Islands (Scotland) Act 2018

2018 asp 12

PART 3

DUTIES IN RELATION TO ISLAND COMMUNITIES

Duties of the Scottish Ministers in respect of legislation and strategies

13 Preparation of island communities impact assessment by Ministers

(1) The Scottish Ministers must prepare an island communities impact assessment in relation to legislation which, in their opinion, is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities) in Scotland.

(2) In subsection (1), "legislation" means—

(a) a Bill for an Act of the Scottish Parliament which the Scottish Ministers intend to introduce in the Parliament, and

(b) subordinate legislation which is—

(i) to be made by the Scottish Ministers and is subject to the negative procedure, or

(ii) to be laid in draft before the Scottish Parliament and, subject to the affirmative procedure, to be made by the Scottish Ministers.

(3) An island communities impact assessment prepared under subsection (1) must—

(a) describe the likely significantly different effect of the legislation,

(b) assess the extent to which the Scottish Ministers consider that the legislation can be developed in such a manner as to improve or mitigate, for island communities, the outcomes resulting from the legislation, and

(c) set out the financial implications of steps taken under this subsection to mitigate, for island communities, the outcomes resulting from the legislation.

(4) An island communities impact assessment under subsection (1) is taken to be an islands communities impact assessment under section 8(1) in relation to the policy, strategy or service of the Scottish Ministers to be implemented by the legislation.

Commencement Information
I1 S. 13 in force at 23.12.2020 by S.S.I. 2020/346, **reg. 2**

14 Duty of the Scottish Ministers to have regard to request for retrospective island communities impact assessment

(1) A local authority listed in the schedule may make a request to the Scottish Ministers to prepare and publish a retrospective island communities impact assessment in relation to existing legislation or national strategies which have an effect on an island community which is significantly different from their effect on other communities (including other island communities) in Scotland.

(2) Following receipt of a request made under subsection (1), the Scottish Ministers must, within 3 months, confirm in writing—
(a) their approval of the request, or
(b) their reasons for not approving the request.

(3) If the Scottish Ministers approve a request under subsection (2)(a), they must prepare and publish a retrospective island communities impact assessment under subsection (1) within 6 months of the date of their decision.

(4) In this section—
"legislation" means—
(a) an Act of the Scottish Parliament, and
(b) subordinate legislation made under an Act of the Scottish Parliament,
"national strategies" means any strategy or framework prepared and published by the Scottish Ministers.

(5) A retrospective island communities impact assessment must include—
(a) a description of the methods and data used to assess the effect on island communities,
(b) the steps (if any) the Scottish Ministers intend to take to rectify, mitigate or improve the effect of the legislation or national strategy on island communities.

Commencement Information
I2 S. 14 in force at 23.12.2020 by S.S.I. 2020/346, **reg. 2**

15 Scheme for requests by local authorities for devolution of functions

(1) The Scottish Ministers must by regulations establish a scheme for the making by a local authority listed in the schedule of a request to them to promote legislation devolving a function to the authority.

(2) Regulations under subsection (1) must include provision specifying—
(a) the manner and form in which a request is to be made,
(b) the information that an authority must provide when making a request,

(c) the process by which, and the period within which, the Scottish Ministers must consider and decide on the request,

(d) the actions which the Scottish Ministers must take following their decision to approve or reject the request,

(e) the period within which those actions must be taken,

(f) that a decision of the Scottish Ministers to devolve a function following a request may be a decision to devolve that function to the authority that made that request or to that authority and to one or more of the other local authorities listed in the schedule,

(g) the manner, form and period within which an authority may appeal against decisions of the Scottish Ministers in relation to a request.

(3) Regulations under subsection (1) may include provision—

(a) specifying consultation to be undertaken by an authority before making a request,

(b) that the information mentioned in subsection (2)(b) must include—

(i) information identifying the outcomes that would be improved by virtue of devolution of the function requested,

(ii) evidence of community support (including the support of island communities) for the promotion of such devolution.

(4) Before laying a draft of regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers must consult—

(a) each local authority listed in the schedule,

(b) such other persons as they consider appropriate.

Commencement Information

I3 S. 15 in force at 4.10.2018 by S.S.I. 2018/282, **reg. 2**

Status:
Point in time view as at 23/12/2020.

Changes to legislation:
There are currently no known outstanding effects for the Islands (Scotland) Act 2018, Cross Heading: Duties of the Scottish Ministers in respect of legislation and strategies.