EXECUTIVE NOTE

THE PUBLIC APPOINTMENTS AND PUBLIC BODIES ETC (SCOTLAND) ACT 2003 (TREATMENT OF OFFICE OR BODY AS SPECIFIED AUTHORITY) ORDER 2012

SS1 2012/

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

Policy Objectives

2. The purpose of the instrument is to provide for the Scottish Police Authority and Scottish Fire Rescue Services Board to be treated, for the purposes of appointments to that body, as if it has been added to schedule 2 to the 2003 Act.

3. Section 2 of the 2003 Act confers functions on the Commissioner for Public Appointments in Scotland in relation to bodies specified in schedule 2 to the Act. Paragraph 16 of schedule 1 and paragraph 53 of schedule 6 to the Police and Fire Reform (Scotland) Bill amend schedule 2 to the 2003 Act by including references to the Scottish Police Authority and Scottish Fire and Rescue Service, both of which will be established by the Bill.

4. Section 3(3) of the 2003 Act provides that where a body or office is to be established and, when established, is to be specified in schedule 2 to the 2003 Act, the Scottish Ministers may provide that the office or body is to be treated as if it were one of the specified authorities.

5. The effect of this instrument is to make provision in respect of the Scottish Police Authority and Scottish Fire and Rescue Services Board until such time as they are added to schedule 2 to the 2003 Act and therefore to ensure that any public appointments which are made by the Scottish Ministers to the Scottish Police Authority and Scottish Fire and Rescue Service in the meantime will fall within the Commissioner's jurisdiction.

Consultation

6. The Public Appointments and Public Bodies etc. (Scotland) Act 2003 does not require Scottish 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

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

The Scottish Government
Police and Fire Reform Division