

Gordon Lindhurst
Convener
Economy, Energy and Fair Work Committee
The Scottish Parliament
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Dear Gordon

Following Parliament's agreement to the general principles of the Consumer Scotland Bill at Stage 1, I am writing to inform you of my intention to lay an order under section 3(3) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003 ("the 2003 Act").

The intention is for Consumer Scotland to become fully operational in April 2021. The Consumer Scotland Bill currently being considered by Parliament provides for the establishment of Consumer Scotland as a public body to be governed by a Board. Members of the Board are appointed by Ministers and, in order to be fully transparent, those appointments will be subject to regulation by the Commissioner for Ethical Standards in Public Life ("the Commissioner").

The Commissioner cannot fully regulate appointments to Consumer Scotland until it is added to the list of regulated bodies in Schedule 2 to the 2003 Act, which, as matters currently stand, will only happen once the Bill is passed and comes into force. However, the appointments process should ideally begin in advance of that to enable the Chair to be engaged in the practical decisions around delivery and appointment of Board Members.

Section 3(3) of the 2003 Act allows Ministers to make an order which provides that Consumer Scotland is to be treated as being a specified authority before it is included in Schedule 2, which would enable a representative from the Commissioner's office can participate in the appointments process before the Bill comes into force.

An order under section 3(3) is subject to the affirmative procedure and, as such, requires to be laid before Parliament for approval.

I hope you agree that these proposals represent a sensible approach to establishing the new body in a timely and effective way. I have also written with this information to the Convener of the Delegated Powers and Law Reform Committee.

Further, I'd like to take this opportunity to thank you and the Committee again for the detailed consideration you've given the Consumer Scotland Bill so far. I am writing to each of the Committee members to offer a meeting to discuss the Bill. If you would find that useful, please contact my private office at MinisterBFWS@gov.scot.



JAMIE HEPBURN

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