

SCHEDULE 1

(introduced by section 1(3))

CONSUMER SCOTLAND

Status

- 1 (1) Consumer Scotland—
 - (a) is not a servant or agent of the Crown, and
 - (b) does not enjoy any status, immunity or privilege of the Crown.
- (2) Consumer Scotland’s members are not to be regarded as civil servants.

Membership

- 2 (1) Consumer Scotland is to consist of—
 - (a) a member appointed by the Scottish Ministers to chair Consumer Scotland, and
 - (b) at least 2 but no more than 4 other members appointed by the Scottish Ministers.
- (2) A member is appointed for such period not exceeding 5 years as the Scottish Ministers determine.
- (3) The Scottish Ministers may reappoint as a member a person who is, or has been, a member of Consumer Scotland.
- (4) The Scottish Ministers must, when appointing members of Consumer Scotland—
 - (a) do so in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements,
 - (b) have regard to the desirability of having at least one member who has personal experience of being a vulnerable consumer or who otherwise has experience in dealing with or knowledge of the difficulties faced by vulnerable consumers.
- (5) The Scottish Ministers may determine other terms and conditions of membership in relation to matters not covered by this Act.
- (6) The Scottish Ministers may by regulations amend sub-paragraph (1)(b) to substitute for the minimum or maximum number of members for the time being specified such other number or numbers of members.
- (7) In sub-paragraph (4)(a), “equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 (equal opportunities) of Part 2 of schedule 5 of the Scotland Act 1998.

Persons who may not be members

- 3 (1) The Scottish Ministers may not appoint a person as a member of Consumer Scotland if—
 - (a) the person is—
 - (i) a member of the Scottish Parliament,
 - (ii) a member of the House of Commons,
 - (iii) a member of the House of Lords,

Status: This is the original version (as it was originally enacted).

- (iv) a member of the National Assembly for Wales,
 - (v) a member of the Northern Ireland Assembly,
 - (vi) a member of the European Parliament,
 - (vii) a councillor of a local authority,
 - (viii) the holder of any other relevant elective office within the meaning of paragraph 1(8) of schedule 7 of the Political Parties, Elections and Referendums Act 2000,
 - (ix) a member of the Scottish Government,
 - (x) a Minister of the Crown,
 - (xi) an office-holder of the Crown in right of Her Majesty's Government in the United Kingdom,
 - (xii) an office-holder in the Scottish Administration,
 - (xiii) a civil servant,
 - (b) the person is insolvent,
 - (c) the person is or has been disqualified as a company director under the Company Directors Disqualification Act 1986,
 - (d) the person is or has been disqualified as a charity trustee under the Charities and Trustee Investment (Scotland) Act 2005, or
 - (e) the person is or has been disqualified under any disqualification provision analogous to either of those mentioned in paragraphs (c) and (d), anywhere in the world.
- (2) For the purposes of sub-paragraph (1)(b), a person becomes insolvent when—
- (a) the person's estate is sequestrated,
 - (b) the person grants a trust deed for creditors or makes a composition or arrangement with creditors,
 - (c) the person is the subject of any other kind of arrangement analogous to either of those described in paragraphs (a) and (b), anywhere in the world.

Early termination of membership

- 4 (1) A member of Consumer Scotland may resign by giving notice in writing to the Scottish Ministers.
- (2) A person's membership of Consumer Scotland ends if the person becomes disqualified as a member after appointment.
- (3) A person becomes disqualified as a member after appointment if, during the person's period of appointment as a member, any of paragraphs (a) to (e) of paragraph 3(1) applies to the person.
- (4) The Scottish Ministers may, by giving notice to the member in writing, remove a member if—
- (a) the member has been absent, without reasonable excuse, from 3 consecutive meetings of Consumer Scotland, or
 - (b) the Scottish Ministers consider that the member is—
 - (i) unable to perform the functions of a member, or
 - (ii) unsuitable to continue as a member.

Members' remuneration, allowances and pensions

- 5 (1) Consumer Scotland may pay each member such remuneration and allowances (including expenses) as it, with the approval of the Scottish Ministers, determines.
- (2) Consumer Scotland may pay, or make arrangements for the payment of, such pensions, allowances and gratuities to, or in respect of, any person who is or has been a member of Consumer Scotland as it, with the approval of the Scottish Ministers, determines.
- (3) Those arrangements may include—
- (a) making payments towards the provision of those pensions, allowances and gratuities,
 - (b) providing and maintaining schemes for the payment of those pensions, allowances and gratuities.
- (4) The reference in sub-paragraph (2) to pensions, allowances and gratuities includes pensions, allowances and gratuities by way of compensation for loss of office.

Chief executive and other staff

- 6 (1) Consumer Scotland is to have, as a member of staff, a chief executive.
- (2) Consumer Scotland is to appoint each chief executive with the approval of the Scottish Ministers.
- (3) The chief executive may not be a member of Consumer Scotland.
- (4) Consumer Scotland may appoint other staff.
- (5) The chief executive and other staff are appointed on such terms and conditions as Consumer Scotland, with the approval of the Scottish Ministers, determines.

Pensions of chief executive and other staff

- 7 (1) Consumer Scotland may pay or make arrangements for the payment of pensions, allowances and gratuities to, or in respect of, any person who is or has been a member of staff of Consumer Scotland.
- (2) Those arrangements may include—
- (a) making payments towards the provision of those pensions, allowances and gratuities,
 - (b) providing and maintaining schemes for the payment of those pensions, allowances and gratuities.
- (3) The reference in sub-paragraph (1) to pensions, allowances and gratuities includes pensions, allowances and gratuities by way of compensation for loss of office.

Committees

- 8 (1) Consumer Scotland may establish committees and sub-committees.
- (2) The membership of a committee or sub-committee may include or consist of persons who are not members of Consumer Scotland (but those persons are not entitled to vote at meetings).

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

- (3) Consumer Scotland may—
- (a) pay each member of a committee or sub-committee who is not a member of or a member of staff of Consumer Scotland remuneration and allowances (including expenses), and
 - (b) pay, or make arrangements for the payment of, allowances and gratuities to, or in respect of, any person who is or has been a member of a committee or sub-committee who is not a member of or a member of staff of Consumer Scotland.
- (4) Those arrangements may include—
- (a) making payments towards the provision of those allowances and gratuities,
 - (b) providing and maintaining schemes for the payment of those allowances and gratuities to, or in respect of, any person who is or has been a member of a committee or sub-committee.
- (5) The reference in sub-paragraph (3) to allowances and gratuities include allowances and gratuities by way of compensation for loss of office as a member of a committee or sub-committee.

Authority to perform functions

- 9 (1) Consumer Scotland may authorise—
- (a) any of its members,
 - (b) any committee or sub-committee established by it,
 - (c) its chief executive, or
 - (d) any other member of its staff,
- to perform such of its functions (and to such extent) as it determines.
- (2) But Consumer Scotland may not authorise another person to perform any of the following functions—
- (a) approving any annual budget or financial plan,
 - (b) approving annual reports or accounts.
- (3) The giving of authority under this paragraph to perform a function does not—
- (a) affect Consumer Scotland's responsibility for the performance of the function, or
 - (b) prevent Consumer Scotland from performing the function itself.

Regulation of procedure

- 10 Consumer Scotland may regulate its own procedure (including quorum) and that of any committee or sub-committee.

Validity of things done

- 11 The validity of anything done by Consumer Scotland or its committees or sub-committees is not affected by—
- (a) a vacancy in membership,
 - (b) a defect in the appointment of a member,
 - (c) the disqualification of a person as a member after appointment.

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

General powers

- 12 Consumer Scotland may do anything which appears to it—
- (a) to be necessary or expedient for the purposes of, or in connection with, the performance of its functions, or
 - (b) to be otherwise conducive to the performance of its functions.

Location of office

- 13 Consumer Scotland’s determination of the location of its office premises is subject to the approval of the Scottish Ministers.

SCHEDULE 2

(introduced by section 28)

APPLICATION OF PUBLIC BODIES LEGISLATION

Ethical Standards in Public Life etc. (Scotland) Act 2000

- 1 In the Ethical Standards in Public Life etc. (Scotland) Act 2000, in schedule 3 (devolved public bodies), after the entry relating to Community Justice Scotland insert—
- “Consumer Scotland”.

Scottish Public Services Ombudsman Act 2002

- 2 In the Scottish Public Services Ombudsman Act 2002, in schedule 2 (listed authorities), after paragraph 21ZZC insert—
- “21ZZD Consumer Scotland.”.

Freedom of Information (Scotland) Act 2002

- 3 In the Freedom of Information (Scotland) Act 2002, in Part 2 of schedule 1 (non-ministerial office holders in the Scottish Administration), after paragraph 7 insert—
- “7ZA Consumer Scotland.”.

Public Appointments and Public Bodies etc. (Scotland) Act 2003

- 4 In the Public Appointments and Public Bodies etc. (Scotland) Act 2003, in schedule 2 (the specified authorities), under the heading “Executive bodies”, after the entry relating to Community Justice Scotland insert—
- “Consumer Scotland”.

Public Services Reform (Scotland) Act 2010

- 5 In the Public Services Reform (Scotland) Act 2010—
- (a) in schedule 5 (improvement of public functions: listed bodies), under the heading “Scottish public authorities with mixed functions or no reserved functions”, after the entry relating to the Common Services Agency for the Scottish Health Service insert—

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

- “Consumer Scotland”,
- (b) in schedule 8 (listed public bodies), after the entry relating to Community Justice Scotland insert—
- “Consumer Scotland”.

Public Records (Scotland) Act 2011

- 6 In the Public Records (Scotland) Act 2011, in the schedule, under the heading “Scottish Administration” after the entry relating to the Chief Medical Officer of the Scottish Administration insert—
- “Consumer Scotland”.

Procurement Reform (Scotland) Act 2014

- 7 In the Procurement Reform (Scotland) Act 2014, in Part 1 of the schedule (contracting authorities: Scottish Administration and Scottish Parliament), after paragraph 13C insert—
- “13D Consumer Scotland”.

Gender Representation on Public Boards (Scotland) Act 2018

- 8 In the Gender Representation on Public Boards (Scotland) Act 2018, in schedule 1 (public authorities), after the entry relating to Community Justice Scotland insert—
- “Consumer Scotland”.

Islands (Scotland) Act 2018

- 9 In the Islands (Scotland) Act 2018, in the schedule, under the heading “Scottish public authorities with mixed functions or no reserved functions”, after the entry relating to Children’s Hearings Scotland insert—
- “9A Consumer Scotland”.