



# Scotland Act 2016

## 2016 CHAPTER 11

### PART 6

#### MISCELLANEOUS

#### **64 Gas and Electricity Markets Authority**

- (1) The Utilities Act 2000 is amended as follows.
- (2) In section 5 (annual and other reports of Authority)—
  - (a) in subsection (5) omit “and” at the end of paragraph (a) and insert—

“(aa) send a copy of the report to the Scottish Ministers, and”, and
  - (b) after subsection (5) insert—

“(5A) The Scottish Ministers shall lay a copy of each annual report before the Scottish Parliament.”
- (3) After section 5 insert—

#### **“5XA Laying of accounts before Scottish Parliament**

- (1) The Comptroller and Auditor General must send to the Authority, in respect of each of its accounting years, a copy of the certified accounts and report of the Authority no later than 15th January of the financial year following that to which the accounts relate.
- (2) The Authority must send to the Scottish Ministers, in respect of each of its accounting years, a copy of the certified accounts and report of the Authority no later than 31st January of the financial year following that to which the accounts relate.
- (3) The Scottish Ministers must lay a copy of whatever is sent to them under subsection (2) before the Scottish Parliament.

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*Status: This is the original version (as it was originally enacted).*

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- (4) In subsections (1) and (2) “certified accounts and report” means those accounts certified under sections 5 and 7 of the Government Resources and Accounts Act 2000, and the report issued by the Comptroller and Auditor General under section 6(3)(a) of that Act.”

## **65 Office of Communications**

- (1) Section 1 of the Office of Communications Act 2002 (the Office of Communications) is amended as follows.

- (2) In subsection (3) after paragraph (a) insert—

“(aa) a member appointed by the Scottish Ministers;”.

- (3) After subsection (3) insert—

“(3A) Before appointing a member under subsection (3)(aa) the Scottish Ministers must consult the Secretary of State.”

- (4) In subsection (5) after “(3)(a)” insert “, (aa)”.

- (5) After subsection (10) insert—

“(11) Paragraphs 1 and 2 of the Schedule apply in relation to the appointment made under subsection (3)(aa) as if—

(a) any reference to the Secretary of State was to the Scottish Ministers, and

(b) after paragraph 2(6) there were inserted—

“(7) Before the Scottish Ministers remove a person from office they must consult the Secretary of State.””

- (6) The Schedule to the Office of Communications Act 2002 is amended as follows.

- (7) In paragraph 11(3) (accounts and audit)—

(a) omit “and” at the end of paragraph (a), and

(b) at the end of paragraph (b) insert “, and

(c) send a copy of the statement and of his report to the Scottish Ministers.”

- (8) After paragraph 11(3) insert—

“(4) The Scottish Ministers shall lay a copy of the statement and report sent to them under sub-paragraph (3) before the Scottish Parliament.”

- (9) In paragraph 12 (annual report)—

(a) in sub-paragraph (1) after “Secretary of State” insert “and the Scottish Ministers”, and

(b) after sub-paragraph (3) insert—

“(4) The Scottish Ministers shall lay a copy of every report sent to them under this paragraph before the Scottish Parliament.”

- (10) In article 2(2) of the Public Appointments Order in Council 2014 (interpretation) in paragraph (a) of the definition of “appointing authority” after “as the case may be,” insert “the Scottish Ministers,”.

## **66 Bodies that may be required to attend before the Parliament**

- (1) The Scotland Act 1998 is amended as follows.
- (2) After section 23 insert—

### **“23A Power to impose requirements on specific bodies**

- (1) Section 23 applies in relation to requirements imposed on a person in connection with the discharge of the functions of a body mentioned in subsection (2) in relation to Scotland with the omission of—
  - (a) the words after paragraph (b) in subsection (1), and
  - (b) subsections (2) and (6).
- (2) The bodies are—
  - (a) the Commissioners of Northern Lighthouses,
  - (b) the Office of Communications, and
  - (c) the Gas and Electricity Markets Authority.”

## **67 Destination of fines, forfeitures and fixed penalties**

- (1) The Scotland Act 1998 is amended as follows.
- (2) After section 65 (payments out of the Scottish Consolidated Fund) insert—

### **“65A Destination of fines, forfeitures and fixed penalties**

Where an Act of Parliament or subordinate legislation under an Act of Parliament requires or authorises a sum to be paid into the Consolidated Fund, and the sum appears to the Secretary of State to be a fine, forfeiture or fixed penalty, the Secretary of State may with the consent of the Treasury by regulations modify the Act or subordinate legislation so as to require or authorise the sum to be paid instead into the Scottish Consolidated Fund.”

- (3) In Schedule 7 (procedure for subordinate legislation), in paragraph 1(2) insert at the appropriate place—

“Section 65A

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