

*These notes relate to the Interpretation and Legislative Reform (Scotland)
Act 2010 (asp 10) which received Royal Assent on 3 June 2010*

INTERPRETATION AND LEGISLATIVE REFORM (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT - BACKGROUND

Part 1: Interpretation

Section 5 - Power to appoint to an office

24. This section sets out the other powers (such as a power to determine the terms and conditions of appointment, or a power to remove or suspend a person from the office or to reappoint or reinstate a person to the office) that are available where an ASP confers power to appoint a person to an office. This is a new section, modelled on section 12 of the New Zealand Interpretation Act 1999. It contains material that would otherwise be likely to be set out in ASPs which contain provision appointing a person to an office. The inclusion of this section has two consequences. First, it will shorten ASPs as it makes it unnecessary for ASPs to deal with these matters (except in cases where some other provision is wanted from a policy viewpoint). Second, it will promote consistency of approach as between ASPs where there is no policy or other justification for taking a different approach in relation to the conferring of these ancillary powers.