

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision consequential on the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (“the Act”). The Act establishes Environmental Standards Scotland (“ESS”) and makes provision about its functions. ESS is known as Ìrean Àrainneachdail na h-Alba in Gaelic.

Articles 2 and 3 make ESS part of the Scottish Administration. Accordingly, ESS will be a Non-Ministerial Office accountable to the Scottish Parliament.

Article 3 provides that the Crown Suits (Scotland) Act 1857 does not apply to ESS with the effect that the Lord Advocate cannot be sued in place of ESS.

Article 4 inserts a reference to ESS into the House of Commons Disqualification Act 1975 to disqualify members of the ESS from being members of the House of Commons.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.