

PUBLIC SERVICES REFORM (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT

Part 1 – Simplification of Public Bodies

Transfer of functions

Section 1 - Transfer to Scottish Natural Heritage (“SNH”) of functions of the Deer Commission for Scotland (“DCS”)

5. This section transfers all of the functions of DCS under the Deer (Scotland) Act 1996 and other legislation to SNH, and dissolves DCS and transfers its property, rights, liabilities and obligations to SNH. It also provides that where something has been done by or in relation to DCS then it will be treated as if it was done by or in relation to SNH after this section comes into force, and it gives effect to schedule 1 which makes consequential amendments to other legislation including the provisions of the Deer (Scotland) Act 1996.

Section 2 - Transfer to Scottish Natural Heritage (“SNH”) of functions of Advisory Committee on Sites of Special Scientific Interest (“ACSSSI”)

6. This section dissolves ACSSSI (also referred to as “the Advisory Committee” in the Nature Conservation (Scotland) Act 2004) and transfers its property, rights, liabilities and obligations to SNH. It also repeals the provisions of the Nature Conservation (Scotland) Act 2004 relating to ACSSSI and the requirement on SNH in paragraph 11 of schedule 1 to the 2004 Act to provide a copy of any advice given by ACSSSI to a person who has made a representation as this will no longer be relevant once ACSSSI ceases to exist, and it repeals references to ACSSSI in the Freedom of Information (Scotland) Act 2002 and in the Public Appointments and Public Bodies etc. (Scotland) Act 2003.
7. Subsection (3) also amends section 21(8) of the 2004 Act so that it places a duty on SNH to consider any representations made in accordance with section 21(6) and (7) of that Act, and take such action as it thinks fit in reaching a decision on whether to confirm or withdraw the notification of a site of special scientific interest. Subsection (3) also sets out various amendments that are required to be made to paragraphs 9 and 12 of schedule 1 to the 2004 Act so that they apply in relation to the duty to be placed on SNH to consider any representations, and to take such action as it thinks fit.

Section 3 – Transfer to certain bodies of functions of Waterwatch Scotland

8. This section dissolves the Water Customer Consultation Panels and abolishes the position of their convener. The panels and their convener (known together by the operating name of Waterwatch Scotland) perform complaints-handling and representative functions in relation to customers of Scottish Water. The representative and complaints-handling functions of the panels and their convener are to be taken over

*These notes relate to the Public Services Reform (Scotland) Act
2010 (asp 8) which received Royal Assent on 28 April 2010*

by the National Consumer Council (NCC) and the Scottish Public Services Ombudsman (SPSO) respectively.

9. Subsection (2) adds Scottish Water to schedule 2 (*Listed Authorities*) of the Scottish Public Services Ombudsman Act 2002. This permits the SPSO to handle complaints about Scottish Water. Subsection (4) requires the NCC to exercise its functions under the Consumers, Estate Agents and Redress Act 2007 in relation to services provided by Scottish Water. These functions include the power to represent consumers and to give advice and make proposals in relation to consumer matters. Subsections (6) and (7) introduce schedules which make further provision in consequence of this section.