

POLICY NOTE

THE CONSUMER SCOTLAND (TRANSFER OF FUNCTIONS) REGULATIONS 2022

SSI 2022/296

The above instrument will, if approved by the Scottish Parliament, be made in exercise of the powers conferred by section 20(1) and (2) and section 26(1)(b) of the Consumer Scotland Act 2020. The instrument is subject to affirmative procedure.

Purpose of the instrument

The Consumer Scotland Act 2020 established Consumer Scotland. These Regulations make amendments to provisions of Acts of the Scottish Parliament which have the effect of transferring functions from Citizens Advice Scotland to Consumer Scotland or providing that both Citizens Advice Scotland and Consumer Scotland can both perform certain functions.

Policy Objectives

The Consumer Scotland Act 2020 (“the 2020 Act”) established Consumer Scotland to provide and promote advice and advocacy on consumer matters in Scotland. In accordance with section 20 of the 2020 Act, certain functions currently delivered by the Scottish Association of Citizens Advice Bureaux (“Citizens Advice Scotland”) will now transfer to Consumer Scotland, or will be capable of being performed by Consumer Scotland, as well as by Citizens Advice Scotland. Separate to this the general functions to be delivered by Consumer Scotland are set out in Sections 2-8 of the 2020 Act and are already exercisable by them.

Regulation 2 and the schedule make modifications to the Water Industry (Scotland) Act 2002, the Water Services etc. (Scotland) Act 2005 and the Public Services Reform (Scotland) Act 2010 in consequence of the Consumer Scotland Act 2020 to transfer certain functions from Citizens Advice Scotland to Consumer Scotland, and in relation to section 4 of the Water Industry (Scotland) Act 2002, to provide for one function to be capable of being performed by Consumer Scotland, as well as by Citizens Advice Scotland.

Regulation 3 makes transitional and saving provisions relating to the transfer of functions from Citizens Advice Scotland to Consumer Scotland. This ensures that any tasks or proceedings which Citizens Advice Scotland is in the course of undertaking at the point when these Regulations come into force are transferred to and undertaken by Consumer Scotland, where they relate to the functions that are being transferred.

Consultation

In accordance with section 20(4) of the 2020 Act, the Scottish Ministers have consulted Consumer Scotland and Citizens Advice Scotland as the body from which the functions are being transferred. No other persons were identified as appropriate to be included in the consultation. Consultation on the content of the Regulations followed on broader discussions

with Citizens Advice Scotland and with the then Board-designate (now the Board of Consumer Scotland), which was appointed to carry out work until Consumer Scotland came into being on 1 April 2022. These discussions around the transfer of functions ran from Autumn 2021 until Spring 2022. Regular meetings were held as part of the overall process of Consumer Scotland coming into being and taking up functions.

Impact Assessments

All necessary impact assessments were completed as part of the Consumer Scotland Act 2020 passage process. These were: Business Regulatory Impact Assessment (BRIA), Equalities Impact Assessment (EQIA), Child Rights and Wellbeing Impact Assessment (CRWIA) and Data Protection Impact Assessment (DPIA).

Financial Effects

The financial effects of this instrument were considered as part of the impact assessments completed during the Bill passage process and through consultation with key stakeholders on these regulations. However, no new financial burden is created as a consequence of this instrument.

The Scottish Government

DIRECTORATE FOR ENERGY AND CLIMATE CHANGE

23 June 2022