EXECUTIVE NOTE

DRAFT : THE SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002 AMENDMENT ORDER 2011

The above instrument was made in exercise of the powers conferred by section 3(2)(c) of the Scottish Public Services Ombudsman Act 2002 ("the 2002 Act"). The instrument is subject to affirmative resolution procedure.

Policy Objectives

The purpose of the instrument is to amend the 2002 Act to the effect that Architecture and Design Scotland (formerly an Advisory body) is added to the list of Executive bodies in Schedule 2, following the recommendations of the Policy and Financial Management Review of Architecture and Design Scotland carried out in 2009 which recommended that the body be reclassified as an Executive NDPB on the basis that the structure and responsibilities of the body are already more akin to that of a small Executive NDPB than an Advisory one. The change introduced by this instrument is to make Architecture and Design Scotland a body liable to investigation under the 2002 Act. Architecture and Design Scotland has voluntarily complied with the 2002 Act since it was established. This instrument is part of a package of changes recommended by the Review intended to ensure that the body is constituted and operated in a way that realises its potential to inspire better quality in design in the built environment. These include the simplification of the governance structure to have a single board; the remuneration of the Chair and Board members; the taking-over of a revised design review process by a Design Review Panel separate from the Board and the concentration of the activities of the organisation on the practical promotion of good design by focusing efforts on a limited number of core priority areas and themes.

Consultation

The following bodies have been consulted on the purpose of the instrument as part of the Policy and Financial Management Review of Architecture and Design Scotland (the only body affected by the instrument) :

Forth Ports PLC
GVA Grimley
Royal Incorporation of Architects in Scotland
The Lighthouse Trust
University of Strathclyde
Page & Park Architects
The Highland Council
Homes for Scotland
Scottish Property Federation
Scottish Civic Trust
Design Commission for Wales
Welsh Assembly Government
Department for Culture Media & Sport
Raploch Urban Regeneration Company
Riverside Inverclyde Urban Regeneration Company

Financial Effects

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

Scottish Executive, Directorate for the Built Environment
January 2011