
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 327

The Additional Powers Request (Scotland) Regulations 2019

PART 3

Additional powers requests: decisions

Decisions

12.—(1) The Scottish Ministers must decide whether to give effect to or to refuse an additional powers request.

(2) The Scottish Ministers must not unreasonably refuse an additional powers request.

(3) In reaching their decision, the Scottish Ministers must consider the following matters—

- (a) any obligations or restrictions imposed on the Scottish Ministers, by or under any enactment or otherwise, that may prevent, restrict or otherwise affect their powers or ability to give effect to an additional powers request,
- (b) the reasons for the requesting local authority making the additional powers request,
- (c) whether the requesting local authority has demonstrated reasonable cause for making the additional powers request,
- (d) any other information relating to the additional powers request, and
- (e) such other matters (whether or not included in or arising out of the request) as the Scottish Ministers consider relevant.

(4) Where the Scottish Ministers decide to give effect to an additional powers request, the Scottish Ministers may decide to extend the additional power.

(5) In these Regulations—

- (a) to “give effect to an additional powers request” means to—
 - (i) transfer the additional power, or
 - (ii) promote legislation devolving the additional power, to the requesting local authority,
- (b) to “extend the additional power” means to—
 - (i) transfer the additional power, or
 - (ii) promote legislation devolving the additional power, to one or more of the other relevant local authorities.