



Community Empowerment (Scotland) Act 2015

2015 asp 6

PART 3

PARTICIPATION REQUESTS

Key definitions

21 Meaning of “public service authority”

- (1) In this Part, “public service authority” means—
 - (a) a person listed, or of a description listed, in schedule 2, or
 - (b) a person mentioned in subsection (3).
- (2) The Scottish Ministers may by order modify schedule 2 so as to—
 - (a) remove an entry listed in it,
 - (b) amend an entry listed in it.
- (3) The person is a person—
 - (a) that is designated as a public service authority by an order made by the Scottish Ministers for the purposes of this Part, or
 - (b) that falls within a class of persons designated as public service authorities by such an order for the purposes of this Part.
- (4) An order under subsection (3) may designate a person, or class of persons, only if the person, or (as the case may be) each of the persons falling within the class, is—
 - (a) a part of the Scottish Administration,
 - (b) a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998), or
 - (c) a publicly-owned company.
- (5) In subsection (4)(c), “publicly-owned company” means a company that is wholly owned by one or more public service authorities.

Status: This is the original version (as it was originally enacted).

- (6) For that purpose, a company is wholly owned by one or more public service authorities if it has no members other than—
- (a) the public service authority or (as the case may be) authorities,
 - (b) other companies that are wholly owned by the public service authority or (as the case may be) authorities, or
 - (c) persons acting on behalf of—
 - (i) the public service authority or (as the case may be) authorities, or
 - (ii) such other companies.
- (7) In this section, “company” includes any body corporate.
- (8) Subsection (9) applies where the Scottish Ministers make an order under subsection (3).
- (9) The Scottish Ministers may specify in the order a public service that is or may be provided by or on behalf of the person designated, or (as the case may be) a person falling within the class designated, in respect of which a specified outcome may not be specified in a participation request.