
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 221 (C. 11)

**ANIMALS
ARTS AND CULTURE
ARTS COUNCIL
BUILDING AND BUILDINGS
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NATIONAL HEALTH SERVICE
NATURE CONSERVATION
PUBLIC SERVICES REFORM
SCIENTIFIC RESEARCH
SCOTTISH PUBLIC SERVICES OMBUDSMAN
SOCIAL CARE
REGISTERS AND RECORDS
REGULATORY REFORM**

The Public Services Reform (Scotland) Act
2010 (Commencement No. 1) Order 2010

Made - - - -

4th June 2010

The Scottish Ministers make the following Order in exercise of the powers conferred by section 134(7) of the Public Services Reform (Scotland) Act 2010⁽¹⁾.

Citation

1. This Order may be cited as the Public Services Reform (Scotland) Act 2010 (Commencement No. 1) Order 2010.

Interpretation

2. In this Order, “the Act” means the Public Services Reform (Scotland) Act 2010.

Appointed days

3.—(1) The day appointed for the coming into force of sections 36 to 43 of, and schedules 9 and 10 to, the Act (which establishes Creative Scotland etc.) is 1st July 2010.

(2) Subject to paragraph (3), the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in the Schedule to this Order (the subject matter of which is specified in column 2 of that table) is 1st August 2010.

(3) Where a purpose is specified in column 3 of that table, a provision mentioned in column 1 comes into force in accordance with paragraph (2) only for that purpose.

St Andrew’s House,
Edinburgh
4th June 2010

FIONA HYSLOP
Authorised to sign by the Scottish Ministers

(1) 2010 asp 8.

SCHEDULE

Articles 3(2) and (3)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(purpose)</i>
Section 1	Transfer to Scottish Natural Heritage of functions of Deer Commission for Scotland	
Section 2	Transfer to Scottish Natural Heritage of functions of Advisory Committee on sites of special scientific interest	
Section 4	Dissolution of Scottish Records Advisory Council	
Section 5	Dissolution of Scottish Industrial Development Advisory Board	
Section 6	Dissolution of Building Standards Advisory Committee	
Section 7	Dissolution of Historic Environment Advisory Council for Scotland	
Section 8	Dissolution of Regional Boards of Scottish Environment Protection Agency	
Section 9	Delegation of Ministerial functions under section 7 of Industrial Development Act 1982(2)	
Section 10	Delegation of Ministerial functions under section 5 of Science and Technology Act 1965(3)	
Section 11	Delegation of certain functions of Forestry Commissioners under Forestry Act 1967(4)	
Section 12	Forestry Commissioners: joint ventures etc.	
Sections 14 to 30	Order-making powers	
Section 44 in so far as it relates to the provisions of schedule 11 mentioned below	Social Care and Social Work Improvement Scotland	The purpose of making appointments
Section 107	Minor modifications: Scottish Social Services Council	
Section 108 in so far as it inserts section 10A of the National Health Service (Scotland) Act 1978(5) and in so far as that	Healthcare Improvement Scotland	The purpose of making appointments

(2) 1982 c.52.

(3) 1965 c.4.

(4) 1967 c.10.

(5) 1978 c.29.

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(purpose)</i>
section 10A relates to paragraphs 1 to 13 of Schedule 5A to that Act		
Section 110(1)	Healthcare Improvement Scotland: constitution, etc.	The purpose of making appointments
Section 111	The Mental Welfare Commission for Scotland	The purpose of making appointments
Section 119	Complaints handling procedures	
Sections 120 to 128 except section 125	Charities	
Section 129	Local Government (Scotland) Act 1973 ⁽⁶⁾ : minor amendment	
Schedule 1	Deer Commission for Scotland: modifications of enactments	
Schedule 5	Improvement of public functions: listed bodies	
Schedule 6	Part 2 order-making powers (request and consent): listed bodies	
Schedule 7	Order-making powers: modifications of enactments	
Schedule 11, paragraphs 1 to 14	Social Care and Social Work Improvement Scotland: establishment etc.	The purpose of making appointments
Schedule 15	Scottish Social Services Council: modifications of Regulation of Care (Scotland) Act 2001 ⁽⁷⁾	
Schedule 16	Healthcare Improvement Scotland: establishment etc.	The purpose of making appointments
Schedule 18	The Mental Welfare Commission for Scotland: modifications of the Mental Health (Care and Treatment) (Scotland) Act 2003 ⁽⁸⁾	The purpose of making appointments

⁽⁶⁾ 1973 c.65.
⁽⁷⁾ 2001 asp 8.
⁽⁸⁾ 2003 asp 13.

EXPLANATORY NOTE

(This note is not part of the Order)

Sections 103, 109, 132, 133 and 134 of the Public Services Reform (Scotland) Act 2010 ('the Act') came into force on Royal Assent. This Order brings into force certain other provisions.

The provisions of the Act in Part 4 (sections 36 to 43) and schedules 9 and 10 come into force on 1st July 2010. These provisions establish Creative Scotland – also known as Alba Cruthachail – a statutory non-departmental public body and successor to the Scottish Arts Council and Scottish Screen. Creative Scotland has wider functions than its predecessors relating to the support and development of the arts and culture and creative industries in Scotland.

The following provisions of the Act come into force on 1st August 2010:

- section 1 and schedule 1 dissolve the Deer Commission for Scotland and transfers its functions to Scottish Natural Heritage and makes consequential amendments;
- section 2 dissolves the Advisory Committee on sites of special scientific interest, requires Scottish Natural Heritage to consider certain representations in relation to these sites and makes consequential amendments;
- sections 4 to 8 respectively dissolve the Scottish Records Advisory Council, the Scottish Industrial Development Advisory Board, the Building Standards Advisory Committee, the Historic Environment Advisory Council for Scotland and the Regional Boards of the Scottish Environment Protection Agency and make consequential amendments;
- section 9 amends section 7 of the Industrial Development Act 1982 to enable the Scottish Ministers to delegate their functions relating to provision of financial assistance;
- section 10 amends section 5 of the Science and Technology Act 1965 to enable the Scottish Ministers to delegate their powers to undertake certain activities in relation to scientific research and enable the delegate to undertake these in the same way and to the same extent;
- sections 11 and 12 enable the Forestry Commissioners to delegate certain functions relating to the management of the forest estate in Scotland, to form, participate or invest in bodies corporate and to provide loans or establish trusts in relation to their functions in Scotland;
- sections 14 to 30 and schedules 5 to 7 enable provision to be made for the purpose of improving the exercise of public functions and for removing and reducing certain burdens;
- section 44 and paragraphs 1 to 14 of schedule 11 are commenced for the purpose of making appointments to Social Care and Social Work Improvement Scotland;
- section 107 and schedule 15 make changes in relation to the Scottish Social Services Council;
- sections 108 (section 10A only) and 110(1) and schedule 16 are commenced for the purpose of making appointments in relation to Healthcare Improvement Scotland;
- section 111 and schedule 18 are commenced for the purpose of making appointments in relation to the Mental Health Welfare Commission for Scotland;
- section 119 confers powers and duties on the Scottish Public Services Ombudsman in relation to complaints handling procedures;
- sections 120 to 128 (except section 125) make provision in relation to the regulation of charities and charity trustees;
- section 129 makes a minor correction to the Local Government (Scotland) Act 1973.

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