EXECUTIVE NOTE

THE PUBLIC APPOINTMENTS AND PUBLIC BODIES ETC. (SCOTLAND) ACT 2003 (TREATMENT OF OFFICE OR BODY AS SPECIFIED AUTHORITY) ORDER 2006 SSI/2006/303

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 Police Services Authority to be treated, for the purposes of appointments to that body, as if it had been added to schedule 2 to the 2003 Act.

Section 2 of the 2003 Act confers functions on the Commissioner for Public Appointment in relation to bodies specified in schedule 2 to the Act. Paragraph 5 of schedule 5 to the Police, Public Order and Criminal Justice (Scotland) Bill amends schedule 2 to the 2003 Act by including a reference to the Scottish Police Services Authority, which will be established by section 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, for the purposes of or in connection with any appointment to the office or body, as if it were one of the specified authorities.

The effect of this instrument is to make such provision in respect of the Scottish Police Services Authority until such time as the relevant provisions of the Police Bill are brought into force to add them to schedule 2 to the 2003 Act and therefore to ensure that any public appointments which are made by the Scottish Ministers to the Authority 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 Effects

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

Scottish Executive Justice Department
April 2006