POLICY NOTE

THE CONSUMER SCOTLAND (TRANSFER OF FUNCTIONS) REGULATIONS 2022

SSI 2022/XXX

The above instrument was made in exercise of the powers conferred by section 20(1) and (2) and section 27 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 Act 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 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 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. The functions to be delivered by Consumer Scotland are set out in Sections 2-8 of the 2020 Act.

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 the Scottish Association Citizens Advice Scotland to Consumer Scotland, and in relation to section 4 Water Industry (Scotland) Act 2002, to share functions between those bodies and 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.

Consultation

In accordance with section 20(4) of the 2020 Act, the Scottish Ministers have consulted such persons as they consider appropriate, including Consumer Scotland and Citizens Advice Scotland.

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 Assesment (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.

The Scottish Government
DIRECTORATE FOR ENERGY AND CLIMATE CHANGE
December 2021