



# Public Services Reform (Scotland) Act 2010

2010 asp 8

## PART 2

### ORDER-MAKING POWERS

#### *Removing and reducing burdens*

#### **17 Power to remove or reduce burdens**

- [<sup>F1</sup>(1) The Scottish Ministers may by order make any provision which they consider would remove or reduce any burden, or the overall burdens, resulting directly or indirectly for any person from any legislation.
- (2) In this section “burden” means any of the following—
- (a) a financial cost,
  - (b) an administrative inconvenience,
  - (c) an obstacle to best regulatory practice,
  - (d) an obstacle to efficiency, productivity or profitability, or
  - (e) a sanction, criminal or otherwise, which affects the carrying on of any lawful activity.
- (3) For the purposes of subsection (1), a financial cost or administrative inconvenience may result from the form of any legislation (for example, where the legislation is hard to understand).
- (4) For the purposes of subsection (2)(c), “best regulatory practice” means practice under which (in particular) regulatory activities should be—
- (a) carried out in a way that is transparent, accountable, proportionate and consistent,
  - (b) targeted only at such cases as require action.
- (5) In this section “legislation” means any of the following or a provision of any of the following—

*Changes to legislation: Public Services Reform (Scotland) Act 2010, Section 17 is up to date with all changes known to be in force on or before 10 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) a public general or local Act of Parliament (whenever passed) or an Act of the Scottish Parliament (whenever passed), or
  - (b) any Order in Council, order, rules, regulations, scheme, warrant, byelaw or other subordinate instrument made at any time under an Act referred to in paragraph (a).
- (6) The provision that may be made under subsection (1) includes provision—
  - (a) abolishing, conferring or transferring, or providing for the delegation of, functions of any description,
  - (b) creating a body or office.
- (7) An order under this section may not amend the constitution of the Scottish Court Service.
- (8) For the purposes of subsection (7), the constitution of the Scottish Court Service is as set out in schedule 3 to the Judiciary and Courts (Scotland) Act 2008.
- (9) An order under this section may—
  - (a) modify any enactment,
  - (b) contain such consequential, incidental, transitional, transitory or saving provision as the Scottish Ministers consider appropriate.
- (10) An order under this section may include provision dissolving any body or office, other than those listed in section 14(3)(b)(i) to (v), but only if the body or office has, or will have by virtue of the order, no exercisable functions.
- (11) An order under this section may bind the Crown.
- (12) An order under this section must be made in accordance with this Part.]

#### Textual Amendments

- F1** Ss. 14-30 cease to have effect (2.8.2015) by virtue of [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), [s. 134\(2\)\(3\)](#) (with [s. 134\(4\)\(5\)](#)); however, ss. 14-30 continue to have effect until 4.6.2020 by virtue of [The Public Services Reform \(Scotland\) Act 2010 \(Part 2 Extension\) Order 2015 \(S.S.I. 2015/234\)](#), [arts. 1, 2](#); which continuation is further extended until 5.5.2025 by [The Public Services Reform \(Scotland\) Act 2010 \(Part 2 Further Extension\) Order 2020 \(S.S.I. 2020/140\)](#), [arts. 1, 2](#)

#### Commencement Information

- I1** S. 17 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

**Changes to legislation:**

Public Services Reform (Scotland) Act 2010, Section 17 is up to date with all changes known to be in force on or before 10 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5 Ch. 3A amendment to earlier affecting provision 2019 asp 6, s. 12(2) by [S.S.I. 2023/127 reg. 3\(4\)](#)
- Pt. 5 Ch. 3A inserted by [2019 asp 6 s. 12\(2\)](#)