EXECUTIVE NOTE

DRAFT : THE PUBLIC APPOINTMENTS AND PUBLIC BODIES ETC. (SCOTLAND) ACT 2003 (AMENDMENT OF SPECIFIED AUTHORITIES) ORDER 2008

The above instrument is being made in exercise of the powers conferred by section 3(2) (a) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4) ("the Act"). The instrument is subject to draft affirmative resolution procedure.

Policy Objectives

The purpose of the instrument is to amend schedule 2 to the Act which lists the specified authorities to which the code of practice, whose title is the Code of Practice for Ministerial Appointments to Public Bodies in Scotland, published by the Commissioner for Public Appointments in Scotland in respect of appointments made, or of any recommendation for appointment, by Scottish Ministers applies. Essentially this is a tidying up exercise to enable the legislation to better reflect policy intention.

In summary it is intended that the instrument will have the following effects:

1. It will bring the following bodies within the remit of the Commissioner for Public Appointments in Scotland:

    Quality Meat Scotland
    The Skills Development Scotland Co. Limited
    Scottish Local Authorities Remuneration Committee
    Common Services Agency for the Scottish Health Service

2. It will amend the entry for National Parks.

3. It will remove the following bodies from the remit of the Commissioner for Public Appointments in Scotland:

    Scottish Hospital Endowments Research Trust
    Scottish Advisory Committee on the Medical Workforce

4. It will tidy up the schedule itself by deleting the heading "nationalised bodies" and moving the bodies which were listed under that heading to a more appropriate heading.

Bodies affected by amendments to schedule 2

QUALITY MEAT SCOTLAND

Quality Meat Scotland (QMS) is Scotland's red meat promotional body and has a pivotal role in securing the success and growth of the sector. Prior to its change of status to a Non Departmental Public Body (NDPB) with effect from 1 April 2008, QMS was a private company limited by guarantee. Restructuring will improve accountability to Scottish levy payers, with levy payers well represented on the restructured board of QMS. Following this restructuring and change in status, QMS should be added to schedule 2.

SKILLS DEVELOPMENT SCOTLAND

Scottish University for Industry Ltd (SUfI) is currently listed in schedule 2. SUfI merged with Careers Scotland and key skills elements of Scottish Enterprise and Highlands & Islands Enterprise to form a new public body, the Skills Development Scotland Co. Limited – which is commonly known as Skills Development Scotland (SDS). Scottish University for Trust Ltd was used as the vehicle for the creation of SDS which became operational from 1 April 2008.

SDS was created by the Government to bring a better focus to skills development. It has a key role to play in driving forward the strategic priority on Learning, Skills and Well-being as set out in the Government Economic Strategy to contribute to increasing sustainable economic growth. It will work with others to realise the vision set out in the skills strategy to focus on the individual development of skills, improve the economic pull of skills development and create cohesive structures for the delivery of skills development. SDS operates at the national, regional and local levels and delivers services to young people (including those in secondary school) and to adults.

SUfI still exists and is now a subsidiary company of SDS. It is anticipated that it will cease to exist once the 2007/08 accounts have been finalised. Moves to remove it from schedule 2 can be made thereafter.

SDS now needs to be added to schedule 2.

CAIRNGORM NATIONAL PARK AUTHORITY AND LOCH LOMOND AND THE TROSSACHS NATIONAL PARK AUTHORITY

The amendment to schedule 2 of the entry for “any National Park authority” is designed to remove the appointment of local authority nominees to National Park boards from the ambit of the code of practice. This will reflect the Parliamentary intention that local authority nominees should be selected and appointed to the National Parks boards by councils (who are not bound by the Code) and not by Ministers.

The Scottish National Park Authorities are responsible for managing an integrated approach to the various pressures and opportunities that arise in the Cairngorms and Loch Lomond and Trossachs areas. The National Parks have been created in Scotland as areas of outstanding natural and cultural heritage; areas in which people live and work, and to which visitors will come for recreation and enjoyment of the surroundings. The Scottish National Parks offer opportunities to promote sustainable economic and social development for local communities.

SCOTTISH HOSPITAL ENDOWMENT RESEARCH TRUST

NDPB status was removed from the Scottish Hospital Endowments Research Trust, with effect from 1 November 2005 and now exists as a fully independent charity. The body should be removed from schedule 2.

SCOTTISH LOCAL AUTHORITIES REMUNERATION COMMITTEE

The Scottish Local Authorities Remuneration Committee (SLARC) is an independent statutory committee established under the provisions of the Local Governance (Scotland) Act 2004..

The Committee's remit under legislation is to provide advice to Ministers on the remuneration of and payment of allowances and expenses to councillors and the payment of severance to councillors. Scottish Ministers are required to consult the Committee and to consider any information, advice or recommendations given to them by the Committee before making regulations.

The Committee is currently under the ambit of the code of practice by virtue of section 3(3) of the Act, which allows bodies to be treated as if they were listed under schedule 2. It is now appropriate to formally add the Committee to schedule 2. This will be a consistent approach with how other bodies which were originally brought within the ambit of schedule 2 by use of section 3(3) of the Act have subsequently been treated. In most other cases, the legislation provided for the body to be established added the body to schedule 2 as consequential amendments.

THE SCOTTISH ADVISORY COMMITTEE ON THE WORKFORCE

The Scottish Advisory Committee on the Workforce held its last meeting in the Spring of 2002 when the terms of appointments for all members With no plans to provide for new appointments/reappointments, Ministers took the decision to abolish this Committee and subsequently its removal from schedule 2.

CALEDONIAN MARITIME ASSETS LTD

As part of the restructuring of former Caledonian MacBrayne Ltd that was completed in October last year, Scottish Ministers established Caledonian Maritime Assets Ltd (CMAL) as a separate asset owning company to lease vessels and harbours to the Clyde and Hebrides ferry service operator. One of CMAL's main strategic objectives is principally about focussing on long term infrastructure development, both in ships and associated ports and harbours, in support of lifeline ferry services. As such, the company works closely with CalMac Ferries Ltd, the current Clyde and Hebrides ferry operator and other stakeholders in identifying key investment priorities.

An amendment to schedule 2 will provide for the deletion of the heading 'Nationalised bodies'. Since the heading will no longer be used, Caledonian Maritime Assets Ltd should be listed under 'Public corporations'.

DAVID MACBRAYNE LTD

David MacBrayne Ltd (DML) is a company wholly owned by Scottish Ministers. It is the parent company of CalMac Ferries Ltd (CFL) that was set up in October 2006 to run the Clyde and Hebrides ferry services. Whilst Ministers make public appointments to David MacBrayne Ltd Board it is for that Board to appoint to the Board of its subsiduaries including CalMac Ferries Ltd. In practice it would be possible for a person appointed by Ministers to DML to be appointed to, eg, CFL. Equally anyone else could be so appointed at the DML Board's discretion.

Since the heading 'Nationalised bodies' will no longer be used, David MacBrayne Ltd should be listed under 'Public corporations'.

HIGHLANDS AND ISLANDS AIRPORTS LTD

Highlands and Islands Airports Ltd (HIAL) is a company wholly owned by the Scottish Ministers. The company's purpose is to maintain the safe operation of its airports, and to support economic and social development in the Highlands and Islands. HIAL currently operates 10 airports in the Highlands and Islands of Scotland, located at Barra, Benbecula, Campbeltown, Islay, Inverness, Kirkwall, Stornoway, Sumburgh Tiree and Wick. In addition, on 1 December 2007, HIAL took over the operation and management of Dundee Airport. Total passenger numbers in 2006/07 were 1,232,782, ranging from 7,570 at Tiree to 698,885 at Inverness.

Since the heading 'Nationalised bodies' will no longer be used, Highlands & Islands Airports Ltd should be listed under 'Public corporations'.

COMMON SERVICES AGENCY FOR THE SCOTTISH HEALTH SERVICE

The Common Services Agency for the Scottish Health Service was created in section 10 of the National Health Service (Scotland) Act 1978. The Agency is commonly known as the NHS National Services Scotland (NSS). It is the body which provides national strategic support services and expert advice to NHS Scotland and healthcare to patients and the public. The body's supporting role to NHS Scotland means that it works closely with all partner organisations, especially the NHS Boards, in the delivery of services. It employs around 3,600 highly specialised staff based in 24 locations in Edinburgh, Glasgow, Aberdeen, Inverness, Dundee and Livingston.

This body was deleted from schedule 2 in SSI 2005/540, following a decision by the Agency to use its common name. However, given that the Agency still exists and its statutory name has not changed, it should be re-instated.

Consultation

The Act does not require Ministers to consult on changes proposed under section 3(2) of the Act. The Commissioner for Public Appointments in Scotland has been notified of these proposals.

Financial Effects

The instruments has no financial effects on the Scottish Executive and local government.

Regulatory Impact Assessment

A Regulatory Impact Assessment has not been prepared since as the changes introduced by the instrument do not impose new burdens on industry.

Scottish Government
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