



# Public Services Reform (Scotland) Act 2010

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## PUBLIC SERVICES REFORM (SCOTLAND) ACT 2010

### PART 1

#### SIMPLIFICATION OF PUBLIC BODIES

##### *Transfer of functions*

- 1 Transfer to Scottish Natural Heritage of functions of Deer Commission for Scotland
- 2 Transfer to Scottish Natural Heritage of functions of Advisory Committee on sites of special scientific interest
- 3 Transfer to certain bodies of functions of Waterwatch Scotland

##### *Dissolution of bodies etc.*

- 4 Dissolution of Scottish Records Advisory Council
- 5 Dissolution of Scottish Industrial Development Advisory Board
- 6 Dissolution of Building Standards Advisory Committee
- 7 Dissolution of Historic Environment Advisory Council for Scotland
- 8 Dissolution of Regional Boards of Scottish Environment Protection Agency

##### *Delegation of functions etc.*

- 9 Delegation of Ministerial functions under section 7 of Industrial Development Act 1982
- 10 Delegation of Ministerial functions under section 5 of Science and Technology Act 1965
- 11 Delegation of certain functions of Forestry Commissioners under Forestry Act 1967
- 12 Forestry Commissioners: joint ventures etc.

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- 13 Regulation of officers of court

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15 Public functions: further provision  
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- 17 Power to remove or reduce burdens  
18 Preconditions

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- 19 Order in relation to certain bodies: requirement for request and consent

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30 Interpretation of Part 2

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 130 Consultation by water and sewerage services providers  
 131 Complaints about water services and sewerage services providers

*General*

- 132 Ancillary provision  
 133 Orders and regulations: Parts 8 and 10  
 134 Short title and commencement

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**SCHEDULE 1 — Deer Commission for Scotland: modifications of enactments**

- 1 Natural Heritage (Scotland) Act 1991 (c. 28)  
 2 In section 1 (establishment of Scottish Natural Heritage)—  
 3 In section 2 (general functions of SNH), in subsection (1)—...  
 4 In section 3 (duty to take account of certain matters),...  
 5 Deer (Scotland) Act 1996 (c. 58)  
 6 For “the Commission” and “the Commission's”, wherever those words occur...

- 7 For the title of Part 1 substitute “Scottish Natural Heritage’s...
- 8 (1) Section 1 (the Deer Commission for Scotland) is amended...
- 9 In section 2 (advice and annual reports)—
- 10 In section 3 (power to facilitate exercise of functions)—
- 11 In section 4 (appointment of panels)— (a) in subsection (1),...
- 12 In section 5 (close seasons)— (a) in subsection (3), for...
- 13 In section 7 (control agreements)— (a) in subsection (1)—
- 14 In section 8 (control schemes)— (a) in subsection (1)—
- 15 In section 9 (recovery of control scheme expenses)—
- 16 In section 10 (emergency measures)— (a) in subsection (1)—
- 17 In section 11 (application of section 10 in relation to...
- 18 In section 12 (power to provide services and equipment etc.)—...
- 19 In section 15 (power to enter on land), in subsection...
- 20 In section 16 (service of notices), in subsection (5), for...
- 21 In section 18 (taking or killing deer at night), in...
- 22 In section 37 (restrictions on granting certain authorisations)—
- 23 In section 39 (disposal of deer killed under authority), for...
- 24 In section 40 (returns of number of deer killed), in...
- 25 Section 46 (financial provisions) is repealed.
- 26 (1) Schedule 1 (Deer Commission for Scotland: supplementary provisions) is...
- 27 In Schedule 2 (control schemes), in paragraph 1—
- 28 Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)
- 29 Scottish Public Services Ombudsman Act 2002 (asp 11)
- 30 Freedom of Information (Scotland) Act 2002 (asp 13)
- 31 Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)

SCHEDULE 2 — Transfer of Waterwatch Scotland functions: modifications of enactments

Part 1 — AMENDMENTS

- 1 Water Industry (Scotland) Act 2002 (asp 3)
- 2 After section 2 (Water Customer Consultation Panels) insert— National Consumer...
- 3 In section 4 (power of the Commission to require information)...
- 4 In section 5 (annual reports by, and information from, the...
- 5 In section 6 (funding of the Commission), after subsection (2)...
- 6 In the title to section 6 (funding of the Commission),...
- 7 In the title to Part 1 (Water Industry Commission and...
- 8 In section 27 (approval of customer standards code)—
- 9 In section 28 (consultation code), in subsection (3)(a)—
- 10 In section 29B (determination of maximum charges), in subsection (4) (a),...
- 11 In section 29D(5) (statements regarding charges), for paragraph (b) substitute—...
- 12 In section 56A (directions may set objectives), in subsection (4),...
- 13 In section 57 (information and reports), in subsection (6)(a), for...
- 14 Water Services etc. (Scotland) Act 2005 (asp 3)
- 15 Consumers, Estate Agents and Redress Act 2007 (c. 17)
- 16 In section 2 (the territorial committees), in subsection (1)(a)—
- 17 After section 7 (annual report), insert— Annual report on Scottish...
- 18 After section 20 (duty to enter into co-operation arrangements) insert —...
- 19 In section 24(9) (provision of information to the Council), after...

- 20 In section 25 (enforcement by regulator of Council notice requiring...  
 Part 2 — REPEALS  
 21 The enactments referred to in the first column of the...

**SCHEDULE 3 — Dissolution of Waterwatch Scotland: arrangements for staff, property etc.**

- 1 Transfer of staff  
2 (1) With effect from the date on which section 3...  
3 (1) This paragraph applies to any person who—  
4 The contract of employment of a person transferred by virtue...  
5 Without prejudice to paragraph 4, where a person is transferred—...  
6 Paragraphs 1 to 5 do not affect any right of...  
7 Transfer of property etc.  
8 Transfer of undetermined complaints

SCHEDULE 4 — Regulation of officers of court: modifications of enactments  
Part 1 — AMENDMENTS

- 1 Debtors (Scotland) Act 1987 (c. 18)  
2 In section 75 (regulation of organisation, training, conduct and  
procedure...  
3 In section 76 (Advisory Council on Messengers-at Arms and Sheriff...  
4 In section 79 (investigation of alleged misconduct)—  
5 In section 80 (courts' powers in relation to offences or...  
6 In section 81 (provisions supplementary to section 80)—  
7 (1) In section 82 (appeals from certain decisions)—  
8 After section 86 insert— Electronic communications In this Part, any  
reference to an admission in writing...  
9 Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3)  
10 For the title of Part 3 (“Enforcement”) substitute “Officers of...  
11 (1) In section 51 (information and annual report)—  
12 In section 53 (published information not to enable identification)—  
13 (1) In section 61 (regulation of judicial officers)—  
14 (1) In section 62 (duty to notify Commission of bankruptcy...  
15 (1) In section 63 (judicial officers' professional association)—  
16 After section 63 insert— Code of practice (1) The professional  
association— (a) must prepare and publish a...  
17 (1) In section 64 (duty of professional association to forward...  
18 In section 65 (information from professional association)—  
19 After section 65 insert— Annual fee for officers of court...  
20 (1) In section 66 (inspection of judicial officer)—  
21 (1) In section 75 (judicial officer's action void where officer...  
22 In section 77 (effect of code of practice)—  
23 In section 78 (electronic publications and communications) the words  
“admission...  
24 (1) In the provisions listed in sub-paragraph (2) for “judicial...  
25 In— (a) sections 117(4), 121(1), 139(1)(c), 157(1)(b) and 183(1)(a),  
and...  
26 In section 128(1) (interpretation of Chapter 2 of Part 4),...  
27 In section 145(1) (interpretation of Chapter 3 of Part 4),...  
28 In section 178(1) (presumption of ownership), for “A judicial officer”...  
29 In section 198(1) (interpretation of Part 8), after the definition...  
30 In section 221 (interpretation), after the definition of “electronic  
communication”...



- 31 In schedule 5 (minor and consequential amendments), in sub-sub-paragraph (c)...
- 32 In Part 1 of schedule 6 (repeals and revocations), in...
  - Part 2 — REPEALS
- 33 The enactments mentioned in the first column of the following...

SCHEDULE 5 — Improvement of public functions: listed bodies  
Scottish Administration  
Scottish public authorities with mixed functions or no reserved functions  
Cross-border public authorities

SCHEDULE 6 — Part 2 order-making powers (request and consent): listed bodies

SCHEDULE 7 — Order-making powers: modifications of enactments

- 1 Deregulation and Contracting Out Act 1994 (c. 40)
- 2 Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40)

SCHEDULE 8 — Information on exercise of public functions: listed public bodies

SCHEDULE 9 — Creative Scotland: establishment etc.

- 1 Status
- 2 Membership of Creative Scotland
- 3 Terms of appointment etc.
- 4 Removal of members
- 5 Disqualification from membership
- 6 Remuneration and allowances for members
- 7 Chief executive and other employees
- 8 Committees
- 9 Procedure and meetings
- 10 General powers
- 11 Delegation of functions
- 12 Location of office
- 13 Accounts
- 14 Reports

SCHEDULE 10 — Creative Scotland: modifications of enactments

- 1 Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)
- 2 Scottish Public Services Ombudsman Act 2002 (asp 11)
- 3 Freedom of Information (Scotland) Act 2002 (asp 13)
- 4 Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)

SCHEDULE 11 — Social Care and Social Work Improvement Scotland: establishment etc.

- 1 Status
- 2 Membership of SCSWIS
- 3 (1) In appointing members, the Scottish Ministers are to have...
- 4 Terms of appointment etc.
- 5 Removal of members
- 6 Disqualification from membership
- 7 Remuneration and allowances for members
- 8 Chief executive and other employees

- 9 Committees
- 10 Procedure and meetings
- 11 General powers
- 12 Delegation of functions
- 13 Location of office
- 14 Accounts
- 15 Reports

#### SCHEDULE 12 — Care services: definitions

- 1 (1) A “support service” is a service provided, by reason...
- 2 A “care home service” is a service which provides accommodation,...
- 3 (1) A “school care accommodation service” is a service which—...
- 4 A “nurse agency” is a service which consists of or...
- 5 (1) A “child care agency” is a service which consists...
- 6 A “secure accommodation service” is a service which—
- 7 An “offender accommodation service” is a service which consists of...
- 8 (1) An “adoption service” is any service which is—
- 9 A “fostering service” is a service which is provided by—...
- 10 The services mentioned— (a) in paragraph 9(a) and (b) and...
- 11 An “adult placement service” is a service which consists of,...
- 12 (1) “Child minding” means, subject to sub-paragraphs (2) and (3)...
- 13 “Day care of children” means, subject to paragraphs 14(b) to...
- 14 For the purposes of— (a) paragraph 12(1), a person does...
- 15 (1) Where a person provides a service for children in...
- 16 For the purposes of paragraph 13, a service which consists...
- 17 For the purposes of paragraph 13, a person does not...
- 18 Expressions used in paragraph 2(b), 3 or 17 have the...
- 19 A “housing support service” is a service which provides support,...
- 20 In this schedule, unless the context otherwise requires— “someone who...

#### SCHEDULE 13 — Social work services functions: specified enactments

#### SCHEDULE 14 — Social Care and Social Work Improvement Scotland: modifications of enactments

- 1 Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)
- 2 Regulation of Care (Scotland) Act 2001 (asp 8)
- 3 In section 53(2)(b) (codes of practice), for “the Commission” substitute...
- 4 In section 59 (general principles)— (a) in subsection (1) the...
- 5 In section 60 (grants)— (a) in subsection (1), the words...
- 6 In section 61 (guarantees)— (a) in subsection (1), the words...
- 7 In section 62 (duty of consultation)— (a) the words “Commission...
- 8 In section 63 (guidance as to consultation)—
- 9 In section 64 (complaints procedure)— (a) in subsection (1)—
- 10 In section 65 (inquiries)— (a) in subsection (1)—
- 11 Scottish Public Services Ombudsman Act 2002 (asp 11)
- 12 Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)
- 13 Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)
- 14 In section 7 (duty to bring matters generally to the...
- 15 In section 8(3) (duty to bring specific matters to the...
- 16 In section 9(2) (duty to give advice), for paragraph (e)...
- 17 In section 17(2) (duties of Scottish Ministers, local authorities and...

- 18 In section 34(3) (inquiries under section 33: co-operation), for paragraph...
- 19 Adult Support and Protection (Scotland) Act 2007 (asp 10)
- 20 In section 5(1) (co-operation), for paragraph (b) substitute—
- 21 In section 42(3) (Adult Protection Committees), for paragraph (b) substitute—...
- 22 In section 43 (membership)— (a) in subsection (2), for “the...
- 23 In section 44(2)(c) (Adult Protection Committee procedure), for “the Care...
- 24 In section 45(2)(d) (duty to provide information to Adult Protection...
- 25 In section 46(b)(v) (biennial report), for “the Care Commission” substitute...
- 26 In section 53(1) (interpretation of Part 1)—
- 27 Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14)
- 28 In section 8 (provision of prescribed information to the Scottish...
- 29 In section 17(5)(c) (information relevant to listing decisions)—
- 30 In section 19 (information held by public bodies etc.), in...
- 31 In section 30(7) (notice of listing, etc)—
- 32 In section 73(d) (consideration of suitability), for the words “the...
- 33 In section 94 (meaning of “protected child”)—
- 34 In section 97(1) (general interpretation)— (a) after the definition of...
- 35 In schedule 2 (regulated work with children)—
- 36 In schedule 3 (regulated work with adults)—
- 37 Repeals

SCHEDULE 15 — Scottish Social Services Council: modifications of Regulation of Care (Scotland) Act 2001

- 1 Part 3 of the Regulation of Care (Scotland) Act 2001...
- 2 In section 46 (grant or refusal of registration under Part...
- 3 In section 47 (variation etc. of conditions in relation to...
- 4 In section 48 (right to make representations to Council as...
- 5 In the heading to section 48, for “proposal” substitute “decision...
- 6 In section 49 (removal etc. from the Council’s register), in...
- 7 In section 50 (notice of Council’s decision)—
- 8 In the heading to section 50, at the end, add...
- 9 In section 51 (appeal against decision of Council)—
- 10 In section 53 (codes of practice)— (a) after subsection (3)...
- 11 In section 64 (complaints procedures)— (a) in subsection (2)—

SCHEDULE 16 — Healthcare Improvement Scotland: establishment etc.

SCHEDULE 17 — Healthcare Improvement Scotland: modifications of enactments

- 1 National Health Service (Scotland) Act 1978 (c. 29)
- 2 In section 2A (duty of Health Boards and others to...
- 3 In the title to that section, for “and the Agency”...
- 4 In section 2D (equal opportunities), in subsection (1), for “and...
- 5 In section 13 (co-operation between Health Boards and other authorities),...
- 6 In section 13A (co-operation in planning of services for disabled...
- 7 In section 15 (supply of goods and services to local...
- 8 In section 17A (NHS contracts), after subsection (2)(b) insert—
- 9 In section 77 (default powers), in subsection (1)—
- 10 In section 78A (powers in case of service failure)—

- 11 In section 79 (purchase of land and moveable property), in...
- 12 In section 83 (power of Health Boards and local health...
- 13 In section 84 (power of trustees to make payments to...
- 14 In section 84A (power to raise money, etc. by appeals,...
- 15 In section 85AA (means of meeting expenditure of Health Boards...
- 16 In section 85 (expenses of certain bodies)—
- 17 In section 85A (financial duties of bodies referred to in...
- 18 In section 85B (schemes for meeting losses and liabilities etc....
- 19 In section 86 (accounts of Health Boards and the Agency)—...
- 20 In section 87 (regulation of financial arrangements of Health Boards)  
—...
- 21 In section 105 (orders, regulations and directions), in subsection (3)—...
- 22 In section 108 (interpretation and construction), after the definition of...
- 23 National Health Service and Community Care Act 1990 (c. 19)
- 24 Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)
- 25 Scottish Public Services Ombudsman Act 2002 (asp 11)
- 26 Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)
- 27 Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)
- 28 In section 7 (duty to bring matters generally to the...
- 29 In section 8(3) (duty to bring specific matters to the...
- 30 In section 9(2) (duty to give advice), after paragraph (d)...
- 31 In section 17(2) (duties of Scottish Ministers, local authorities and...
- 32 In section 34(3) (inquiries under section 33: co-operation), after  
paragraph...
- 33 Smoking, Health and Social Care (Scotland) Act 2005 (asp 13)
- 34 Human Tissue (Scotland) Act 2006 (asp 4)
- 35 Adult Support and Protection (Scotland) Act 2007 (asp 10)
- 36 Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14)
- 37 Public Health etc. (Scotland) Act 2008 (asp 5)

**SCHEDULE 18 — The Mental Welfare Commission for Scotland: modifications of  
the Mental Health (Care and Treatment) (Scotland) Act 2003**

- 1 In section 326(4)(a) of the Mental Health (Care and Treatment)...
- 2 Schedule 1 to that Act is amended as follows.
- 3 Paragraphs 3, 4 and 5 are repealed.
- 4 After paragraph 2 insert— Membership (1) The Commission is to  
consist of the following members—...
- 5 In paragraph 7— (a) in sub-paragraph (1), after “below” insert...
- 6 In the title to paragraph 7, for “officer” substitute “executive”....
- 7 After paragraph 7 insert— Commission Visitors (1) The Commission  
must appoint such staff, employed under paragraph...
- 8 Paragraph 8 is repealed.
- 9 After paragraph 10 insert— Transitional provision: first chief executive  
(1) The person who, immediately before the coming into force...

**SCHEDULE 19 — Scrutiny functions: persons etc. subject to user focus duty**

**SCHEDULE 20 — Scrutiny functions: persons etc. subject to duty of co-operation**