



# Consumer Scotland Act 2020

## 2020 asp 11

### PART 2

#### CONSUMER INTERESTS

#### **21 Duty to have regard to consumer interests**

- (1) A relevant public authority must, when making decisions of a strategic nature about how to exercise its functions, have regard to—
  - (a) the impact of those decisions on consumers in Scotland, and
  - (b) the desirability of reducing harm to consumers in Scotland.
- (2) For the purpose of this section and sections 22 and 23, “relevant public authority” means a person with functions of a public nature who is specified (by name or description) in regulations made by the Scottish Ministers.
- (3) Regulations under subsection (2) may specify a person—
  - (a) in relation to the exercise of all of the person’s functions, or
  - (b) in respect of the exercise of certain specified functions only.
- (4) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (2) before the Scottish Parliament, the Scottish Ministers must consult such persons as they consider appropriate.
- (5) Where the Scottish Ministers propose to specify a person under subsection (2) who is not currently a relevant public authority, the persons consulted under subsection (4) must include the person whom they propose to specify.

#### **22 Guidance about section 21 duty**

- (1) Consumer Scotland may, with the approval of the Scottish Ministers, issue guidance about the duty imposed under section 21.
- (2) A relevant public authority must have regard to any guidance issued under subsection (1).
- (3) Before issuing guidance under subsection (1), Consumer Scotland must consult such persons as it considers appropriate.

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*Status: This is the original version (as it was originally enacted).*

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- (4) The persons consulted under subsection (3) must include all relevant public authorities to whom the guidance is addressed.
- (5) Guidance under subsection (1) may be addressed to—
  - (a) one or more relevant public authorities identified in the guidance, or
  - (b) all relevant public authorities.
- (6) Consumer Scotland must make guidance issued under subsection (1) publicly available.
- (7) The power to issue guidance under subsection (1) includes the power to—
  - (a) issue guidance which varies guidance issued under that subsection,
  - (b) revoke guidance issued under that subsection.

### **23 Reporting on section 21 duty**

- (1) A relevant public authority must publish information about the steps which it has taken to comply with the duty imposed under section 21.
- (2) In complying with subsection (1), a relevant public authority—
  - (a) may publish the information—
    - (i) in relation to such period as it determines of up to a maximum of 12 months,
    - (ii) in such manner as it considers appropriate (for example, in an annual or other report),
  - (b) must publish the information no later than 12 months after the end of period to which it relates.
- (3) Regulations under section 21(2) may specify relevant public authorities to which this section does not apply.