EXECUTIVE NOTE

DRAFT : THE PUBLIC APPOINTMENTS AND PUBLIC BODIES ETC. (SCOTLAND) ACT 2003 (TREATMENT OF OFFICE OR BODY AS SPECIFIED AUTHORITY) (SCOTTISH LEGAL COMPLAINTS COMMISSION) ORDER 2006

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 Order is subject to affirmative resolution procedure.

Policy Objectives

The purpose of the instrument is to provide for the Scottish Legal Complaints Commission to be treated, for the purposes of appointments to that body, as if it has been added to schedule 2 to the 2003 Act.

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 5 of schedule 4 to the Legal Profession and Legal Aid (Scotland) Bill amends schedule 2 to the 2003 Act by including a reference to the Scottish Legal Complaints Commission, which will be established by section 1(1) of the Bill. 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.

The effect of this instrument is to make such provision in respect of the Scottish Legal Complaints Commission until such time as the Commission is 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 Commission in the meantime will fall within the Commissioner's jurisdiction.

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 has been consulted during the preparation of the instrument.

Financial Effect

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

Scottish Executive Justice Department
October 2006