

## SCHEDULE 1

(introduced by section 38(3))

### PERFORMANCE TARGETS

#### *Application*

- 1 This schedule applies where the Scottish Ministers—
  - (a) are satisfied that an act or omission of an approved regulator (or a series of acts or omissions) has had, or is likely to have, an adverse impact on the observance of any of the regulatory objectives, or
  - (b) consider that, for any other reason, it is necessary or expedient for one or more performance targets to be set as respects an approved regulator.

#### *Power to set targets*

- 2 (1) The Scottish Ministers may—
  - (a) set one or more performance targets for the approved regulator in relation to its regulatory functions,
  - (b) require the approved regulator to set one or more performance targets in relation to its regulatory functions.
- (2) The approved regulator must (so far as practicable) comply with a performance target set for it under sub-paragraph (1)(a) or (b).

#### *Notice of intention*

- 3 (1) Before setting a performance target, or requiring the approved regulator to do so, the Scottish Ministers must give it a notice (a “notice of intention”) of their intention to do so.
- (2) The notice of intention must—
  - (a) state that the Scottish Ministers intend to—
    - (i) set a performance target, or
    - (ii) require that the approved regulator set such a target,
  - (b) describe the proposed target (including the period within which it would have to be met),
  - (c) specify—
    - (i) the act or omission (or series of acts or omissions) to which the proposed target relates,
    - (ii) any other facts which, in their opinion, justify the intended target-setting.

#### *Consultation*

- 4 (1) The approved regulator has 28 days beginning with the date of receipt of the notice of intention (or such longer period as the approved regulator and the Scottish Ministers may agree) to make representations to the Scottish Ministers about the proposed target.
- (2) The Scottish Ministers must—

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*Status: This is the original version (as it was originally enacted).*

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- (a) give a copy of the notice of intention to such persons or bodies as they consider appropriate,
- (b) consult them accordingly.

#### *Decision*

- 5 (1) The Scottish Ministers must have regard to any representations made to them by the approved regulator, or any consultee under paragraph 4(2), when deciding whether to proceed with the target-setting.
- (2) The Scottish Ministers must—
- (a) send to the approved regulator a notice (a “decision notice”) of their decision,
  - (b) notify the consultees under paragraph 4(2) of their decision,
  - (c) publish any target set, or requirement made by them, under paragraph 2(1) (a) or (b) in such manner as they consider most appropriate to bring it to the attention of any relevant person or body.
- (3) If the Scottish Ministers’ decision is in favour of target-setting, the decision notice must contain the target.
- (4) An approved regulator must publish any target set by it following a requirement under paragraph 2(1)(b) in such manner as it considers most appropriate for bringing it to the attention of any relevant person or body.
- (5) For the purposes of this schedule, relevant persons or bodies include—
- (a) other approved regulators,
  - (b) providers of legal services,
  - (c) organisations representing the interests of consumers,
  - (d) members of the public.