

Health, Social Care and Sport Committee
Tuesday, 6 January 2026
1st Meeting, 2026 (Session 6)

Note by the Clerk on the Common Services Agency (Membership and Procedure) Amendment (Scotland) Regulations 2025 (2025/387)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to the negative procedure. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

Title of instrument: [Common Services Agency \(Membership and Procedure\) Amendment \(Scotland\) Regulations 2025 \(SSI 2025/387\)](#)

Laid under: [National Health Service \(Scotland\) Act 1978](#)

Laid on: 8 December 2025

Procedure: Negative

Deadline for committee consideration: 26 January 2026 (Advisory deadline for any committee report to be published)

Deadline for Chamber consideration: 1 February 2026 (Statutory 40-day deadline for any decision whether to annul the instrument)

Commencement: 2 February 2026

Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a

meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee considered the instrument on 16 December 2025 and reported on it in its [95th Report, 2025](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

8. The purpose of this instrument (“the Regulations”) is to bring the Common Services Agency governance framework into line with the provisions applied to other Health Boards and Special Health Boards by inserting updated provisions on resignation, suspension, and disqualification into the Common Services Agency (Membership and Procedure) Regulations 1991 (“the 1991 Regulations”). These amendments provide the Scottish Ministers with appropriate oversight powers, strengthen public confidence, and modernise the framework in line with current expectations of good governance. The Regulations also modernise the wording of the Common Services Agency (Membership and Procedure) Regulations 1991.
9. The Policy Note accompanying the instrument is included in the annexe. It includes a summary of consultation undertaken on the instrument and the anticipated financial effects. The following impact assessments have been carried out:
 - [child rights and wellbeing impact assessment \(CRWIA\)](#)
 - [equalities impact assessment \(EQIA\)](#).

Committee consideration

10. So far, no motion recommending annulment has been lodged.
11. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:
 - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
 - inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

12. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).
13. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

Clerks to the Committee
December 2025

Annexe A: Scottish Government Policy Note

POLICY NOTE

THE COMMON SERVICES AGENCY (MEMBERSHIP AND PROCEDURE) AMENDMENT (SCOTLAND) REGULATIONS 2025

SSI 2025/387

The above instrument was made in exercise of the powers conferred by sections 10(2), 105(7) and 108(1), and paragraph 8 of schedule 5, of the National Health Service (Scotland) Act 1978 and all other powers enabling them to do so. The instrument is subject to negative procedure.

Summary Box

The purpose of this instrument (“the Regulations”) is to bring the Common Services Agency governance framework into line with the provisions applied to other Health Boards and Special Health Boards by inserting updated provisions on resignation, suspension, and disqualification into the Common Services Agency (Membership and Procedure) Regulations 1991 (“the 1991 Regulations”). These amendments provide the Scottish Ministers with appropriate oversight powers, strengthen public confidence, and modernise the framework in line with current expectations of good governance. The Regulations also modernise the wording of the Common Services Agency (Membership and Procedure) Regulations 1991.

Policy Objectives

The Regulations amend the Common Services Agency (Membership and Procedure) Regulations 1991 (S.S.I. 1991/564) to bring the legal framework for membership of the Common Services Agency (“CSA”) into line with that applying to Health Boards and Special Health Boards. This will modernise the resignation, suspension and disqualification provisions which apply to the CSA to align it with current public appointments practice.

It reflects a wider ambition to ensure consistent and modern governance across national NHS bodies.

This aligns with the Scottish Government’s commitment to promoting collaboration across NHS Scotland, enhancing decision-making on health education, workforce planning and service delivery.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children’s rights. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, The Common Services Agency (Membership and Procedure)

Amendment (Scotland) Regulations 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU. Consultation There is no statutory requirement to consult on this instrument. The primary purpose of the amendment is to bring the Common Services Agency governance framework into line with the provisions applied to other Health Boards and Special Health Boards.

Impact Assessments

The Scottish Government has considered a series of impact assessments related to these regulations and concluded that only an Equality Impact Assessment and a Child Rights and Wellbeing Assessment were required.

Equality Impact Assessment – the Scottish Government is satisfied that there is no clear indication that the proposed regulations are likely to have major impacts on groups with protected characteristics. No changes to the regulations have therefore been required as a result of the equality impact assessment.

Child Rights and Wellbeing – A CRWIA has been carried out and is provided with this instrument. The Scottish Government has concluded the Regulations do not make specific provision with regard to children; they do not impact directly on children, nor do they have any differential impact on children, direct or indirect. It is considered therefore that the overall impact of the Regulations on children's rights is neutral.

Financial Effects

The Cabinet Secretary for Health and Social Care confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Health Workforce Directorate
December 2025