

These notes relate to the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4) which received Royal Assent on 11 March 2003

PUBLIC APPOINTMENTS AND PUBLIC BODIES ETC. (SCOTLAND) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

The Commissioner for Public Appointments in Scotland

Section 3 – The Commissioner’s functions: further provision

16. *Subsection (1)* requires that the Scottish Ministers provide the Commissioner with any information that he or she reasonably requires.
17. *Subsection (2)* provides that the Scottish Ministers may by order amend schedule 2. This power allows Ministers to add further offices or bodies to the list of “specified authorities” or to remove existing offices or bodies from that list. Section 18 provides that this order will be made under the “affirmative resolution” procedure in the Scottish Parliament. The Scottish Ministers will also have power to give the Commissioner additional functions or remove existing functions by order. This order will be made under the “affirmative resolution” procedure.
18. *Subsection (3)* brings appointments to bodies not yet existing in law within the remit of the Commissioner. That is, if an appointment round is started during the establishment period for a new body, the Commissioner will have the power to regulate the appointments process.