Draft Order laid before the Scottish Parliament under section 106(4) of the Housing Grants, Construction and Regeneration Act 1996, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2006 No.

CONSTRUCTION

The Construction Contracts (Scotland) Exclusion Amendment Order 2006

Made - - - -	*2006*
Coming into force - -	*2006*

The Scottish Ministers, in exercise of the powers conferred by section 106(1)(b) of the Housing Grants, Construction and Regeneration Act 1996(**a**), hereby make the following Order, a draft of which has, in accordance with section 106(4) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation and commencement

1.—(1) This Order may be cited as the Construction Contracts (Scotland) Exclusion Amendment Order 2006 and shall come into force on the day after the day on which it is made.

(2) This Order extends to Scotland only.

Amendment

2. In article 4(2)(c)(iii) of the Construction Contracts (Scotland) Exclusion Order 1998(**b**) after "the Comptroller and Auditor General", insert "or the Auditor General for Scotland".

A member of the Scottish Executive

St Andrew's House,
Edinburgh
2006

(**a**) 1996 c.53. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
(**b**) S.I. 1998/686.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Construction Contracts (Scotland) Exclusion Order 1998.

The Scotland Act 1998 (c.46), section 69, appoints the Auditor General for Scotland and in accordance with section 70 of the Scotland Act 1998 the Auditor General for Scotland exercises new functions provided for in Scottish legislation. The amendment made by this Order is consequential upon the appointment of and conferral of functions to the Auditor General for Scotland.

The amendment provides that a body whose accounts are examined and certified by or are open to inspection of the Auditor General for Scotland fulfils one of the conditions to enter into a contract under the private finance initiative, which means that the contract is excluded from the operation of Part II of the Housing Grants, Construction and Regeneration Act 1996.

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