POLICY NOTE

THE PUBLIC SERVICES REFORM (SCOTLAND) ACT 2010 (PART 2 FURTHER EXTENSION) ORDER 2020

SSI 2020/XXX

The above instrument was made in exercise of the powers conferred by section 134(4) of the Public Services Reform (Scotland) Act 2010. The instrument is subject to *affirmative procedure*

Purpose of the instrument.

This instrument extends the duration of Part 2 order making powers under the Public Services Reform (Scotland) Act 2010 for a further 5 year period from June 2020.

Policy Objectives

The order-making powers provide an important vehicle for making adjustments without taking forward primary legislation. The safeguards provided in the Public Services Rerform Act, including the preconditions that must be met and the requirement for consultation of stakeholders and approval by Parliament, mean that any proposed changes are subject to rigorous examination and scrutiny.

Section 14 to 30 of, and schedules 5 to 7 to, the 2010 Act allow Ministers to make orders to add, remove or change the functions of public bodies to improve efficiency, effectiveness and economy, and to remove burdens. It is important to retain the powers for the future given the need to have the flexibility to adjust public bodies in light of wider developments and requirements. The challenging financial context further reinforces the need to have these powers in place that will enable Government to make changes to improve the deployment of resources and deliver efficiencies where appropriate.

Consultation

The Scottish Government undertook a full public consultation from 30 December 2019 to 24 February 2020 seeking views on the proposal to seek a further 5 year extension to Part 2 Order Making Powers contained in the Public Services Reform (Scotland) Act 2010.

As the Order making powers cannot be changed, only extended, the scope of the consultation was very limited to simply asking if consultees were in favour or not of the Scottish Government seeking the Parliament's approval to extend, although we asked respondents to provide their reason(s) for the response they provided. There was overall support for extension. We received a total of 15 responses. From the replies provided 12 were in support, 3 indicated they were unsure of the proposal and we received no responses that were not in favour. As a result of this consultation, legislation is being laid to extend the duration of Part 2 order making powers under the Public Services Reform (Scotland) Act 2010 for a further 5 year period from June 2020.

A full list of those consulted and who agreed to the release of this information is attached to the consultation report which will be published on the Scottish Government website in due course.

Impact Assessments
An impact assessment was not undertaken due to the nature of the extension being proposed. The Order making powers cannot be changed, they can only be extended.

Financial Effects

The Cabinet Secretary for Finance confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Local Government & Communities Directorate

March 2020