



# Consumer Scotland Act 2020

## 2020 asp 11

### PART 1

#### CONSUMER SCOTLAND

##### *Review of performance and modification of functions*

#### **19 Review of Consumer Scotland's performance**

- (1) Consumer Scotland must, at least once in every review period, appoint a suitable individual or body to review and prepare a report on the performance of its functions during the period.
- (2) The report under subsection (1) must be prepared as soon as reasonably practicable after the end of the review period to which it relates.
- (3) For the purposes of subsection (1), an individual or body is suitable only if—
  - (a) the individual or body has expertise likely to be relevant to the assessment of the performance of Consumer Scotland's functions, and
  - (b) the individual or body is not—
    - (i) a member of Consumer Scotland,
    - (ii) disqualified from appointment as such a member by virtue of paragraph 3 of schedule 1, or
    - (iii) a member of staff of Consumer Scotland.
- (4) Consumer Scotland may make such payment to an individual or body appointed under subsection (1) in respect of a review as it, with the approval of the Scottish Ministers, determines.
- (5) Consumer Scotland must—
  - (a) publish each report prepared under subsection (1),
  - (b) lay a copy of it before the Scottish Parliament, and
  - (c) send a copy of it to the Scottish Ministers.
- (6) In this section, “review period” means—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the period of 3 years beginning with the date on which section 1 comes into force, and
- (b) each subsequent period of 5 years.

## **20 Power to modify Consumer Scotland's functions**

- (1) Subject to subsection (3), the Scottish Ministers may by regulations—
  - (a) confer functions on Consumer Scotland,
  - (b) vary the functions of Consumer Scotland,
  - (c) remove functions from Consumer Scotland.
- (2) In subsection (1)—
  - (a) the reference to conferring functions on Consumer Scotland includes reference to transferring functions from another person to Consumer Scotland, and
  - (b) the reference to removing functions from Consumer Scotland includes reference to transferring functions from Consumer Scotland to another person.
- (3) Regulations under subsection (1) may not remove Consumer Scotland's functions under section 2.
- (4) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers must consult—
  - (a) Consumer Scotland,
  - (b) any person to whom, or from whom, functions are being transferred, and
  - (c) such other persons as they consider appropriate.
- (5) Regulations under subsection (1) may modify this Act or any other enactment.