

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in relation to the British Library Board, the Theatres Trust and the Trustees of the National Heritage Memorial Fund, all of which are specified as cross-border public authorities by the Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999 (S.I.1999/1319).

In relation to the British Library Board, it provides (in article 2) that one part-time member shall be a person appearing to the Secretary of State to have special knowledge of Scotland. In relation to the Theatres Trust, it provides (in article 3) that one of the trustees shall be a person who appears to the Secretary of State to have special knowledge of Scotland. In both cases, the member or trustee concerned shall be appointed only after consultation with the Scottish Ministers. To effect the transition to the new constitutional arrangements for these bodies, the Secretary of State will (pursuant to article 6(2)) designate an existing member of the bodies to be the one whose successor will be appointed under the new arrangements.

There is already a requirement, in section 1(3) of the National Heritage Act 1980 (c. 17), that the persons appointed by the Prime Minister as trustees of the National Heritage Memorial Fund should include those connected by residence or otherwise with Scotland. The Order provides (in article 4) that, before a person is appointed as chairman or as trustee on the ground that he is so connected with Scotland, and before terminating (on grounds of misconduct) the appointment of a person so appointed, the Prime Minister shall consult the Scottish Ministers.

Accordingly, the Order also provides (in article 5) that section 88(2)(a) of the Scotland Act 1998 (c. 46) (which requires a Minister of the Crown to consult the Scottish Ministers before appointing or removing any member etc. of a cross-border public authority) shall not apply to these bodies.