



Public Services Reform (Scotland) Act 2010

2010 asp 8

PART 1

SIMPLIFICATION OF PUBLIC BODIES

Transfer of functions

- 1 Transfer to Scottish Natural Heritage of functions of Deer Commission for Scotland**
- (1) The functions conferred on the Deer Commission for Scotland by or under the Deer (Scotland) Act 1996 (c. 58) or any other enactment are transferred to Scottish Natural Heritage.
 - (2) All property, rights, liabilities and obligations of the Deer Commission for Scotland are transferred to Scottish Natural Heritage.
 - (3) The Deer Commission for Scotland is dissolved.
 - (4) Anything done by or in relation to the Deer Commission for Scotland has effect, in relation to any time after this section comes into force, as if done by or in relation to Scottish Natural Heritage.
 - (5) Schedule 1 (which makes modifications of enactments in consequence of this section) has effect.

Commencement Information

II S. 1 in force at 1.8.2010 by S.S.I. 2010/221, art. 3(2), Sch.

Status: Point in time view as at 01/08/2010. This version of this part contains provisions that are not valid for this point in time.

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2 Transfer to Scottish Natural Heritage of functions of Advisory Committee on sites of special scientific interest

- (1) The committee referred to in section 21(1) of the Nature Conservation (Scotland) Act 2004 (asp 6) is dissolved.
- (2) All property, rights, liabilities and obligations of the committee referred to in subsection (1) are transferred to Scottish Natural Heritage.
- (3) In the Nature Conservation (Scotland) Act 2004—
 - (a) in section 21 (Advisory Committee on sites of special scientific interest), subsections (1) to (5) are repealed,
 - (b) in subsection (8) of that section, for paragraphs (a) to (c) substitute—
 - “(a) consider the matter, and
 - (b) take such action as it thinks fit.”,
 - (c) in the title to that section, for “Advisory Committee” substitute “Representations to SNH”,
 - (d) in section 58(1) (interpretation), the definition “Advisory Committee” is repealed,
 - (e) in schedule 1 (notification relating to sites of special scientific interest: procedure)—
 - (i) in paragraph 9(b), for “refer the matter to the Advisory Committee” substitute “consider the matter,”,
 - (ii) in paragraph 9, for “paragraphs (a) and (b)” substitute “paragraph (a)”,
 - (iii) for the title to paragraph 9, substitute “Representations to SNH on sites of special scientific interest”,
 - (iv) paragraph 11 is repealed,
 - (v) in paragraph 12(a), for “a matter has been referred to the Advisory Committee” substitute “SNH is required by subsection (8) of section 21 to consider a matter,”.
- (4) In the Freedom of Information (Scotland) Act 2002 (asp 13), in Part 7 of schedule 1 (Scottish public authorities), the paragraph relating to the Advisory Committee on Sites of Special Scientific Interest is repealed.
- (5) In the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4), in schedule 2 (the specified authorities), the entry relating to the Advisory Committee on Sites of Special Scientific Interest is repealed.

Commencement Information

12 S. 2 in force at 1.8.2010 by S.S.I. 2010/221, art. 3(2), Sch.

VALID FROM 15/08/2011

3 Transfer to certain bodies of functions of Waterwatch Scotland

- (1) The position of the Convener of the Water Customer Consultation Panels is abolished.

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(2) In schedule 2 to the Scottish Public Services Ombudsman Act 2002 (asp 11) (listed authorities), after paragraph 16 insert—

“16A Scottish Water.”.

(3) The Water Customer Consultation Panels are dissolved.

(4) The National Consumer Council is to exercise its functions under the Consumers, Estate Agents and Redress Act 2007 (c. 17) in relation to services provided by Scottish Water.

(5) But nothing in this section is to be taken as restricting in any way the exercise of functions by the National Consumer Council.

(6) Schedule 2 (which makes modification of enactments in consequence of this section) has effect.

(7) Schedule 3 (which makes provision for the transfer of staff, property, liabilities and ongoing matters) has effect.

Dissolution of bodies etc.

4 Dissolution of Scottish Records Advisory Council

(1) The Scottish Records Advisory Council is dissolved.

(2) All property, rights, liabilities and obligations of the Scottish Records Advisory Council are transferred to the Scottish Ministers.

(3) Section 7 of the Public Records (Scotland) Act 1937 (c. 43) (Advisory Council) is repealed.

(4) Section 19(1) of the National Heritage (Scotland) Act 1985 (c. 16) (amendment of the Public Records (Scotland) Act 1937) is repealed.

(5) In the Freedom of Information (Scotland) Act 2002 the following provisions are repealed—

(a) section 70(2) (amendment of the Public Records (Scotland) Act 1937),

(b) in Part 7 of schedule 1 (Scottish public authorities), the paragraph relating to the Scottish Records Advisory Council.

(6) In the Public Appointments and Public Bodies etc. (Scotland) Act 2003, in schedule 2 (the specified authorities), the entry relating to the Scottish Records Advisory Council is repealed.

(7) Section 15 of the Scottish Register of Tartans Act 2008 (asp 7) (amendment of section 7 of the Public Records (Scotland) Act 1937) is repealed.

Commencement Information

I3 S. 4 in force at 1.8.2010 by S.S.I. 2010/221, art. 3(2), Sch.

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5 Dissolution of Scottish Industrial Development Advisory Board

- (1) The Scottish Industrial Development Advisory Board is dissolved.
- (2) Section 20 of the Scottish Development Agency Act 1975 (c. 69) (Scottish Industrial Development Advisory Board) is repealed.
- (3) In the Enterprise and New Towns (Scotland) Act 1990 (c. 35), in Schedule 4 (minor and consequential amendments), paragraph 8 is repealed.
- (4) In the Freedom of Information (Scotland) Act 2002, in Part 7 of schedule 1 (Scottish public authorities), the paragraph relating to the Scottish Industrial Development Advisory Board is repealed.
- (5) In the Public Appointments and Public Bodies etc. (Scotland) Act 2003, in schedule 2 (the specified authorities), the entry relating to the Scottish Industrial Development Advisory Board is repealed.

Commencement Information

I4 S. 5 in force at 1.8.2010 by [S.S.I. 2010/221](#), art. 3(2), [Sch.](#)

6 Dissolution of Building Standards Advisory Committee

- (1) The Building Standards Advisory Committee is dissolved.
- (2) In the Building (Scotland) Act 2003 (asp 8) the following provisions are repealed—
 - (a) in section 1(2) (building regulations)—
 - (i) paragraph (a) and the word “and” immediately following it,
 - (ii) in paragraph (b), the word “other”,
 - (b) in section 3(5) (relaxation of building regulations)—
 - (i) paragraph (a) and the word “and” immediately following it,
 - (ii) in paragraph (b), the word “other”,
 - (c) section 31 (Building Standards Advisory Committee),
 - (d) in section 56(1) (interpretation), the definition “Building Standards Advisory Committee”.
- (3) In the Public Appointments and Public Bodies etc. (Scotland) Act 2003, in schedule 2 (the specified authorities), the entry relating to the Building Standards Advisory Committee is repealed.

Commencement Information

I5 S. 6 in force at 1.8.2010 by [S.S.I. 2010/221](#), art. 3(2), [Sch.](#)

7 Dissolution of Historic Environment Advisory Council for Scotland

- (1) The Historic Environment Advisory Council for Scotland is dissolved.
- (2) All property, rights, liabilities and obligations of the Historic Environment Advisory Council for Scotland are transferred to the Scottish Ministers.

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- (3) In the Public Appointments and Public Bodies etc. (Scotland) Act 2003 the following provisions are repealed—
- (a) section 15 (the Historic Environment Advisory Council for Scotland),
 - (b) section 16 (the Advisory Council's functions),
 - (c) in section 20 (interpretation), the definition “the Advisory Council”,
 - (d) in schedule 2 (the specified authorities), the entry relating to the Historic Environment Advisory Council for Scotland,
 - (e) schedule 3 (the Advisory Council).
- (4) In the Freedom of Information (Scotland) Act 2002, in Part 7 of schedule 1 (Scottish public authorities), the paragraph relating to the Historic Environment Advisory Council for Scotland is repealed.

Commencement Information

I6 S. 7 in force at 1.8.2010 by [S.S.I. 2010/221](#), art. 3(2), [Sch.](#)

8 Dissolution of Regional Boards of Scottish Environment Protection Agency

- (1) The Regional Boards of the Scottish Environment Protection Agency are dissolved.
- (2) In the Environment Act 1995 (c. 25), in Schedule 6 (the Scottish Environment Protection Agency), paragraph 16 is repealed.

Commencement Information

I7 S. 8 in force at 1.8.2010 by [S.S.I. 2010/221](#), art. 3(2), [Sch.](#)

Delegation of functions etc.

9 Delegation of Ministerial functions under section 7 of Industrial Development Act 1982

In section 7 of the Industrial Development Act 1982 (c. 52) (selective financial assistance for industry in assisted areas), after subsection (4) insert—

- “(4A) The Scottish Ministers may, to such extent and subject to such conditions as they think appropriate, delegate their function under subsection (1) to such persons as they may determine.
- (4B) Where the Scottish Ministers make a delegation under subsection (4A) to a person, they may also delegate to that person their function of being satisfied as mentioned in subsection (4).
- (4C) Where the Scottish Ministers make a delegation under subsection (4A), the reference in subsection (3)(a) to a company formed for the purpose of giving financial assistance is to be construed as a reference to a company formed by the person to whom the function is delegated under subsection (4A).
- (4D) A delegation under subsection (4A) or (4B) does not affect the ability of the Scottish Ministers to carry out the function delegated.
- ”

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(4E) A delegation under subsection (4A) or (4B) may be varied or revoked at any time.”.

Commencement Information

I8 S. 9 in force at 1.8.2010 by S.S.I. 2010/221, art. 3(2), Sch.

10 Delegation of Ministerial functions under section 5 of Science and Technology Act 1965

After subsection (1) of section 5 of the Science and Technology Act 1965 (c. 4) (further powers of the Scottish Ministers) insert—

“(1A) The Scottish Ministers may, to such extent and subject to such conditions as they think appropriate, delegate their power to undertake any activity as mentioned in paragraphs (a) to (c) of subsection (1) above to such persons as they consider appropriate; and any expenses which such persons incur in undertaking such activities are to be met out of the expenses the Scottish Ministers may defray by virtue of subsection (1) above.

(1B) Where power to undertake the activity as mentioned in paragraph (c) of subsection (1) above is delegated under subsection (1A), that paragraph applies as if for the words “Secretary of State” there were substituted “ person to whom the power is delegated under subsection (1A) below ”.

(1C) A delegation under subsection (1A) does not affect the ability of the Scottish Ministers to exercise the power delegated.

(1D) A person to whom a function is delegated under subsection (1A) may, subject to any conditions as mentioned in that subsection, exercise the function in the same way and to the same extent as the Scottish Ministers notwithstanding any restrictions or limitations on the exercise of the person's functions which would, apart from this subsection, prevent them from exercising the function in that way or to that extent.”.

Commencement Information

I9 S. 10 in force at 1.8.2010 by S.S.I. 2010/221, art. 3(2), Sch.

11 Delegation of certain functions of Forestry Commissioners under Forestry Act 1967

In the Forestry Act 1967 (c. 10), after section 7A insert—

“7B Delegation of functions of Commissioners: Scotland

(1) The Commissioners may, to such extent and subject to such conditions as they think appropriate, delegate their functions under section 3(1) and (3) of this Act to such community bodies as they consider appropriate.

(2) A delegation under subsection (1) may only be made in relation to land in Scotland—

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- (a) placed at the disposal of the Commissioners by the Scottish Ministers under this Act, and
 - (b) which is let to the community body to which the delegation is made.
- (3) A delegation under subsection (1) does not affect the ability of the Commissioners to carry out the function delegated.
- (4) A delegation under subsection (1) does not affect the ability of the Scottish Ministers to—
- (a) determine which land in Scotland is placed at the disposal of the Forestry Commissioners,
 - (b) give directions under section 1 to the Commissioners in relation to the land in question.
- (5) A delegation under subsection (1) may be varied or revoked at any time.
- (6) In this section, “community body” has the meaning given in section 7C.

7C Delegation of functions under section 7B: community bodies

- (1) A community body is, subject to subsection (3), a company limited by guarantee the articles of association of which include the following—
- (a) a definition of the community to which the company relates,
 - (b) provision that the company must have not fewer than 20 members,
 - (c) provision that the majority of the members of the company is to consist of members of the community,
 - (d) provision by which the members of the company who consist of members of the community have control of the company,
 - (e) provision ensuring proper arrangements for the financial management of the company and the auditing of its accounts.
- (2) The Commissioners may, if they think it in the public interest to do so, disapply such requirements specified in paragraphs (b) to (d) in subsection (1) in relation to any body they may specify.
- (3) A body is not a community body unless the Commissioners have given it written confirmation that they are satisfied that the main purpose of the body is consistent with furthering the achievement of sustainable development.
- (4) Unless the Scottish Ministers otherwise direct, a community—
- (a) must be defined for the purposes of subsection (1)(a) by reference to a postcode unit or postcode units, and
 - (b) must comprise the persons from time to time—
 - (i) resident in that postcode unit or in one of those postcode units, and
 - (ii) entitled to vote, at a local government election, in a polling district which includes that postcode unit or those postcode units (or part of it or them).
- (5) In subsection (4) above, “postcode unit” means an area in relation to which a single postcode is used to facilitate the identification of postal service delivery points within the area.

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(6) In subsection (1), “company limited by guarantee” has the meaning given by section 3(3) of the Companies Act 2006 (c. 46).”.

Commencement Information

I10 S. 11 in force at 1.8.2010 by S.S.I. 2010/221, art. 3(2), Sch.

12 Forestry Commissioners: joint ventures etc.

(1) In the Forestry Act 1967, in section 7A (incidental powers of Commissioners), after the word “to” insert “ land in Scotland or ”.

(2) In the Countryside (Scotland) Act 1967 (c. 86), in section 58 (powers of the Forestry Commissioners), after subsection (2) insert—

“(2A) For the purposes of the exercise of their functions under subsection (2), the Commissioners may—

- (a) form, or participate in the forming of, a body corporate,
- (b) invest in a body corporate,
- (c) provide loans,
- (d) establish a charitable trust,
- (e) act, or appoint a person to act, as an officer of a body corporate or as a trustee of a charitable trust.”.

Commencement Information

I11 S. 12 in force at 1.8.2010 by S.S.I. 2010/221, art. 3(2), Sch.

VALID FROM 31/01/2011

Regulation of officers of court

13 Regulation of officers of court

Schedule 4, which—

- (a) makes modifications of Part 5 of the Debtors (Scotland) Act 1987 (c. 18) relating to the regulation of officers of court,
 - (b) makes modifications of Part 3 of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) relating to such regulation, and
 - (c) makes further minor and consequential modifications of that Act and the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17),
- has effect.

Status:

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