
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

The Additional Powers Request (Scotland) Regulations 2019

PART 1

Preliminary

Citation and commencement

1. These Regulations may be cited as the Additional Powers Request (Scotland) Regulations 2019 and come into force on the day after the day on which they are made.

Interpretation

2. In these Regulations—

“the Act” means the Islands (Scotland) Act 2018,

“additional power” means the function, duty or responsibility to which an additional powers request pertains,

“additional powers request” means a request by a relevant local authority that the Scottish Ministers—

(a) transfer a function, duty or responsibility to that local authority, or

(b) promote legislation devolving a function, duty or responsibility to that local authority,

“decision notice” means the notice issued by the Scottish Ministers under regulation 13(1)(a),

“determination notice” means the notice issued by the Scottish Ministers under regulation 26(1)(a),

“extend the additional power” has the meaning given by regulation 12(5)(b),

“give effect to an additional powers request” has the meaning given by regulation 12(5)(a),

“Hearing Session Rules” means the rules set out in the schedule,

“interested party” means any person—

(a) from whom the Scottish Ministers received representations (which were not subsequently withdrawn) in connection with the additional powers request, and

(b) who provided an address to the Scottish Ministers,

“proposed additional power” means the function, duty or responsibility that the relevant local authority proposes to request in an additional powers request,

“relevant authority” means a body, office-holder or other person listed in the schedule of the Act,

“relevant island community” means the island community or island communities which, in the opinion of the requesting local authority, are likely to have an interest in or be affected by the exercise of the additional power by the requesting local authority,

“relevant local authority” means a local authority listed in the schedule of the Act,

“requesting local authority” means the relevant local authority making an additional powers request,

“review documents” means—

- (a) the decision notice in respect of which the application for review is made,
- (b) the application for review, and
- (c) all documents accompanying the application for review in accordance with regulation 16,

“review panel” means the persons appointed by the Scottish Ministers under regulation 19 to consider the additional powers request and to report to them on it,

“rule” means a rule set out in the schedule,

“specified matters” are, in relation to a request for further written representations or information under regulation 22 or to a particular hearing session, those matters which are set out in the notice given under regulation 22(1) or rule 1(1) of the Hearing Session Rules,

“validation date” is the date on which the additional powers request is taken to have been made in terms of regulation 8,

“working day” means every day except—

- (a) Saturday and Sunday,
- (b) 1 and 2 January, and
- (c) 25 and 26 December.