

EXECUTIVE NOTE

The Electronic Communications (Scotland) Order 2006 (S.S.I./Draft)

The above instrument is made in exercise of the powers conferred on Scottish Ministers by sections 8 and 9 of the Electronic Communications Act 2000 and with the consent of the Secretary of State in accordance with section 9(7)(c) of that Act. The instrument is subject to affirmative resolution procedure.

As different subject areas (and related departments) are affected by the Order, the direction of the Subordinate Legislation Committee may be required to identify the lead committee for this Order.

Policy Objectives

The purpose of this instrument is to use the powers contained in the Electronic Communications Act 2000 to amend 7 pieces of legislation to enable the use of electronic communications.

The policy objective is to increase the use of electronic communications as an alternative to existing forms of transferring information and promote the use of electronic service delivery. The changes provide more choice for those that want it and offer more effective and efficient service delivery where it is reasonable to do so.

At present some legislation is unclear as to whether electronic communications are acceptable or suggest that only hardcopy transactions can be used. To put this beyond doubt section 8 of the Electronic Communications Act 2000 is being used to facilitate the necessary changes to legislation. Further amendments will be taken forward independently by some Scottish Executive departments.

The proposed amendments are also a response to the increasing use, reliance on and demand for electronic transactions which are promoted in the European Union by the Directive 1999/93 and in domestic legislation by the Electronic Communications Act 2000.

Other similar changes have been brought forward in separate instruments, for instance in the Non-Domestic Rating (Electronic Communications) (Scotland) Order 2006 (S.S.I. 2006/201).

Consultation

Consultation took place between 24 February and 21 April 2006 and stakeholders commented on the principle of using electronic communications. Stakeholders welcomed the proposals to enable the use of electronic communications as an addition to existing methods of exchanging information.

Financial Implications

Electronic transactions are more cost effective and efficient than paper based transactions and organisations using and promoting electronic communications will realise less costs as a result.

Scottish Executive, Finance & Central Services Department
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