

## EXECUTIVE NOTE

### THE PUBLIC SERVICES REFORM (SCOTLAND) ACT 2010 (CONSEQUENTIAL MODIFICATIONS) ORDER 2010 SSI 2010/222

The above instrument is made in exercise of powers conferred on the Scottish Ministers by sections 132 and 133(1) of the Public Services Reform (Scotland) Act 2010. It is subject to the negative resolution procedure.

The instrument amends certain statutory instruments in consequence of the commencement of specific provisions of the Public Services Reform (Scotland) Act 2010 (“the Act”).

#### Policy objectives

The purpose of the Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2010 is to amend certain pieces of secondary legislation in consequence of the coming into force of the provisions in Part 4 and schedules 9 and 10 of the Act on 1 July 2010 and certain other provisions on 1 August 2010. These amendments will apply from 1 August 2010 when the relevant corresponding provisions of the Act have been commenced.

The amendments are required to remove references and amend certain provisions relating to bodies dissolved or significantly affected by the above provisions of the Act:

**Articles 2 and 3** remove references to the Scottish Records Advisory Council in the Disposal of Court Records (Scotland) Regulations 1990 and the Disposal of Court Records (Scotland) Regulations 1992 in consequence of section 4 of the Act;

**Article 4** removes references to various bodies in the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2001 in consequence of sections 2, 4, 5, 6, 7, 41 and 42 of the Act;

**Article 6** revokes the Building Standards Advisory Committee (Scotland) Regulations 2004 in consequence of section 6 of the Act;

**Articles 7 and 11** remove references to the Deer Commission for Scotland in the Nature Conservation (Designation of Relevant Regulatory Authorities) (Scotland) Regulations 2004 and the Public Contracts (Scotland) Regulations 2006 in consequence of section 1 of the Act;

**Article 9** removes reference to Scottish Screen in the Public Finance and Accountability (Scotland) Act 2000 (Economy, efficiency and effectiveness examinations) (Specified bodies etc.) Order 2004 in consequence of section 42 of the Act;

**Article 10** removes references to various bodies in the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Codes of Conduct for Members of certain Scottish Public Authorities) Order 2006 in consequence of sections 2, 4 and 5 of the Act;

**Article 12** removes reference to the Scottish Arts Council in the Protection of Charities Assets (Exemption) (Scotland) Order 2006 in consequence of section 41 of the Act. The 2006 Order exempts the Scottish Arts Council and Scottish Screen from the requirements of section 19 of the Charities and Trustee Investment (Scotland) Act 2005. Amongst other

things, section 19 of the 2005 Act locks the assets of any body removed from the Scottish Charity Register into charitable purposes. Scottish Screen ceased to have charitable status in 2009 and, notwithstanding section 42 of the Act, it is necessary for the entry relating to Scottish Screen to remain in the 2006 Order until the company is dissolved;

**Articles 5, 8 and 13** replace references to the ‘Deer Commission Scotland’ with ‘Scottish Natural Heritage’ in the Rural Stewardship Scheme (Scotland) Regulations 2001, the Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2004, and the Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008 in consequence of section 1 of the Act.

### **Regulatory Impact**

No regulatory impact assessment is required. The changes in the order are technical and have no impact on business.

### **Consultation**

No consultation was undertaken on this Order. Consultation undertaken prior to the Parliamentary progress of the Public Services Reform (Scotland) Bill is set out in the [Policy Memorandum](#) accompanying the Bill.

### **Financial Effects**

These consequential modifications are not expected to have any financial effects in themselves. The financial effects of the dissolutions which necessitate the modifications were covered in the [Financial Memorandum](#) accompanying the Bill, starting at page 56.

Public Bodies Directorate  
June 2010