

POLICY NOTE

THE NATIONAL LIBRARY OF SCOTLAND ACT 2012 (CONSEQUENTIAL MODIFICATIONS) ORDER 2013

SSI 2013/169

The above Instrument was made in exercise of the powers conferred by Section 10(2) of the National Library of Scotland Act 2012 (the “2012 Act”). The instrument is subject to negative procedure.

Policy Objectives

The Order amends references to the governing body of the National Library of Scotland (“NLS”) in various pieces of secondary legislation. Equivalent changes to primary legislation were made in Part 2 of Schedule 2 to the 2012 Act. By virtue of section 1 of the 2012 Act, the body corporate formerly known as “The Trustees of the National Library of Scotland” is now known simply as The National Library of Scotland”, in English, and “Leabharlann Nàiseanta na h-Alba”, in Gaelic.

As of 1 February 2013 the 2012 Act is the governing legislation for NLS, which was established by the National Library of Scotland Act 1925. The 2012 Act defines and updates the functions and powers of NLS in line with those of modern public bodies. The 2012 Act also reduced the size of the Board, removed reserved places and ensures all appointments are made by Scottish Ministers based on merit and selection. This will bring NLS in line with current public appointments practice under the Public Appointments and Public Bodies etc. (Scotland) Act 2003.

Consultation

There has been no consultation on this instrument as the changes it makes are entirely consequential to the 2012 Act. A public consultation on the role and governance of the National Library of Scotland was carried out between March and June 2010, <http://www.scotland.gov.uk/Publications/2010/03/31102621/1>. A Scottish Government response was published in March 2011 <http://www.scotland.gov.uk/Publications/2011/03/Publications>.

Impact Assessments

An equality impact assessment has been completed on The National Library of Scotland Bill and is attached. This instrument is consequential in nature and no further impact assessment is required.

Financial Effects

The Cabinet Secretary for Culture and External Affairs confirmed that no BRIA was necessary for the National Library of Scotland Bill on 5 September 2011. It follows that the subsequent instruments to enable all aspects of the 2012 Act have no financial effects on the Scottish Government, local government or on business.

**Scottish Government
Culture and Heritage Directorate**

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