

POLICY NOTE

THE ETHICAL STANDARDS IN PUBLIC LIFE ETC. (SCOTLAND) ACT 2000 (CODES OF CONDUCT FOR MEMBERS OF CERTAIN SCOTTISH PUBLIC AUTHORITIES) AMENDMENT ORDER 2024

SSI 2024/39

The above instrument was made in exercise of the powers conferred by section 32(1) of the Ethical Standards in Public Life etc. (Scotland) Act 2000. The instrument is subject to negative procedure.

Summary Box

<p>This instrument inserts the National Smart Ticketing Advisory Board (“the Board”) into the list of Scottish public authorities that are subject to the provision of Part 4 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.</p>

Policy Objectives

The Board was established by the National Smart Ticketing Advisory Board (Scotland) Regulations 2023, in fulfilment of a requirement imposed on the Scottish Ministers by section 43 of the Transport (Scotland) Act 2019 to establish an advisory committee to be known as the National Smart Ticketing Advisory Board. The function of the Board is to advise the Scottish Ministers in relation to their functions insofar as they relate to smart ticketing arrangements, and the national technological standard for smart ticketing. The Board also has the function of issuing advice and recommendations to the Scottish Ministers in relation to the strategic development of smart ticketing in Scotland. All members are appointed for a period by the Scottish Ministers. The Board is a new public body and it is intended that it should be subject to the same scrutiny and regulation as existing, similar bodies.

This instrument will subject the Board to Part 4 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

In terms of Part 4, the Scottish Ministers will be required to issue a code of conduct for members of the Board. Members will be under a duty to have regard to the relevant code. The Scottish Ministers must have regard to the members’ model code when issuing a code of conduct.

Unlike those public bodies which are included in Schedule 3 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, the members of the Board will not be subject to investigation by the Commissioner for Ethical Standards in Public Life in Scotland or to sanction by the Standards Commission for Scotland. This is keeping in line with the principle of proportionality. This instrument, and the code of conduct which will be issued in consequence of this instrument, will provide for: increased openness and transparency (through a registration of interests); a clear understanding of what is expected of members in their conduct in the performance of their duties; and a cohesive set of standards for those subject to the code of conduct.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

The Board has been made aware of the Scottish Ministers' proposal to make it subject to the Ethical Standards in Public Life etc. (Scotland) Act 2000, and members are aware of their duty to have regard to any relevant code issued by the Scottish Ministers in accordance with the Act.

Impact Assessments

No impact assessments have been completed for this Order. This Order adds the Board to the list of Scottish public authorities that are subject to Part 4 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, and it does not have any impacts with regards to finance, equality, child rights, island communities, inequalities, or the environment.

Financial Effects

The Minister for Transport confirms that no Business and Regulatory Impact Assessment is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Bus, Accessibility and Active Travel Directorate

February 2024