EXECUTIVE NOTE

THE PUBLIC APPOINTMENTS AND PUBLIC BODIES ETC. (SCOTLAND) ACT 2003 (AMENDMENT OF SPECIFIED AUTHORITIES) ORDER 2009 (SSI 2009/390)

1. This instrument is made in exercise of powers conferred by section 3(2)(a) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003 ("the 2003 Act") and was subject to the draft affirmative procedure.

Policy Objectives

2. The 2003 Act established the Office of the Commissioner for Public Appointments in Scotland (OCPAS) with the role of creating and regulating the process by which people are appointed to bodies and offices specified in Schedule 2 of that Act.

3. The Scottish Futures Trust (SFT) was established by Scottish Ministers in September 2008 with the aim of improving the efficiency and effectiveness of infrastructure investment in Scotland. SFT is a public corporation and company limited by shares, responsible to Scottish Ministers.

4. SFT is governed by a board consisting of a chair and four Non-Executive Directors, accountable to Ministers, who have corporate responsibility for ensuring SFT meets its aims and objectives. While existing SFT board appointments have been made outwith the scope of the Code on Public Appointments published by OCPAS, as SFT is not yet a regulated body, it is Ministers' stated wish that future appointments to the board of SFT would be undertaken within OCPAS guidelines.

5. Regulation 2 therefore amends the list of public bodies in schedule 2 of the 2003 Act to enable SFT to come under the remit of OCPAS, bringing effect to Ministerial wishes.

Consultation

6. The changes made to the schedule of the 2003 Act will have no impact, other than bringing SFT under the remit of OCPAS. Public consultation was not considered necessary, as this order simply brings effect to previously announced Ministerial commitments for SFT, as with other public bodies, to come under the open and transparent OCPAS appointment system.

Financial Effects

7. A regulatory impact assessment is not considered necessary because the change is expected to have no financial impact on Scottish businesses.