



Public Services Reform (Scotland) Act 2010

2010 asp 8

PART 2

ORDER-MAKING POWERS

General restrictions

20 Subordinate legislation and powers of direction, appointment and consent

- [^{F1}(1) An order under section 14 or 17(1) may confer or transfer a function of legislating only on or to the Scottish Ministers, the First Minister or the Lord Advocate.
- (2) An order under section 14 or 17(1) may not make provision for the delegation of any function of legislating.
- (3) An order under section 14 or 17(1) may not make provision to confer a function of legislating on the Scottish Ministers, the First Minister or the Lord Advocate unless the conditions in subsections (4) and (5) are satisfied.
- (4) The condition in this subsection is that the function is exercisable by statutory instrument.
- (5) The condition in this subsection is that such a statutory instrument—
- (a) is subject to annulment in pursuance of a resolution of the Scottish Parliament, or
 - (b) is not to be made unless a draft of the statutory instrument has been laid before and approved by a resolution of the Parliament.
- (6) Subsections (1) to (3) do not apply to provision which merely restates an enactment.
- (7) An order under section 14 or 17(1) may not make provision which has the effect of transferring to a person other than the Scottish Ministers, the First Minister or the Lord Advocate any function to which subsection (8) applies.
- (8) This subsection applies to any function of—
- (a) giving directions,

Changes to legislation: Public Services Reform (Scotland) Act 2010, Section 20 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

- (b) appointing a person to any office or position, or
 - (c) consenting to any thing,
- conferred by any enactment on the Scottish Ministers, the First Minister or the Lord Advocate.]

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

Changes to legislation:

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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\(2\)](#)