POLICY NOTE

THE COMPANIES ACT 2006 (SCOTTISH PUBLIC SECTOR COMPANIES TO BE AUDITED BY THE AUDITOR GENERAL FOR SCOTLAND) ORDER 2027

SSI 2027/XXX

The above instrument was made in exercise of the powers conferred by section 483(1) and (4) of the Companies Act 2006. The instrument is subject to affirmative procedure.

Summary Box

To make provision that the accounts of Airport Management Services Limited, Caledonian Maritime Assets Limited, CalMac Ferries Limited, David MacBrayne Limited, David MacBrayne HR (UK) Limited, Dundee Airport Limited and Highlands and Islands Airports Limited are to be audited by the Auditor General for Scotland, which will enable an accountable officer to be appointed to each of the respective companies.

Policy Objectives

The objective is to bring Airport Management Services Limited (SC353385), Caledonian Maritime Assets Limited (SC001854), CalMac Ferries Limited (SC302282), David MacBrayne Limited (SC015304), David MacBrayne HR (UK) Limited (SC282760), Dundee Airport Limited (SC325066) and Highlands and Islands Airports Limited (SC097647) ("the companies") within the scope of the Public Finance and Accountability (Scotland) Act 2000 ("the 2000 Act"). This Order, made under section 483 of the Companies Act 2006, will require the companies' accounts to be audited by the Auditor General for Scotland.

This brings the companies within the scope of section 15 of the 2000 Act and enables the Principal Accountable Officer of the Scottish Administration to designate an Accountable Officer for each company, strengthening accountability and providing additional assurance that public funds are managed with propriety, regularity, value for money and sound governance.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Companies Act 2006 (Scottish public sector companies to be audited by the Auditor General for Scotland) Order 2027 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

Audit Scotland and the companies were consulted during the preparation of the instrument. Their responses confirmed that the Auditor General for Scotland is willing to assume the audit role and that the companies are content with the proposed arrangements.

Impact Assessments
A Child Rights and Wellbeing Impact assessment has been prepared, as required by the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, and published online at www.legislation.gov.uk.

Financial Effects
The Cabinet Secretary for Economy, Tourism and Transport confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

This Order will come into force on 1st April 2027, meaning the companies will come under the audit of the Auditor General for Scotland for their accounts from the financial year 2027-2028. As a result, no financial or legal penalties will arise for the companies as the current auditors' contract will have expired.

Transport Scotland
Finance and Corporate Services Directorate

2 November 2026