



Public Services Reform (Scotland) Act 2010 2010 asp 8

PUBLIC SERVICES REFORM (SCOTLAND) ACT 2010

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Public Services Reform (Scotland) Act 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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SCHEDULE 1 — Deer Commission for Scotland: modifications of enactments

Natural Heritage (Scotland) Act 1991 (c. 28)

- 1 The Natural Heritage (Scotland) Act 1991 is amended as follows....
- 2 In section 1 (establishment of Scottish Natural Heritage)—
- 3 In section 2 (general functions of SNH), in subsection (1)—...
- 4 In section 3 (duty to take account of certain matters),...

Deer (Scotland) Act 1996 (c. 58)

- 5 The Deer (Scotland) Act 1996 is amended as follows.
- 6 For “the Commission” and “the Commission's”, wherever those words occur...
- 7 For the title of Part 1 substitute “ Scottish Natural...
- 8 (1) Section 1 (the Deer Commission for Scotland) is amended...
- 9 In section 2 (advice and annual reports)—
- 10 In section 3 (power to facilitate exercise of functions)—
- 11 In section 4 (appointment of panels)— (a) in subsection (1),...
- 12 In section 5 (close seasons)— (a) in subsection (3), for...
- 13 In section 7 (control agreements)— (a) in subsection (1)—
- 14 In section 8 (control schemes)— (a) in subsection (1)—
- 15 In section 9 (recovery of control scheme expenses)—
- 16 In section 10 (emergency measures)— (a) in subsection (1)—
- 17 In section 11 (application of section 10 in relation to...
- 18 In section 12 (power to provide services and equipment etc.)—...
- 19 In section 15 (power to enter on land), in subsection...
- 20 In section 16 (service of notices), in subsection (5), for...
- 21 In section 18 (taking or killing deer at night), in...
- 22 In section 37 (restrictions on granting certain authorisations)—
- 23 In section 39 (disposal of deer killed under authority), for...
- 24 In section 40 (returns of number of deer killed), in...
- 25 Section 46 (financial provisions) is repealed.
- 26 (1) Schedule 1 (Deer Commission for Scotland: supplementary provisions) is...
- 27 In Schedule 2 (control schemes), in paragraph 1—

Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

- 28 In schedule 3 to the Ethical Standards in Public Life...

Scottish Public Services Ombudsman Act 2002 (asp 11)

- 29 In schedule 2 to the Scottish Public Services Ombudsman Act...

Freedom of Information (Scotland) Act 2002 (asp 13)

- 30 In schedule 1 to the Freedom of Information (Scotland) Act...

Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)

- 31 In schedule 2 to the Public Appointments and Public Bodies...

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SCHEDULE 2 — Transfer of Waterwatch Scotland functions: modifications of enactments

Part 1 — AMENDMENTS

Water Industry (Scotland) Act 2002 (asp 3)

- 1 The Water Industry (Scotland) Act 2002 is amended as follows...
- 2 After section 2 (Water Customer Consultation Panels) insert— National Consumer...
- 3 In section 4 (power of the Commission to require information)...
- 4 In section 5 (annual reports by, and information from, the...
- 5 In section 6 (funding of the Commission), after subsection (2)...
- 6 In the title to section 6 (funding of the Commission),...
- 7 In the title to Part 1 (Water Industry Commission and...
- 8 In section 27 (approval of customer standards code)—
- 9 In section 28 (consultation code), in subsection (3)(a)—
- 10 In section 29B (determination of maximum charges), in subsection (4) (a),...
- 11 In section 29D(5) (statements regarding charges), for paragraph (b) substitute—...
- 12 In section 56A (directions may set objectives), in subsection (4),...
- 13 In section 57 (information and reports), in subsection (6)(a), for...

Water Services etc. (Scotland) Act 2005 (asp 3)

- 14 In section 19 of the Water Services etc. (Scotland) Act...

Consumers, Estate Agents and Redress Act 2007 (c. 17)

- 15 The Consumers, Estate Agents and Redress Act 2007 is amended...
- 16 In section 2 (the territorial committees), in subsection (1)(a)—
- 17 After section 7 (annual report), insert— Annual report on Scottish...
- 18 After section 20 (duty to enter into co-operation arrangements) insert —...
- 19 In section 24(9) (provision of information to the Council), after...
- 20 In section 25 (enforcement by regulator of Council notice requiring...

Part 2 — REPEALS

- 21 The enactments referred to in the first column of the...

SCHEDULE 3 — Dissolution of Waterwatch Scotland: arrangements for staff, property etc.

Transfer of staff

- 1 With effect from the date on which section 3 comes...
- 2 (1) With effect from the date on which section 3...
- 3 (1) This paragraph applies to any person who—
- 4 The contract of employment of a person transferred by virtue...
- 5 Without prejudice to paragraph 4, where a person is transferred—...
- 6 Paragraphs 1 to 5 do not affect any right of...

Transfer of property etc.

- 7 (1) With effect from the date on which section 3(1)...

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Transfer of undetermined complaints

8 (1) This paragraph applies in relation to any complaint (“an...

SCHEDULE 4 — Regulation of officers of court: modifications of enactments

Part 1 — AMENDMENTS

Debtors (Scotland) Act 1987 (c. 18)

- 1 Part 5 of the Debtors (Scotland) Act 1987 is amended...
- 2 In section 75 (regulation of organisation, training, conduct and procedure...
- 3 In section 76 (Advisory Council on Messengers-at Arms and Sheriff...
- 4 In section 79 (investigation of alleged misconduct)—
- 5 In section 80 (courts' powers in relation to offences or...
- 6 In section 81 (provisions supplementary to section 80)—
- 7 (1) In section 82 (appeals from certain decisions)—
- 8 After section 86 insert— Electronic communications In this Part, any reference to an admission in writing...

Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3)

- 9 The Bankruptcy and Diligence etc. (Scotland) Act 2007 is amended...
 - 10 For the title of Part 3 (“Enforcement”) substitute “ Officers...
 - 11 (1) In section 51 (information and annual report)—
 - 12 In section 53 (published information not to enable identification)—
 - 13 (1) In section 61 (regulation of judicial officers)—
 - 14 (1) In section 62 (duty to notify Commission of bankruptcy...
 - 15 (1) In section 63 (judicial officers' professional association)—
 - 16 After section 63 insert— Code of practice (1) The professional association— (a) must prepare and publish a...
 - 17 (1) In section 64 (duty of professional association to forward...
 - 18 In section 65 (information from professional association)—
 - 19 After section 65 insert— Annual fee for officers of court...
 - 20 (1) In section 66 (inspection of judicial officer)—
 - 21 (1) In section 75 (judicial officer's action void where officer...
 - 22 In section 77 (effect of code of practice)—
 - 23 In section 78 (electronic publications and communications) the words “admission...
 - 24 (1) In the provisions listed in sub-paragraph (2) for “judicial...
 - 25 In— (a) sections 117(4), 121(1), 139(1)(c), 157(1)(b) and 183(1)(a), and...
 - 26 In section 128(1) (interpretation of Chapter 2 of Part 4),...
 - 27 In section 145(1) (interpretation of Chapter 3 of Part 4),...
 - 28 In section 178(1) (presumption of ownership), for “A judicial officer”...
 - 29 In section 198(1) (interpretation of Part 8), after the definition...
 - 30 In section 221 (interpretation), after the definition of “electronic communication”...
 - 31 In schedule 5 (minor and consequential amendments), in sub-sub-paragraph (c)...
 - 32 In Part 1 of schedule 6 (repeals and revocations), in...
- Part 2 — REPEALS
- 33 The enactments mentioned in the first column of the following...

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SCHEDULE 5 — Improvement of public functions: listed bodies

Scottish Administration

The Scottish Ministers Any other office-holder in the Scottish Administration...

Scottish public authorities with mixed functions or no reserved functions

Accounts Commission for Scotland ... Architecture and Design Scotland Bòrd...

Cross-border public authorities

Forestry Commissioners

SCHEDULE 6 — Part 2 order-making powers (request and consent): listed bodies

Commissioner for Ethical Standards in Public Life in Scotland
Commissioner...

SCHEDULE 7 — Order-making powers: modifications of enactments

Deregulation and Contracting Out Act 1994 (c. 40)

1 (1) The Deregulation and Contracting Out Act 1994 is amended...

Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40)

2 In Schedule 4 to the Criminal Procedure (Consequential Provisions) (Scotland)...

SCHEDULE 8 — Information on exercise of public functions: listed public bodies

The Scottish Ministers Accountant in Bankruptcy Accounts
Commission for Scotland...

SCHEDULE 9 — Creative Scotland: establishment etc.

Status

1 (1) Creative Scotland is a body corporate.

Membership of Creative Scotland

2 (1) Creative Scotland is to consist of the following members—...

Terms of appointment etc.

3 (1) Each member of Creative Scotland is to be appointed...

Removal of members

4 The Scottish Ministers may, by written notice, remove a member...

Disqualification from membership

5 A person is disqualified from appointment, and from holding office,...

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Remuneration and allowances for members

6 Creative Scotland must pay to each of its members such—...

Chief executive and other employees

7 (1) Creative Scotland is to employ a chief executive.

Committees

8 (1) Creative Scotland may establish committees for any purpose relating...

Procedure and meetings

9 (1) Creative Scotland may determine its own procedure and that...

General powers

10 (1) Creative Scotland may do anything which appears to be...

Delegation of functions

11 (1) Creative Scotland may, subject to sub-paragraphs (2) and (3),...

Location of office

12 Creative Scotland's determination of the location of its office premises...

Accounts

13 (1) Creative Scotland must— (a) keep proper accounts and accounting...

Reports

14 (1) As soon as practicable after the end of each...

SCHEDULE 10 — Creative Scotland: modifications of enactments

Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

1 In the Ethical Standards in Public Life etc. (Scotland) Act...

Scottish Public Services Ombudsman Act 2002 (asp 11)

2 In the Scottish Public Services Ombudsman Act 2002, in schedule...

Freedom of Information (Scotland) Act 2002 (asp 13)

3 In the Freedom of Information (Scotland) Act 2002, in schedule...

Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)

4 In the Public Appointments and Public Bodies etc. (Scotland) Act...

SCHEDULE 11 — Social Care and Social Work Improvement Scotland: establishment etc.

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Status

1 (1) Social Care and Social Work Improvement Scotland is a...

Membership of SCSWIS

2 (1) SCSWIS is to consist of the following members—

3 (1) In appointing members, the Scottish Ministers are to have...

Terms of appointment etc.

4 (1) Each member of SCSWIS is to be appointed for...

Removal of members

5 The Scottish Ministers may, by written notice, remove a member...

Disqualification from membership

6 A person is disqualified from appointment, and from holding office,...

Remuneration and allowances for members

7 SCSWIS must pay to each of its members such—

Chief executive and other employees

8 (1) SCSWIS is to employ a chief executive.

Committees

9 (1) SCSWIS may establish committees for any purpose relating to...

Procedure and meetings

10 (1) SCSWIS may determine its own procedure and that of...

General powers

11 (1) SCSWIS may do anything which appears to be necessary...

Delegation of functions

12 (1) SCSWIS may, subject to sub-paragraphs (2) and (3), authorise—...

Location of office

13 SCSWIS's determination of the location of its office premises is...

Accounts

14 (1) SCSWIS must— (a) keep proper accounts and accounting records,...

Reports

15 (1) As soon as practicable after the end of each...

SCHEDULE 12 — Care services: definitions

1 (1) A “support service” is a service provided, by reason...

2 A “care home service” is a service which provides accommodation,...

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- 3 (1) A “school care accommodation service” is a service which—
- 4 A “nurse agency” is a service which consists of or...
- 5 (1) A “child care agency” is a service which consists...
- 6 A “secure accommodation service” is a service which—
- 7 An “offender accommodation service” is a service which consists of...
- 8 (1) An “adoption service” is any service which is—
- 9 A “fostering service” is a service which is provided by—...
- 10 The services mentioned— (a) in paragraph 9(a) and (b) and...
- 11 An “adult placement service” is a service which consists of...
- 12 (1) “Child minding” means, subject to sub-paragraphs (2) and (3)...
- 13 “Day care of children” means, subject to paragraphs 14(b) to...
- 14 For the purposes of— (a) paragraph 12(1), a person does...
- 15 (1) Where a person provides a service for children in...
- 16 For the purposes of paragraph 13, a service which consists...
- 17 For the purposes of paragraph 13, a person does not...
- 18 Expressions used in paragraph 2(b), 3 or 17 have the...
- 19 A “housing support service” is a service which provides support,...
- 20 In this schedule, unless the context otherwise requires— “someone who...

SCHEDULE 13 — Social work services functions: specified enactments
Part 4 of the Children and Young Persons (Scotland) Act...

SCHEDULE 14 — Social Care and Social Work Improvement Scotland:
modifications of enactments

Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

- 1 In schedule 3 to the Ethical Standards in Public Life...

Regulation of Care (Scotland) Act 2001 (asp 8)

- 2 The Regulation of Care (Scotland) Act 2001 is amended as...
- 3 In section 53(2)(b) (codes of practice), for “the Commission” substitute...
- 4 In section 59 (general principles)— (a) in subsection (1) the...
- 5 In section 60 (grants)— (a) in subsection (1), the words...
- 6 In section 61 (guarantees)— (a) in subsection (1), the words...
- 7 In section 62 (duty of consultation)— (a) the words “Commission...
- 8 In section 63 (guidance as to consultation)—
- 9 In section 64 (complaints procedure)— (a) in subsection (1)—
- 10 In section 65 (inquiries)— (a) in subsection (1)—

Scottish Public Services Ombudsman Act 2002 (asp 11)

- 11 In Part 2 of schedule 2 to the Scottish Public...

Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)

- 12 In the Public Appointments and Public Bodies etc. (Scotland) Act...

Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)

- 13 The Mental Health (Care and Treatment) (Scotland) Act 2003 is...
- 14 In section 7 (duty to bring matters generally to the...

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- 15 In section 8(3) (duty to bring specific matters to the...
- 16 In section 9(2) (duty to give advice), for paragraph (e)...
- 17 In section 17(2) (duties of Scottish Ministers, local authorities and...
- 18 In section 34(3) (inquiries under section 33: co-operation), for paragraph...

Adult Support and Protection (Scotland) Act 2007 (asp 10)

- 19 The Adult Support and Protection (Scotland) Act 2007 is amended...
- 20 In section 5(1) (co-operation), for paragraph (b) substitute—
- 21 In section 42(3) (Adult Protection Committees), for paragraph (b) substitute—...
- 22 In section 43 (membership)— (a) in subsection (2), for “the...
- 23 In section 44(2)(c) (Adult Protection Committee procedure), for “the Care...
- 24 In section 45(2)(d) (duty to provide information to Adult Protection...
- 25 In section 46(b)(v) (biennial report), for “the Care Commission” substitute...
- 26 In section 53(1) (interpretation of Part 1)—

Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14)

- 27 The Protection of Vulnerable Groups (Scotland) Act 2007 is amended...
- 28 In section 8 (provision of prescribed information to the Scottish...
- 29 In section 17(5)(c) (information relevant to listing decisions)—
- 30 In section 19 (information held by public bodies etc.), in...
- 31 In section 30(7) (notice of listing, etc)—
- 32 In section 73(d) (consideration of suitability), for the words “the...
- 33 In section 94 (meaning of “protected child”)—
- 34 In section 97(1) (general interpretation)— (a) after the definition of...
- 35 In schedule 2 (regulated work with children)—
- 36 In schedule 3 (regulated work with adults)—

Repeals

- 37 The enactments mentioned in the first column of the following...

SCHEDULE 15 — Scottish Social Services Council: modifications of Regulation of Care (Scotland) Act 2001

- 1 Part 3 of the Regulation of Care (Scotland) Act 2001...
- 2 In section 46 (grant or refusal of registration under Part...
- 3 In section 47 (variation etc. of conditions in relation to...
- 4 In section 48 (right to make representations to Council as...
- 5 In the heading to section 48, for “proposal” substitute “...
- 6 In section 49 (removal etc. from the Council's register), in...
- 7 In section 50 (notice of Council's decision)—
- 8 In the heading to section 50, at the end, add...
- 9 In section 51 (appeal against decision of Council)—
- 10 In section 53 (codes of practice)— (a) after subsection (3)...
- 11 In section 64 (complaints procedures)— (a) in subsection (2)—

SCHEDULE 16 — Healthcare Improvement Scotland: establishment etc.
After Schedule 5 to the National Health Service (Scotland) Act...

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SCHEDULE 17 — Healthcare Improvement Scotland: modifications of enactments

National Health Service (Scotland) Act 1978 (c. 29)

- 1 The National Health Service (Scotland) Act 1978 is amended as...
- 2 In section 2A (duty of Health Boards and others to...
- 3 In the title to that section, for “and the Agency”...
- 4 In section 2D (equal opportunities), in subsection (1), for “and...
- 5 In section 13 (co-operation between Health Boards and other authorities),...
- 6 In section 13A (co-operation in planning of services for disabled...
- 7 In section 15 (supply of goods and services to local...
- 8 In section 17A (NHS contracts), after subsection (2)(b) insert—
- 9 In section 77 (default powers), in subsection (1)—
- 10 In section 78A (powers in case of service failure)—
- 11 In section 79 (purchase of land and moveable property), in...
- 12 In section 83 (power of Health Boards and local health...
- 13 In section 84 (power of trustees to make payments to...
- 14 In section 84A (power to raise money, etc. by appeals,...
- 15 In section 85AA (means of meeting expenditure of Health Boards...
- 16 In section 85 (expenses of certain bodies)—
- 17 In section 85A (financial duties of bodies referred to in...
- 18 In section 85B (schemes for meeting losses and liabilities etc....
- 19 In section 86 (accounts of Health Boards and the Agency)—...
- 20 In section 87 (regulation of financial arrangements of Health Boards)
—...
- 21 In section 105 (orders, regulations and directions), in subsection (3)—...
- 22 In section 108 (interpretation and construction), after the definition of...

National Health Service and Community Care Act 1990 (c. 19)

- 23 In the National Health Service and Community Care Act 1990,...

Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

- 24 In schedule 3 to the Ethical Standards in Public Life...

Scottish Public Services Ombudsman Act 2002 (asp 11)

- 25 In Part 1 of schedule 2 to the Scottish Public...

Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)

- 26 In the Public Appointments and Public Bodies etc. (Scotland) Act...

Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)

- 27 The Mental Health (Care and Treatment) (Scotland) Act 2003 is...
- 28 In section 7 (duty to bring matters generally to the...
- 29 In section 8(3) (duty to bring specific matters to the...
- 30 In section 9(2) (duty to give advice), after paragraph (d)...
- 31 In section 17(2) (duties of Scottish Ministers, local authorities and...
- 32 In section 34(3) (inquiries under section 33: co-operation), after paragraph...

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Public Services Reform (Scotland) Act 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Smoking, Health and Social Care (Scotland) Act 2005 (asp 13)

33 In section 30 of the Smoking, Health and Social Care...

Human Tissue (Scotland) Act 2006 (asp 4)

34 In section 13 of the Human Tissue (Scotland) Act 2006...

Adult Support and Protection (Scotland) Act 2007 (asp 10)

35 In the Adult Support and Protection (Scotland) Act 2007—

Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14)

36 In the Protection of Vulnerable Groups (Scotland) Act 2007—

Public Health etc. (Scotland) Act 2008 (asp 5)

37 In the Public Health etc. (Scotland) Act 2008—

SCHEDULE 18 — The Mental Welfare Commission for Scotland: modifications of the Mental Health (Care and Treatment) (Scotland) Act 2003

1 In section 326(4)(a) of the Mental Health (Care and Treatment)...

2 Schedule 1 to that Act is amended as follows.

3 Paragraphs 3, 4 and 5 are repealed.

4 After paragraph 2 insert— Membership (1) The Commission is to consist of the following members—...

5 In paragraph 7— (a) in sub-paragraph (1), after “below” insert...

6 In the title to paragraph 7, for “officer” substitute “...

7 After paragraph 7 insert— Commission Visitors (1) The Commission must appoint such staff, employed under paragraph...

8 Paragraph 8 is repealed.

9 After paragraph 10 insert— Transitional provision: first chief executive (1) The person who, immediately before the coming into force...

SCHEDULE 19 — Scrutiny functions: persons etc. subject to user focus duty
Accounts Commission for Scotland Drinking Water Quality Regulator
for Scotland...

SCHEDULE 20 — Scrutiny functions: persons etc. subject to duty of co-operation
Accounts Commission for Scotland Food Standards Scotland Healthcare
Improvement Scotland...

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Changes and effects yet to be applied to :

- s. 60(3)(a) words inserted by [2019 asp 6 s. 13\(1\)\(a\)](#)
- s. 104(2) words substituted by [2019 asp 6 s. 13\(1\)\(b\)](#)
- sch. 5 words inserted by [2023 asp 6 sch. 2 para. 3\(2\)](#)
- sch. 6 words inserted by [2023 asp 6 sch. 2 para. 3\(3\)](#)
- sch. 8 words inserted by [2023 asp 6 sch. 2 para. 3\(4\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5 Ch. 3A amendment to earlier affecting provision [2019 asp 6, s. 12\(2\)](#) by [S.S.I. 2023/127 reg. 3\(4\)](#)
- Pt. 5 Ch. 3A inserted by [2019 asp 6 s. 12\(2\)](#)