POLICY NOTE

THE PUBLIC APPOINTMENTS AND PUBLIC BODIES ETC. (SCOTLAND) ACT 2003 (AMENDMENT OF SPECIFIED AUTHORITIES) ORDER 2017

SSI 2017/

1. The above instrument was made in exercise of the powers conferred by section 3(2)(a) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003 ("the 2003 Act").

2. The instrument is subject to affirmative procedure.

Policy Objectives

3. The 2003 Act established the Office of the Commissioner for Public Appointments in Scotland with the Commissioner for Ethical Standards in Public Life ("the Commissioner") having powers to regulate the process for appointments to certain bodies and offices specified in Schedule 2 of the 2003 Act.

4. The purpose of the instrument is to enable the Scottish Land Commission to be a specified authority for the purposes of the 2003 Act so that the process of appointing Land Commissioners and the Tenant Framing Commissioner to the Scottish Land Commission will be regulated by the Commissioner. The instrument achieves this by adding the Scottish Land Commission to Schedule 2 of the Public Appointments and Public Bodies etc. (Scotland) Act 2003.

5. The Land Reform Act 2016 provides for the establishment of the Scottish Land Commission. The Scottish Land Commission is a new Non-Departmental Public Body which came into being on 1 April 2017. The first round of appointments was not regulated by the 2003 Act. The appointments process was carried out in accordance with the Code of Practice for Ministerial Appointments to Public Bodies in Scotland.

6. In a letter, date 11 November 2016, to the Environment, Climate Change and Land Reform Committee (ECCLR), Rosanna Cunningham confirmed to the Committee that the first round of appointments would not be regulated by the Commissioner with the assurance that all future appointments would be regulated. This letter was referenced in a report by the ECCLR Committee, released on 8th December 2016, on the appointment of the Land Commissioners and the Tenant Farming Commissioner to the Scottish Land Commission and which contains the recommendation that all future appointments of Land Commissioners and Tenant Farming Commissioners be regulated.

7. The current Land Commissioners and Tenant Farming Commissioner are in post for four or five years, as specified in the terms of their appointment. Therefore, the instrument will ensure that the next round of appointments is regulated by the Commissioner.

Consultation

8. The instrument simply provides for appointments to the Scottish Land Commission to be regulated by the Commissioner so public consultation was not considered necessary.

Financial Effects

9. A regulatory impact assessment is not considered necessary because the instrument has no financial effects on the Scottish Government, local government or Scottish businesses.

The Scottish Government
Land Reform Team
31 August 2017