

EXECUTIVE NOTE

DRAFT SSI: THE PUBLIC APPOINTMENTS AND PUBLIC BODIES ETC. (SCOTLAND) ACT 2003 (TREATMENT OF OFFICE OR BODY AS SPECIFIED AUTHORITY) (NO.2) ORDER 2010

SSI 2010/XXX

The above instrument was made in exercise of the power conferred by section 3(3) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003. The instrument is subject to affirmative resolution procedure.

Policy Objectives

The purpose of the instrument is to provide for the Scottish Housing Regulator to be treated, for the purposes of appointments to that body, as if it has been added to schedule 2 to the 2003 Act.

Section 2 of the 2003 Act confers functions on the Commissioner for Public Appointments in Scotland in relation to bodies specified in schedule 2 to the Act. Paragraph 9 of schedule 2 to the Housing (Scotland) Bill amends schedule 2 to the 2003 Act by including a reference to the Scottish Housing Regulator, which will be established by section 1 of the Bill. Section 3(3) of the 2003 Act provides that where a body or office is to be established and, when established, is to be specified in schedule 2 to the 2003 Act, the Scottish Ministers may provide that the office or body is to be treated as if it were one of the specified authorities.

The effect of this instrument is to make such provision in respect of the Scottish Housing Regulator until such time as the Scottish Housing Regulator is added to schedule 2 to the 2003 Act and therefore to ensure that any public appointments which are made by the Scottish Ministers to the Scottish Housing Regulator in the meantime will fall within the Commissioner's jurisdiction.

Consultation

The Public Appointments and Public Bodies etc. (Scotland) Act 2003 does not require Ministers to consult on changes proposed under section 3(3) of the Act. The Commissioner for Public Appointments in Scotland has been notified of these proposals.

Financial Effects

The instrument has no financial effects on the Scottish Government, local government, or on business.

The Scottish Government
Housing and Regeneration Division
Justice and Communities Directorate

June 2010