



Public Services Reform (Scotland) Act 2010 2010 asp 8

PART 1

SIMPLIFICATION OF PUBLIC BODIES

Delegation of functions etc.

9 Delegation of Ministerial functions under section 7 of Industrial Development Act 1982

In section 7 of the Industrial Development Act 1982 (c. 52) (selective financial assistance for industry in assisted areas), after subsection (4) insert—

- “(4A) The Scottish Ministers may, to such extent and subject to such conditions as they think appropriate, delegate their function under subsection (1) to such persons as they may determine.
- (4B) Where the Scottish Ministers make a delegation under subsection (4A) to a person, they may also delegate to that person their function of being satisfied as mentioned in subsection (4).
- (4C) Where the Scottish Ministers make a delegation under subsection (4A), the reference in subsection (3)(a) to a company formed for the purpose of giving financial assistance is to be construed as a reference to a company formed by the person to whom the function is delegated under subsection (4A).
- (4D) A delegation under subsection (4A) or (4B) does not affect the ability of the Scottish Ministers to carry out the function delegated.
- (4E) A delegation under subsection (4A) or (4B) may be varied or revoked at any time.”.

Status: Point in time view as at 01/08/2010.

Changes to legislation: Public Services Reform (Scotland) Act 2010, Cross Heading: Delegation of functions etc. is up to date with all changes known to be in force on or before 13 June 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)

Commencement Information

II [S. 9](#) in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

10 Delegation of Ministerial functions under section 5 of Science and Technology Act 1965

After subsection (1) of section 5 of the Science and Technology Act 1965 (c. 4) (further powers of the Scottish Ministers) insert—

“(1A) The Scottish Ministers may, to such extent and subject to such conditions as they think appropriate, delegate their power to undertake any activity as mentioned in paragraphs (a) to (c) of subsection (1) above to such persons as they consider appropriate; and any expenses which such persons incur in undertaking such activities are to be met out of the expenses the Scottish Ministers may defray by virtue of subsection (1) above.

(1B) Where power to undertake the activity as mentioned in paragraph (c) of subsection (1) above is delegated under subsection (1A), that paragraph applies as if for the words “Secretary of State” there were substituted “person to whom the power is delegated under subsection (1A) below”.

(1C) A delegation under subsection (1A) does not affect the ability of the Scottish Ministers to exercise the power delegated.

(1D) A person to whom a function is delegated under subsection (1A) may, subject to any conditions as mentioned in that subsection, exercise the function in the same way and to the same extent as the Scottish Ministers notwithstanding any restrictions or limitations on the exercise of the person's functions which would, apart from this subsection, prevent them from exercising the function in that way or to that extent.”.

Commencement Information

I2 [S. 10](#) in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

11 Delegation of certain functions of Forestry Commissioners under Forestry Act 1967

In the Forestry Act 1967 (c. 10), after section 7A insert—

“7B Delegation of functions of Commissioners: Scotland

(1) The Commissioners may, to such extent and subject to such conditions as they think appropriate, delegate their functions under section 3(1) and (3) of this Act to such community bodies as they consider appropriate.

(2) A delegation under subsection (1) may only be made in relation to land in Scotland—

- (a) placed at the disposal of the Commissioners by the Scottish Ministers under this Act, and
- (b) which is let to the community body to which the delegation is made.

Status: Point in time view as at 01/08/2010.

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- (3) A delegation under subsection (1) does not affect the ability of the Commissioners to carry out the function delegated.
- (4) A delegation under subsection (1) does not affect the ability of the Scottish Ministers to—
 - (a) determine which land in Scotland is placed at the disposal of the Forestry Commissioners,
 - (b) give directions under section 1 to the Commissioners in relation to the land in question.
- (5) A delegation under subsection (1) may be varied or revoked at any time.
- (6) In this section, “community body” has the meaning given in section 7C.

7C Delegation of functions under section 7B: community bodies

- (1) A community body is, subject to subsection (3), a company limited by guarantee the articles of association of which include the following—
 - (a) a definition of the community to which the company relates,
 - (b) provision that the company must have not fewer than 20 members,
 - (c) provision that the majority of the members of the company is to consist of members of the community,
 - (d) provision by which the members of the company who consist of members of the community have control of the company,
 - (e) provision ensuring proper arrangements for the financial management of the company and the auditing of its accounts.
- (2) The Commissioners may, if they think it in the public interest to do so, disapply such requirements specified in paragraphs (b) to (d) in subsection (1) in relation to any body they may specify.
- (3) A body is not a community body unless the Commissioners have given it written confirmation that they are satisfied that the main purpose of the body is consistent with furthering the achievement of sustainable development.
- (4) Unless the Scottish Ministers otherwise direct, a community—
 - (a) must be defined for the purposes of subsection (1)(a) by reference to a postcode unit or postcode units, and
 - (b) must comprise the persons from time to time—
 - (i) resident in that postcode unit or in one of those postcode units, and
 - (ii) entitled to vote, at a local government election, in a polling district which includes that postcode unit or those postcode units (or part of it or them).
- (5) In subsection (4) above, “postcode unit” means an area in relation to which a single postcode is used to facilitate the identification of postal service delivery points within the area.
- (6) In subsection (1), “company limited by guarantee” has the meaning given by section 3(3) of the Companies Act 2006 (c. 46).”.

Status: Point in time view as at 01/08/2010.

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Commencement Information

I3 S. 11 in force at 1.8.2010 by S.S.I. 2010/221, art. 3(2), Sch.

12 Forestry Commissioners: joint ventures etc.

- (1) In the Forestry Act 1967, in section 7A (incidental powers of Commissioners), after the word “to” insert “ land in Scotland or ”.
- (2) In the Countryside (Scotland) Act 1967 (c. 86), in section 58 (powers of the Forestry Commissioners), after subsection (2) insert—
 - “(2A) For the purposes of the exercise of their functions under subsection (2), the Commissioners may—
 - (a) form, or participate in the forming of, a body corporate,
 - (b) invest in a body corporate,
 - (c) provide loans,
 - (d) establish a charitable trust,
 - (e) act, or appoint a person to act, as an officer of a body corporate or as a trustee of a charitable trust.”.

Commencement Information

I4 S. 12 in force at 1.8.2010 by S.S.I. 2010/221, art. 3(2), Sch.

Status:

Point in time view as at 01/08/2010.

Changes to legislation:

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