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Health and Sport Committee Comataidh Slàinte is Spòrs

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Health and Sport Committee

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



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Scottish Conservative
and Unionist Party



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Scottish Conservative
and Unionist Party



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Scottish National Party



Colin Smyth
Scottish Labour



Maree Todd
Scottish National Party

Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment Regulations 2017 [draft]

The Committee reports to Parliament as follows-

1. The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment Regulations 2017 [draft] was laid before the Parliament on 24 April 2017 and referred to the Health and Sport Committee.
2. The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment Regulations 2017 [draft] is subject to affirmative procedure (Rule 10.6). It is for the Health and Sport Committee to recommend to Parliament whether the Regulations should be approved.
3. These regulations are made in exercise of the powers conferred by section 1(7) of the Public Bodies (Joint Working) (Scotland) Act 2014 ("the Act"). This instrument is subject to the affirmative procedure (Rule 10.06).
4. The Act requires that Health Boards and local authorities agree arrangements for joint working in relation to certain statutory functions. Certain statutory functions may be delegated to the bodies responsible for delivering the joint working arrangements (generally known as "integration joint boards"), and certain functions can be prescribed as mandatory for delegation. The purpose of these amending regulations is to specify the function on a local authority to prepare local eligibility criteria under section 21 of the Carers (Scotland) Act 2016 as one which must be delegated to integration joint boards.
5. Section 21 of the Carers (Scotland) Act 2016 requires that local authorities must set local eligibility criteria which applies to its area. This is the criteria which a local authority must use to determine whether it is required to provide support to carers to meet carers' identified needs.
6. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on 2 May 2017 and agreed that it did not need to draw it to the attention of the Parliament on any grounds within its remit.

[Delegated Powers and Law Reform Committee, 23rd Report, 2017 \(Session 5\)](#)

7. At the Health and Sport Committee's 13th meeting, on 16 May 2017, the Committee took evidence on the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment Regulations 2017 [draft] from—
 - Shona Robson, Cabinet Secretary for Health and Sport;
 - Peter Stapleton, Carers Act Implementation Manager; and
 - Kate Walker, Principal Legal Officer, Scottish Government.

8. Motion S5M-05457 was lodged by Shona Robison, Cabinet Secretary for Health and Sport. Following the evidence session, Shona Robison moved the motion S5M-05457—

That the Health and Sport Committee recommends that the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment Regulations 2017 [draft] be approved.

The motion was agreed to.

9. The evidence taken and debate held can be found in the Official Report [16 May 2017](#).

10. The Health and Sport Committee recommends to Parliament that the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment Regulations 2017 [draft] be approved.

