



Consumer Scotland Act 2020

2020 asp 11

PART 1

CONSUMER SCOTLAND

Functions

2 The general function of providing consumer advocacy and advice

- (1) Consumer Scotland has the general function of providing consumer advocacy and advice with a view to—
- (a) reducing harm to consumers in Scotland,
 - (b) increasing confidence among consumers in Scotland in dealing with businesses that supply goods and services to consumers,
 - (c) increasing the extent to which consumer matters are taken into account by public authorities in Scotland,
 - (d) promoting—
 - (i) sustainable consumption of natural resources, and
 - (ii) other environmentally sustainable practices,in relation to the acquisition, use and disposal of goods by consumers in Scotland,
 - (e) otherwise advancing inclusion, fairness, prosperity and other aspects of wellbeing in Scotland.
- (2) In exercising its general function, Consumer Scotland has the particular functions set out in sections 3 to 6.

3 The representative function

- (1) Consumer Scotland may—
- (a) provide advice and information to persons mentioned in subsection (3) about consumer matters,
 - (b) make proposals to such persons about consumer matters, and
 - (c) represent the views of consumers on consumer matters to such persons.

Status: This is the original version (as it was originally enacted).

- (2) Where the Scottish Ministers ask Consumer Scotland to provide them with such advice, information, proposals or representations, Consumer Scotland must, so far as is reasonably practicable and consistent with its other functions, do so.
- (3) The persons referred to in subsection (1) are—
- (a) the Scottish Ministers,
 - (b) any Minister of the Crown or government department,
 - (c) any local authority,
 - (d) any regulatory body established by or under an enactment,
 - (e) any other person whom Consumer Scotland considers might have an interest in the matter in question.

4 The research and investigation function

- (1) Consumer Scotland may obtain, analyse, and keep under review—
- (a) information about consumer matters,
 - (b) information about the views of consumers on consumer matters, and
 - (c) information of such other description as may be prescribed by the Scottish Ministers by regulations.
- (2) Consumer Scotland may also undertake investigations—
- (a) into sectors or practices which it considers cause, or may cause, harm to consumers, or
 - (b) otherwise for the purpose of fulfilling its general function.

5 The information function

- (1) Consumer Scotland may provide or secure the provision of advice and information to consumers—
- (a) about Consumer Scotland and its functions,
 - (b) about consumer matters (as they relate to consumers generally or individually), and
 - (c) about such other matters as may be prescribed by the Scottish Ministers by regulations.
- (2) In exercising the power conferred by subsection (1), Consumer Scotland may (among other things)—
- (a) publish or otherwise make available information in any manner Consumer Scotland considers appropriate for the purpose of bringing it to the attention of those likely to have an interest in it,
 - (b) support (financially or otherwise), facilitate or co-ordinate the activities of other persons.

6 The recall of goods function

- (1) Consumer Scotland must establish and operate, or secure the establishment and operation of, a publicly available database of recalls of goods in Scotland which Consumer Scotland considers to be major (either in terms of the significance of the potential risk to individuals from the goods or the scale of the recall).

- (2) Consumer Scotland may take such further steps as it considers appropriate to provide or secure the provision of advice and information to consumers about such recalls.
- (3) In exercising its functions under this section, Consumer Scotland may (among other things)—
 - (a) publish or otherwise make available information in any manner Consumer Scotland considers appropriate for the purpose of bringing it to the attention of those likely to have an interest in it,
 - (b) support (financially or otherwise), facilitate or co-ordinate the activities of other persons.
- (4) For the purpose of subsection (1), a recall of goods includes a case where, instead of goods being taken back from consumers, corrective measures are being taken in relation to them.

7 General provision about functions

- (1) In exercising its functions, Consumer Scotland must comply with the requirements of this section.
- (2) Consumer Scotland must have regard to the forward work programme published under section 14.
- (3) Consumer Scotland must have regard to—
 - (a) the activities carried on by specified persons and any other persons with the same functions as, or similar functions to, Consumer Scotland, and
 - (b) the desirability of working in collaboration with others where appropriate.
- (4) Consumer Scotland must have regard to the interests of vulnerable consumers.
- (5) But nothing in subsection (4) is to be taken as implying that regard may not be had to the interests of other descriptions of consumers.
- (6) Consumer Scotland must have regard to the environmental impact of the actions of consumers.
- (7) Consumer Scotland must have regard to the importance of communicating in an inclusive way.
- (8) In subsection (3)(a), “specified” means specified in regulations made by the Scottish Ministers.
- (9) In subsection (7), “communicating in an inclusive way” means communicating in a way that ensures that individuals who have difficulty communicating (in relation to speech, language or otherwise) can receive information and express themselves in ways that best meet each individual’s needs.

8 Exercise of functions

Nothing in this Act imposes on Consumer Scotland a duty to exercise any of its functions on behalf of or at the request of a particular consumer.