

2022 No. 34

CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND
CONSUMER PROTECTION

**The Consumer Scotland Act 2020 (Consequential Provisions
and Modifications) Order 2022**

Made - - - - - *12th January 2022*
Coming into force - - - *13th January 2022*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1), 113(2), (4), (5) and (7), and 114(1) of the Scotland Act 1998(a).

In accordance with paragraphs 1, 2 and 3 of Schedule 7 to that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 and comes into force on the day after the day on which it is made.

(2) Any modification made by this Order has the same extent as the provision modified.

Status of Consumer Scotland as part of the Scottish Administration

2. Consumer Scotland(b) is part of the Scottish Administration(c).

Construction of references to an office-holder in the Scottish Administration

3.—(1) Unless the context otherwise requires, references in the Scotland Act 1998 and any other enactment (except the Crown Suits (Scotland) Act 1857(d)) to an office-holder in the Scottish Administration are to be taken to include a reference to Consumer Scotland.

(2) Paragraph (1) applies whether or not the enactment defines the expression “office-holder in the Scottish Administration” by reference to the Scotland Act 1998 or any specific provision of that Act.

(a) 1998 c. 46. There are amendments to sections 104 and 114(1) that are not relevant to this Order.
(b) Consumer Scotland is established by section 1 of the Consumer Scotland Act 2020 (asp 11).
(c) Scottish Administration is defined in section 126(6) of the Scotland Act 1998.
(d) 1857 c. 44 as relevantly amended by paragraph 2 of Schedule 8 to the Scotland Act 1998.

Modifications

4. The modifications specified in the Schedule have effect.

Transitional and saving provisions

5.—(1) Nothing in this Order affects the validity of anything done (or having effect as if done) by or in relation to the Scottish Association of Citizens Advice Bureaux^(a) before its coming into force.

(2) Anything done (or having effect as if done) at the coming into force of this Order by or in relation to the Scottish Association of Citizens Advice Bureaux, so far as it relates to any function of the Scottish Association of Citizens Advice Bureaux transferred to Consumer Scotland by this Order, has effect, so far as is necessary for continuing its effect after the coming into force of this Order, as if done by or in relation to Consumer Scotland.

(3) Anything (including legal proceedings) which at the coming into force of this Order is in the process of being done by or in relation to the Scottish Association of Citizens Advice Bureaux, so far as it relates to any function transferred by this Order, may be continued by or in relation to Consumer Scotland.

(4) So far as may be necessary for the purposes of or in consequence of a transfer of a function by this Order, a reference to the Scottish Association of Citizens Advice Bureaux in an instrument or other document is to be treated as a reference to Consumer Scotland.

Alister Jack
Secretary of State
Office of the Secretary of State for Scotland

Dover House
London
12th January 2022

(a) The Scottish Association of Citizens Advice Bureaux trading as Citizens Advice Scotland is a company limited by guarantee (no. SC089892) and a registered Scottish charity (no. SC016637).

PART 1

MODIFICATIONS OF PUBLIC GENERAL ACTS

House of Commons Disqualification Act 1975

1.—(1) The House of Commons Disqualification Act 1975(a) is amended as follows.

(2) In Part 2 of Schedule 1 (bodies of which all members are disqualified), insert the following entry at the appropriate place—

“Consumer Scotland.”.

Gas Act 1986

2.—(1) The Gas Act 1986(b) is amended as follows.

(2) In section 4AB(c) (guidance on social and environmental matters), in subsection (3)(ba), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(3) In section 6A(d) (exemptions from prohibition on unlicensed activities), in subsection (1B)(a), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(4) In section 8(e) (standard conditions of licenses), in subsection (5)(b), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(5) In section 23(f) (modification of conditions of licenses), in subsection (4)(b)(v), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(6) In section 23B(g) (appeal to the Competition and Markets Authority)—

(a) in subsection (2)(d), for “Citizens Advice Scotland” substitute “Consumer Scotland”, and

(b) in subsection (4)(c), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(7) In section 27A(h) (determination of disputes by the Gas and Electricity Markets Authority), in subsection (1)(a)(ii), for “Citizens Advice or Citizens Advice Scotland or Citizens Advice and Citizens Advice Scotland acting jointly” substitute “Citizens Advice, Citizens Advice Scotland or Consumer Scotland or those bodies or any two of them acting jointly”.

(8) In section 30A(i) (penalties), in subsection (7)(d), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(a) 1975 c. 24. There are amendments to Part 2 of Schedule 1 that are not relevant to this Order.

(b) 1986 c. 44.

(c) Section 4AB was inserted by section 10 of the Utilities Act 2000 (c. 27); section 4AB(3)(b) and (ba) was substituted by S.I. 2014/631.

(d) Section 6A was inserted by section 2 of the Gas (Exempt Supplies) Act 1993 (c. 1), and then substituted by section 4 of the Gas Act 1995 (c. 45); section 6A(1B) was inserted by section 86(2) of the Utilities Act 2000 and was relevantly amended by S.I. 2014/631.

(e) Section 8 was substituted by section 8(1) of the Gas Act 1995 and was relevantly amended by S.I. 2014/631.

(f) Section 23 was substituted by paragraph 21 of Schedule 3 to the Gas Act 1995; section 23(4) was then again substituted by S.I. 2011/2704 and relevantly amended by S.I. 2014/631.

(g) Section 23B was inserted by S.I. 2011/2704 and was relevantly amended by paragraphs 16(3) and (4) of Schedule 6 to the Enterprise and Regulatory Reform Act 2013 (c. 24) and S.I. 2014/631.

(h) Section 27A was inserted by paragraph 26 of Schedule 3 to the Gas Act 1995; section 27A(1) was amended by paragraphs 2(1) and 10 of Part 1 of Schedule 6 to the Utilities Act 2000 and S.I. 2014/631.

(i) Section 30A was inserted by section 95(1) of the Utilities Act 2000; section 30A(7)(d) was amended by S.I. 2014/631.

- (9) In section 33AB(a) (standards of performance in individual cases: disputes)—
- (a) in subsection (1)(a)(ii), for “Citizens Advice or Citizens Advice Scotland or Citizens Advice and Citizens Advice Scotland acting jointly” substitute “Citizens Advice, Citizens Advice Scotland or Consumer Scotland or those bodies or any two of them acting jointly”, and
 - (b) in subsection (1)(b), for “or Citizens Advice Scotland” substitute “, Citizens Advice Scotland or Consumer Scotland”.
- (10) In section 33BAA(b) (procedures for prescribing or determining standards of performance), in subsection (1)(c), for “Citizens Advice Scotland” substitute “Consumer Scotland”.
- (11) In section 33BC(c) (promotion of reductions in carbon emissions), in subsection (11), for “Citizens Advice Scotland” substitute “Consumer Scotland”.
- (12) In section 41D(d) (application by the Gas and Electricity Markets Authority for order including new activities), in subsection (2), for “Citizens Advice Scotland” substitute “Consumer Scotland”.
- (13) In section 41E(e) (references to the Competition and Markets Authority), in subsection (4), for “Citizens Advice Scotland” substitute “Consumer Scotland”.
- (14) In section 41F(f) (reports on references)—
- (a) in subsection (7), for “Citizens Advice Scotland”, in both places it occurs, substitute “Consumer Scotland”, and
 - (b) in subsection (8), for “Citizens Advice Scotland” substitute “Consumer Scotland”.
- (15) In section 41G(g) (application by the Gas and Electricity Markets Authority for order excluding activities), in subsection (2)(a), for “Citizens Advice Scotland” substitute “Consumer Scotland”.
- (16) In section 41H(h) (consultation by Secretary of State about order excluding activities), in subsection (2)(a), for “Citizens Advice Scotland” substitute “Consumer Scotland”.
- (17) In section 41I(i) (service of notices)—
- (a) in the heading, for “Citizens Advice Scotland” substitute “Consumer Scotland”, and
 - (b) for “Citizens Advice Scotland” substitute “Consumer Scotland”.
- (18) In Schedule 2B(j) (the Gas Code)—
- (a) in paragraph 6A(k) (use of pre-payment meters), in subparagraph (4)(aa), for “Citizens Advice Scotland” substitute “Consumer Scotland”, and
 - (b) in paragraph 8(l) (deemed contracts), in subparagraph (11)(b), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

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- (a) Section 33AB was inserted by section 90(2) of the Utilities Act 2000 (c. 27); section 33AB(1) was amended by S.I. 2014/631.
 - (b) Section 33BAA was inserted by section 92 of the Utilities Act 2000; section 33BAA(1)(c) was amended by S.I. 2014/631.
 - (c) Section 33BC was inserted by paragraph 36 of Schedule 3 to the Gas Act 1995 (c. 45), substituted by section 99 of the Utilities Act 2000 and relevantly amended by paragraph 2(2) of the Schedule to the Climate Change and Sustainable Energy Act 2006 (c. 19); section 33BC(11) was amended by S.I. 2014/631.
 - (d) Section 41D was inserted by section 88 of the Utilities Act 2000; section 41D(2) was amended by S.I. 2014/631.
 - (e) Section 41E was inserted by section 88 of the Utilities Act 2000; section 41E(4) was amended by S.I. 2014/631.
 - (f) Section 41F was inserted by section 88 of the Utilities Act 2000; section 41F(7) was amended by S.I. 2014/631.
 - (g) Section 41G was inserted by section 88 of the Utilities Act 2000; section 41G(2)(a) was amended by S.I. 2014/631.
 - (h) Section 41H was inserted by section 88 of the Utilities Act 2000; section 41H(2)(a) was amended by S.I. 2014/631.
 - (i) Section 41I was inserted by section 18(5) of the Utilities Act 2000 and amended by S.I. 2014/631.
 - (j) Schedule 2B was inserted by Schedule 2 to the Gas Act 1995.
 - (k) Paragraph 6A was inserted by section 84(2) of the Utilities Act 2000 and substituted by section 181(1) of the Energy Act 2004 (c. 20); paragraph 6A(4)(aa) was amended by S.I. 2014/631.
 - (l) Paragraph 8(11) was amended by paragraph 23(c) of Schedule 6 to the Utilities Act 2000 and S.I. 2014/631.

Electricity Act 1989

- 3.—**(1) The Electricity Act 1989(a) is amended as follows.
- (2) In section 3B(b) (guidance on social and environmental matters), in subsection (3)(ba), for “Citizens Advice Scotland” substitute “Consumer Scotland”.
- (3) In section 5(c) (exemptions from prohibition on unlicensed supply), in subsection (3)(a), for “Citizens Advice Scotland” substitute “Consumer Scotland”.
- (4) In section 8A(d) (standard conditions of licenses), in subsection (4)(b), for “Citizens Advice Scotland” substitute “Consumer Scotland”.
- (5) In section 11A(e) (modifications of conditions of licenses), in subsection (4)(b)(iv), for “Citizens Advice Scotland” substitute “Consumer Scotland”.
- (6) In section 11C(f) (appeal to the Competition and Markets Authority)—
- (a) in subsection (2)(d), for “Citizens Advice Scotland” substitute “Consumer Scotland”, and
- (b) in subsection (4)(c), for “Citizens Advice Scotland” substitute “Consumer Scotland”.
- (7) In section 23(g) (determination of disputes), in subsection (1A)(a)(ii), for “Citizens Advice or Citizens Advice Scotland or Citizens Advice and Citizens Advice Scotland acting jointly” substitute “Citizens Advice, Citizens Advice Scotland or Consumer Scotland or those bodies or any two of them acting jointly”.
- (8) In section 27A(h) (penalties), in subsection (7)(d), for “Citizens Advice Scotland” substitute “Consumer Scotland”.
- (9) In section 32L(i) (renewables obligation orders: procedure), in subsection (1)(ba), for “Citizens Advice Scotland” substitute “Consumer Scotland”.
- (10) In section 39B(j) (standards of performance in individual cases: disputes)—
- (a) in subsection (1)(a)(ii), for “Citizens Advice or Citizens Advice Scotland or Citizens Advice and Citizens Advice Scotland acting jointly” substitute “Citizens Advice, Citizens Advice Scotland or Consumer Scotland or those bodies or any two of them acting jointly”, and
- (b) in subsection (1)(b), for “or Citizens Advice Scotland” substitute “, Citizens Advice Scotland or Consumer Scotland”.
- (11) In section 40B(k) (procedures for prescribing or determining standards of performance), in subsection (1)(c), for “Citizens Advice Scotland” substitute “Consumer Scotland”.
- (12) In section 41A(l) (promotion of reductions in carbon emissions), in subsection (11), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(a) 1989 c. 29.

(b) Section 3B was inserted by section 14 of the Utilities Act 2000 (c. 27); section 3B(3)(ba) was amended by S.I. 2014/631.

(c) Section 5 was substituted by section 29 of the Utilities Act 2000; section 5(3)(a) was amended by S.I. 2014/631.

(d) Section 8A was inserted by section 33 of the Utilities Act 2000; section 8A(4)(b) was amended by S.I. 2014/631.

(e) Section 11A was inserted by section 35 of the Utilities Act 2000; section 11A(4) was substituted by S.I. 2011/2704; section 11A(4)(b) was amended by S.I. 2014/631.

(f) Section 11C was inserted by S.I. 2011/2704 and was relevantly amended by paragraphs 31(3) and (4) of Schedule 6 to the Enterprise and Regulatory Reform Act 2013 (c. 24); section 11C(2)(d) and (4)(c) was amended by S.I. 2014/631.

(g) Section 23(1A) was inserted by paragraph 26(2) of Schedule 6 to the Utilities Act 2000 and amended by S.I. 2014/631.

(h) Section 27A was inserted by section 59(1) of the Utilities Act 2000; section 27A(7)(d) was amended by S.I. 2014/631.

(i) Section 32L was substituted by section 37 of the Energy Act 2008 (c. 32); section 32L(1)(ba) was amended by S.I. 2014/631.

(j) Section 39B was inserted by section 54(2) of the Utilities Act 2000; section 39B(1)(a) and (b) was amended by S.I. 2014/631.

(k) Section 40B was inserted by section 56 of the Utilities Act 2000; section 40B(1)(c) was amended by S.I. 2014/631.

(l) Section 41A was inserted by section 70 of the Utilities Act 2000; section 41A(11) was amended by paragraph 4(10) of Schedule 1 to the Energy Act 2011 and S.I. 2014/631.

(13) In section 56B(a) (application by the Gas and Electricity Markets Authority for order including new activities), in subsection (2), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(14) In section 56C(b) (references to the Competition and Markets Authority), in subsection (4), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(15) In section 56D(c) (reports on references)—

(a) in subsection (7), for “Citizens Advice Scotland”, in both places it occurs, substitute “Consumer Scotland”, and

(b) in subsection (8), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(16) In section 56E(d) (application by the Gas and Electricity Markets Authority for order excluding activities), in subsection (2)(a), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(17) In section 56F(e) (consultation by Secretary of State about order excluding activities), in subsection (2)(a), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(18) In section 56G(f) (service of notices)—

(a) in the heading, for “Citizens Advice Scotland” substitute “Consumer Scotland”, and

(b) for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(19) In Schedule 6(g), in paragraph 3(10)(b) (the Electricity Code: deemed contracts), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(20) In Schedule 7(h), in paragraph 12(5)(aa) (special provision for pre-payment electricity meters), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

Postal Services Act 2000

4.—(1) The Postal Services Act 2000(i) is amended as follows.

(2) In section 93(j) (power to modify sections 89 to 92), in subsection (2), after “Citizens Advice Scotland,” insert “Consumer Scotland.”

Utilities Act 2000

5.—(1) The Utilities Act 2000(k) is amended as follows.

(2) In section 4(l) (forward work programmes), in subsection (6), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(3) In section 5(m) (annual and other reports of the Gas and Electricity Markets Authority), in subsection (7), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(4) In section 103(n) (overall carbon emissions reduction targets), in subsection (4), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(a) Section 56B was inserted by section 43 of the Utilities Act 2000 (c. 27); section 56B(2) was amended by S.I. 2014/631.

(b) Section 56C was inserted by section 43 of the Utilities Act 2000; section 56C(4) was amended by S.I. 2014/631.

(c) Section 56D was inserted by section 43 of the Utilities Act 2000; section 56D(7) and (8) was amended by S.I. 2014/631.

(d) Section 56E was inserted by section 43 of the Utilities Act 2000; section 56E(2)(a) was amended by S.I. 2014/631.

(e) Section 56F was inserted by section 43 of the Utilities Act 2000; section 56F(2)(a) was amended by S.I. 2014/631.

(f) Section 56G was inserted by section 18(6) of the Utilities Act 2000 and was amended by S.I. 2014/631.

(g) Schedule 6 was substituted by Schedule 4 to the Utilities Act 2000; paragraph 3(10)(b) was amended by S.I. 2014/631.

(h) Schedule 7 paragraph 12(5)(aa) was amended by S.I. 2014/631.

(i) 2000 c. 26.

(j) Section 93(2) was relevantly amended by S.I. 2014/631.

(k) 2000 c. 27.

(l) Section 4(6) was amended by S.I. 2014/631.

(m) Section 5(7) was amended by S.I. 2014/631.

(n) Section 103(4) was relevantly amended by S.I. 2014/631.

(5) In section 103A(a) (overall home-heating cost reduction targets), in subsection (5), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(6) In section 105(b) (general restrictions on disclosure of information)—

(a) in subsection (3)(a), after “Citizens Advice Scotland” insert “, Consumer Scotland”,

(b) in subsection (5), omit the “and” following paragraph (m),

(c) after subsection (5)(n) insert—

“, and

(o) Consumer Scotland.”, and

(d) in subsection (11A), for “or Citizens Advice Scotland” substitute “, Citizens Advice Scotland or Consumer Scotland”.

Communications Act 2003

6.—(1) The Communications Act 2003(c) is amended as follows.

(2) In section 17(d) (membership of the Consumer Panel)—

(a) after subsection (4BB) insert—

“(4BC) The Secretary of State may direct OFCOM to appoint as a member of the Consumer Panel a person specified by the Secretary of State who—

(a) is a member or a member of staff of Consumer Scotland, and

(b) is nominated for the purposes of this subsection by Consumer Scotland after consultation with OFCOM.

(4BD) Only one person may, at any time, be a member of the Consumer Panel appointed in accordance with a direction under subsection (4BC); but that does not prevent OFCOM appointing as a member of the Consumer Panel any person who is also a member or member of staff of Consumer Scotland.”,

(b) after subsection (4C) insert—

“(4D) A person appointed in accordance with a direction under subsection (4BC) ceases to be a member of the Consumer Panel—

(a) on ceasing to be a member or, as the case may be, a member of staff of Consumer Scotland, or

(b) if Consumer Scotland decides that the person is no longer to be on the Consumer Panel.”, and

(c) in subsection (5), for “and (4BA)” substitute “, (4BA) and (4BC)”.

Consumers, Estate Agents and Redress Act 2007

7.—(1) The Consumers, Estate Agents and Redress Act 2007(e) is amended as follows.

(2) In section 1(f) (the consumer advocacy bodies)—

(a) in subsection (2), after paragraph (b) (and before the “or” following it) insert—

“(ba) Consumer Scotland,”, and

(a) Section 103A was inserted by section 70 of the Energy Act 2011 (c. 16); section 103A(5) was amended by S.I. 2014/631.

(b) Section 105(11A) was inserted by paragraph 20(d) of Schedule 7 to the Consumers, Estate Agents and Redress Act 2007 (c. 17); section 105(3)(a), (5)(m), (n) and (11A) was relevantly amended by S.I. 2014/631.

(c) 2003 c. 21.

(d) Section 17(4A) to (4C) was inserted by section 40 of the Consumers, Estate Agents and Redress Act 2007; section 17(4A) to (4C) was amended by S.I. 2014/631; section 17(5) was amended by section 40 of the Consumers, Estate Agents and Redress Act 2007 and S.I. 2014/631.

(e) 2007 c. 17.

(f) Section 1 was substituted by S.I. 2014/631.

- (b) for subsection (3) substitute—
- “(3) Except where this Act otherwise provides—
- (a) a function conferred on Citizens Advice, Citizens Advice Scotland or Consumer Scotland by or under this Act may be carried out by that body jointly with one or both of the other bodies, and
- (b) each of those bodies may carry out on behalf of another of those bodies a function that is conferred on that other body by or under this Act, with the agreement of that other body.”.
- (3) In section 4(a) (designated consumers), in subsection (4)(aa), after “Citizens Advice Scotland” insert “and Consumer Scotland”.
- (4) In section 5(b) (forward work programmes of the General Consumer Council for Northern Ireland), in subsection (4A)(b), for “Citizens Advice Scotland” substitute “Consumer Scotland”.
- (5) In section 12(c) (investigation of complaints made by vulnerable designated consumers)—
- (a) for subsection (5) substitute—
- “(5) Where a complaint is referred to Citizens Advice, Citizens Advice Scotland or Consumer Scotland, that body may agree with another of those bodies that the complaint is to be treated as having been referred to that other body.”, and
- (b) in subsection (6), for “Citizens Advice and Citizens Advice Scotland” substitute “two of those bodies”.
- (6) In section 13(d) (investigation of complaints relating to disconnection of gas or electricity)—
- (a) for subsection (5A) substitute—
- “(5A) Where a complaint is referred to a consumer advocacy body, that body may agree with another consumer advocacy body that the complaint is to be treated as having been referred to that other body.”, and
- (b) in subsection (5B), for “Citizens Advice or Citizens Advice Scotland” substitute “two consumer advocacy bodies”.
- (7) In section 16(e) (investigations relating to public post offices), in subsection (1)(a), for “and Citizens Advice Scotland” substitute “, Citizens Advice Scotland and Consumer Scotland”.
- (8) In section 19A(f) (guidance for energy consumers), in subsection (8C), after “include a reference to” insert “Citizens Advice Scotland or”.
- (9) In section 24(g) (provision of information to the consumer advocacy bodies), in subsection (2A), for “or Citizens Advice Scotland” substitute “, Citizens Advice Scotland or Consumer Scotland”.
- (10) In section 27(h) (provision of information by a consumer advocacy body), in subsection (1)(b), for “or Citizens Advice Scotland” substitute “, Citizens Advice Scotland or Consumer Scotland”.
- (11) In section 29(i) (disclosure of information)—
- (a) in subsection (3)(a), for “or Citizens Advice Scotland” substitute “, Citizens Advice Scotland or Consumer Scotland”,
- (b) in subsection (3B), for “or Citizens Advice Scotland” substitute “, Citizens Advice Scotland or Consumer Scotland”,

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- (a) Section 4(4) was amended by S.I. 2014/631.
- (b) Section 5(4A) was inserted by S.I. 2014/631.
- (c) Section 12(5) and (6) was inserted by S.I. 2014/631.
- (d) Section 13(5A) and (5B) was inserted by S.I. 2014/631.
- (e) Section 16(1) was substituted by S.I. 2014/631.
- (f) Section 19A was inserted by S.I. 2011/2704; section 19A(8C) was inserted by S.I. 2014/631.
- (g) Section 24(2A) was inserted by S.I. 2014/631.
- (h) Section 27(1) was substituted by S.I. 2014/631.
- (i) Section 29(3) and (4) was relevantly amended, and subsections (3A) and (3B) were inserted, by S.I. 2014/631; section 29(4)(ca) and (cb) was inserted by S.I. 2011/2704.

- (c) in subsection (3C)—
 - (i) after “means” insert “, in relation to Citizens Advice or Citizens Advice Scotland,”, and
 - (ii) after paragraph (b) insert—
 - “and, in relation to Consumer Scotland, a function conferred under section 3, 4 or 5 of the Consumer Scotland Act 2020 (asp 11).”,
- (d) in subsection (4)(ca), for “Citizens Advice Scotland” substitute “Consumer Scotland”, and
- (e) in subsection (4)(cb), for “or Citizens Advice Scotland” substitute “, Citizens Advice Scotland or Consumer Scotland”.

(12) In section 43(a) (standards for handling complaints), in subsection (8), after paragraph (ba) (and before the “and” following it) insert—

“(bb) Consumer Scotland.”.

(13) In section 45(b) (information with respect to compliance with complaints handling standards), in subsection (2), for “Citizens Advice and Citizens Advice Scotland must publish such statistical information as Citizens Advice or, as the case may be, Citizens Advice Scotland” substitute “Citizens Advice, Citizens Advice Scotland and Consumer Scotland must publish such statistical information as Citizens Advice, Citizens Advice Scotland or, as the case may be, Consumer Scotland”.

(14) In section 49(e) (approval of redress schemes)—

- (a) for subsection (7)(e)(i) substitute—
 - “(i) to Citizens Advice Scotland, for the purposes of any qualifying public consumer advice scheme supported by the body (on its own or jointly with one or both of Citizens Advice and Consumer Scotland),
 - (ia) to Consumer Scotland, for the purposes of any qualifying public consumer advice scheme supported by the body (on its own or jointly with one or both of Citizens Advice and Citizens Advice Scotland), and”,
- (b) in subsection (7)(e)(ii), for “or Citizens Advice Scotland, or by them jointly” substitute “, Citizens Advice Scotland or Consumer Scotland, or by all or any two of those bodies jointly”,
- (c) in subsection (8)(ca), after “Citizens Advice Scotland” insert “ and Consumer Scotland”, and
- (d) in subsection (9), for “or Citizens Advice Scotland, or by” substitute “, Citizens Advice Scotland or Consumer Scotland, or by all or any two of”.

Postal Services Act 2011

8.—(1) The Postal Services Act 2011(d) is amended as follows.

(2) In section 61(e) (duties in relation to social and environmental matters)—

- (a) in subsection (3)(ba), for “Citizens Advice Scotland” substitute “Consumer Scotland”, and
- (b) in subsection (3A), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(a) Section 43(8) was amended by S.I. 2014/631.
 (b) Section 45(2) was relevantly amended by S.I. 2014/631.
 (c) Section 49(7)(e) and (8) was amended, and subsection (9) inserted, by S.I. 2014/631.
 (d) 2011 c. 5.
 (e) Section 61(3) was amended, and section 61(3A) inserted, by S.I. 2014/631.

(3) In Schedule 5(a), in paragraph 1 (approval of redress schemes), after sub-paragraph (7)(f) (and before the “and” following it) insert—

“(fa)Consumer Scotland,”.

Smart Meters Act 2018

9.—(1) The Smart Meters Act 2018(b) is amended as follows.

(2) In section 12 (modification under section 11), in subsection (2)(d), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

Domestic Gas and Electricity (Tariff Cap) Act 2018

10.—(1) The Domestic Gas and Electricity (Tariff Cap) Act 2018(c) is amended as follows.

(2) In section 4 (notice of proposed modifications), in subsection (4)(d), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

PART 2

MODIFICATION OF SUBORDINATE LEGISLATION

Electricity and Gas (Standards of Performance) (Suppliers) Regulations 2015

11.—(1) The Electricity and Gas (Standards of Performance) (Suppliers) Regulations 2015(d) are amended as follows.

(2) In the Schedule, in paragraph 1(2)(a) (standards of performance: determination of disputes), for “or Citizens Advice Scotland” substitute “, Citizens Advice Scotland or Consumer Scotland”.

(a) Paragraph 1(7) of Schedule 5 was amended by S.I. 2014/631.

(b) 2018 c. 14.

(c) 2018 c. 21.

(d) S.I. 2015/1544.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in consequence of the Consumer Scotland Act 2020 (asp 11) which establishes Consumer Scotland and makes provision about its functions. Consumer Scotland is known as Luchd-Cleachdaidh Alba in Gaelic.

Article 2 provides that the Consumer Scotland is part of the Scottish Administration.

Article 3 provides that references in the Scotland Act 1998 and any other enactment to an office-holder in the Scottish Administration, however they are defined, are to be taken to include references to Consumer Scotland, unless the context otherwise requires. It also provides that the Crown Suits (Scotland) Act 1857 does not apply to Consumer Scotland with the effect that the Lord Advocate cannot be sued in place of Consumer Scotland.

Article 4 and the Schedule make modifications to primary and secondary legislation in consequence of the Consumer Scotland Act 2020 to transfer certain functions from the Scottish Association of Citizens Advice Bureau (“Citizens Advice Scotland”) to Consumer Scotland, and to add Consumer Scotland as an additional body capable of performing certain functions.

Article 5 makes transitional and saving provision relating to the transfer of functions from Citizens Advice Scotland to Consumer Scotland.

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

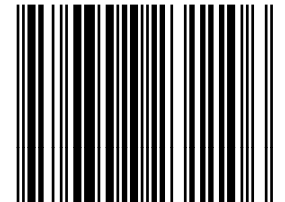
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