Executive Note

DRAFT: The Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Office or Body as Specified Authority) Order 2005

The above instrument was made in exercise of the powers conferred by section 3(3) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003. The instrument is subject to affirmative resolution procedure.

Policy Objectives

The purpose of the instrument is to provide for specified bodies to be treated, for the purpose of appointments to those bodies, as if they had been added to Schedule 2 of the 2003 Act. This will have the effect of extending the Commissioner's remit to bodies which are in the process of being established but cannot yet be added to Schedule 2. The instrument will therefore bring the Bòrd na Gàidhlig, the Scottish Further and Higher Education Funding Council, the Scottish Local Authorities Remuneration Committee, the Water Industry Commission and the Scottish Charity Regulator within the remit of the Commissioner for Public Appointments in Scotland until such time as the provisions contained in their establishing legislation are brought into force to add them to schedule 2 of the 2003 Act.

The instrument should be read with the The Public Appointments and Public Bodies etc (Scotland) Act 2003 (Amendment of Specified Authorities) Order 2005 which also adds and removes a number of public bodies to and from schedule 2.

Consultation

The Public Appointments and Public Bodies etc. (Scotland) Act 2003 does not require Ministers to consult on changes proposed under section 3(3) of the Act. The Commissioner for Public Appointments in Scotland has been notified of these proposals.

Financial Effects

The instrument has no financial effects on the Scottish Executive, local government or on business.

Scottish Executive Finance and Central Services Department
24 June 2005