

Draft Order laid before Parliament under paragraphs 1, 2 and 3 of Schedule 7 to the Scotland Act 1998 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2017 No.

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND
TAXES**

**The Scottish Fiscal Commission Act 2016 (Consequential
Provisions and Modifications) Order 2017**

Made - - - -

Coming into force in accordance with article 1(2)

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1), 113(5) and 114(1) of the Scotland Act 1998⁽¹⁾.

In accordance with paragraphs 1, 2 and 3 of Schedule 7 to that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1.—(1) This Order may be cited as the Scottish Fiscal Commission Act 2016 (Consequential Provisions and Modifications) Order 2017.

(2) This Order comes into force on the same day as section 1 (establishment of the Scottish Fiscal Commission) of the Scottish Fiscal Commission Act 2016⁽²⁾ comes into force.

Status of the Scottish Fiscal Commission as part of the Scottish Administration

2. The Scottish Fiscal Commission⁽³⁾ is part of the Scottish Administration.

(1) 1998 c.46.

(2) 2016 asp 17.

(3) The Scottish Fiscal Commission is established by section 1 of the Scottish Fiscal Commission Act 2016.

Construction of references to an office-holder in the Scottish Administration

3.—(1) Unless the context otherwise requires, references in the Scotland Act 1998 and any other enactment (except the Crown Suits (Scotland) Act 1857⁽⁴⁾) to an office-holder in the Scottish Administration are to be taken to include a reference to the Scottish Fiscal Commission.

(2) Paragraph (1) applies whether or not the enactment defines the expression “office-holder in the Scottish Administration” by reference to the Scotland Act 1998 or any specific provision of that Act.

Office for Budget Responsibility: duty to co-operate

4. After section 7 of the Budget Responsibility and National Audit Act 2011⁽⁵⁾, insert—

“Duty to co-operate with the Scottish Fiscal Commission

7A. The Office must, so far as necessary for the performance of the Scottish Fiscal Commission’s functions, co-operate with the Commission.”.

House of Commons Disqualification Act 1975

5. In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975⁽⁶⁾ (bodies of which all members are disqualified), insert the following entry at the appropriate place—

“The Scottish Fiscal Commission”.

Dover House,
London
Date

Name
Secretary of State
Scotland Office

⁽⁴⁾ 1857 c.44.
⁽⁵⁾ 2011 c.4.
⁽⁶⁾ 1975 c.24.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision consequential on the Scottish Fiscal Commission Act 2016 which establishes the Scottish Fiscal Commission (“the Commission”) and makes provision about its functions. The Commission is known as Coimisean Fiosgail na h-Alba in Gaelic.

Articles 2 and 3 make the Commission part of the Scottish Administration. Accordingly, the Commission will be a non-ministerial department accountable to the Scottish Parliament. Article 3 also provides that the Crown Suits (Scotland) Act 1857 does not apply to the Commission with the effect that the Lord Advocate cannot be sued in place of the Commission.

Article 4 places an obligation on the Office for Budget Responsibility to co-operate with the Commission.

Article 5 inserts a reference to the Commission into the House of Commons Disqualification Act 1975 to disqualify members of the Commission from being members of the House of Commons.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.