul the Order.
7. The Health and Sport Committee considered the Order at its meeting on 31 October 2017 and took evidence from Aileen Campbell, Minister for Public Health and Sport, Mary Stewart, Team Leader, Health Protection Division and Lindsay Anderson, Solicitor, all Scottish Government.
8. The Committee's debate on the Order can be found in the Official Report for its meeting on its [web pages](#).
9. Jeremy Balfour withdrew motion S5M-08451.
10. The Committee agreed to make no recommendation in relation to the Order.

