

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2010 No. 321 (C. 17)**

**CHARITIES  
NATIONAL HEALTH SERVICE  
PUBLIC SERVICES REFORM  
SOCIAL CARE**

The Public Services Reform (Scotland) Act  
2010 (Commencement No. 2) Order 2010

*Made - - - - 8th September 2010*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 134(7) of the Public Services Reform (Scotland) Act 2010(1).

**Citation**

1. This Order may be cited as the Public Services Reform (Scotland) Act 2010 (Commencement No. 2) Order 2010.

**Interpretation**

2. In this Order, “the Act” means the Public Services Reform (Scotland) Act 2010.

**Appointed day**

3.—(1) Subject to paragraph (2), the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in the Schedule to this Order (the subject matter of which is specified in column 2 of that table) is 1st October 2010.

(2) Where a purpose is specified in column 3 of that table, a provision mentioned in column 1 comes into force in accordance with paragraph (1) only for that purpose.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

St Andrew's House,  
Edinburgh  
8th September 2010

*JOHN SWINNEY*  
A member of the Scottish Executive

## SCHEDULE

Article 3

| <i>Column 1</i>                       | <i>Column 2</i>  | <i>Column 3</i>                               |
|---------------------------------------|--|---|
| <i>(provisions of the Act)</i>        | <i>(subject matter)</i>  | <i>(purpose)</i>                              |
| Sections 31 to 35                     | Information on exercise of public functions  |   |
| Sections 44 to 106 except section 103 | Social care and social work: scrutiny and improvement  | The purpose of making subordinate legislation |
| Sections 108 and 110                  | Health care: scrutiny and improvement  | The purpose of making subordinate legislation |
| Section 111                           | The Mental Welfare Commission for Scotland   | The purpose of making subordinate legislation |
| Sections 112 to 113                   | User focus   |   |
| Section 114                           | Scrutiny: duty of co-operation   |   |
| Sections 115 to 117                   | Joint inspections  | The purpose of making subordinate legislation |
| Section 118                           | Amendment of Public Finance and Accountability (Scotland) Act 2000 <sup>(2)</sup>  |   |
| Section 125                           | Reorganisation of restricted funds   | The purpose of making subordinate legislation |
| Schedule 8                            | Information on exercise of public functions: listed public bodies  |   |
| Schedule 11                           | Social Care and Social Work Improvement Scotland: establishment etc.   | The purpose of making subordinate legislation |
| Schedule 12                           | Care services: definitions   | The purpose of making subordinate legislation |
| Schedule 13                           | Social work services functions: specified enactments   |   |
| Schedule 14                           | Social Care and Social Work Improvement Scotland: modifications of enactments  | The purpose of making subordinate legislation |
| Schedule 16                           | Healthcare Improvement Scotland: establishment etc.  | The purpose of making subordinate legislation |
| Schedule 17                           | Healthcare Improvement Scotland: modifications of enactments   | The purpose of making subordinate legislation |
| Schedule 18                           | The Mental Welfare Commission for Scotland: modifications of the Mental Health (Care and Treatment) (Scotland) Act 2003 <sup>(3)</sup> | The purpose of making subordinate legislation |
| Schedule 19                           | Scrutiny functions: persons etc. subject to user focus duty  |   |

<sup>(2)</sup> 2000 asp 1.<sup>(3)</sup> 2003 asp 13.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <i>Column 1</i>                | <i>Column 2</i>  | <i>Column 3</i>  |
|--------------------------------|--|------------------|
| <i>(provisions of the Act)</i> | <i>(subject matter)</i>  | <i>(purpose)</i> |
| Schedule 20                    | Scrutiny functions: persons etc. subject to duty of co-operation |                  |

### EXPLANATORY NOTE

*(This note is not part of the Order)*

Sections 103, 109, 132, 133 and 134 of the Public Services Reform (Scotland) Act 2010 (“the Act”) came into force on Royal Assent. The Public Services Reform (Scotland) Act 2010 (Commencement No. 1) Order 2010 brought some other provisions of the Act into force on 1st July 2010 and 1st August 2010 (for further detail see the note as to earlier commencement orders).

This Order brings the following provisions of the Act into force on 1st October 2010:

- sections 31 to 35 and schedule 8 require the publication of information on expenditure and certain other matters by the Scottish Ministers and certain public bodies;
- sections 44 to 106 (except section 103 which came into force on Royal Assent), and schedules 11, 12 and 14, are commenced for the purpose of making subordinate legislation in relation to the functions of Social Care and Social Work Improvement Scotland, and schedule 13 (which specifies enactments for the purposes of the meaning of “social work services functions” in section 48) is commenced in full;
- sections 108 and 110, and schedules 16 and 17, are commenced for the purpose of making subordinate legislation in relation to the functions of Healthcare Improvement Scotland;
- section 111 and schedule 18 are commenced for the purpose of making subordinate legislation in relation to the Mental Welfare Commission for Scotland;
- sections 112 and 113 and schedule 19 require listed scrutiny authorities to improve user focus in the exercise of their scrutiny functions and to have regard to relevant guidance;
- section 114 and schedule 20 require scheduled scrutiny authorities to co-operate and co-ordinate activity with a view to improving the exercise of their scrutiny functions;
- sections 115 to 117 are commenced for the purpose of making subordinate legislation in relation to joint inspections;
- section 118 amends Part 2 of the Public Finance and Accountability (Scotland) Act 2000 in relation to audit authorities and audit reports and examinations under that Part; and
- section 125 is commenced for the purpose of making subordinate legislation in relation to reorganisation of restricted funds in relation to charities.

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act were brought into force by commencement order made before the date of this Order:

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <i>Provision</i>   | Date of Commencement | S.S.I. No.               |
|--|----------------------|--------------------------|
| Sections 1 to 12 except section 3                              | 1st August 2010      | <a href="#">2010/221</a> |
| Sections 14 to 30  | 1st August 2010      | <a href="#">2010/221</a> |
| Sections 36 to 43  | 1st July 2010        | <a href="#">2010/221</a> |
| Section 44 (partially) for the purpose of making appointments  | 1st August 2010      | <a href="#">2010/221</a> |
| Section 107  | 1st August 2010      | <a href="#">2010/221</a> |
| Section 108 (partially) for the purpose of making appointments | 1st August 2010      | <a href="#">2010/221</a> |
| Section 110(1) for the purpose of making appointments          | 1st August 2010      | <a href="#">2010/221</a> |
| Section 111 for the purpose of making appointments             | 1st August 2010      | <a href="#">2010/221</a> |
| Section 119  | 1st August 2010      | <a href="#">2010/221</a> |
| Sections 120 to 128 except section 125                         | 1st August 2010      | <a href="#">2010/221</a> |
| Section 129  | 1st August 2010      | <a href="#">2010/221</a> |
| Schedule 1   | 1st August 2010      | <a href="#">2010/221</a> |
| Schedules 5 to 7   | 1st August 2010      | <a href="#">2010/221</a> |
| Schedules 9 and 10   | 1st July 2010        | <a href="#">2010/221</a> |
| Schedule 11 (partially) for the purpose of making appointments | 1st August 2010      | <a href="#">2010/221</a> |
| Schedule 15  | 1st August 2010      | <a href="#">2010/221</a> |
| Schedule 16 for the purpose of making appointments             | 1st August 2010      | <a href="#">2010/221</a> |
| Schedule 18 for the purpose of making appointments             | 1st August 2010      | <a href="#">2010/221</a> |