



The Scottish Parliament
Pàrlamaid na h-Alba

Economy and Fair Work Committee

Tom Arthur
Minister for Community
Wealth and Public Finance

The Scottish Parliament
Edinburgh
EH99 1SP

Sent by email only

Economyandfairwork.committee@parliament.scot

17 January 2024

Dear Tom

The Consumer Scotland Act 2020 (Specification of Relevant Public Authorities) (Scotland) Regulations 2023

These Regulations were laid last week, withdrawn and re-laid today. I invite you to attend the Committee's meeting on 7 February to move and debate the motion to approve. In advance of your attendance, the Committee today agreed it would be helpful to receive a written response covering the following issues.

The purpose of the consumer duty

A consultation was carried out between September and November 2021. The Policy Note states that there was broad support for the public duty to apply to all public authorities. Individual responses have not been published but the consultation analysis states that only 49% of respondents supported the duty being applied to the bodies outlined. The Committee is concerned that this could suggest a lack of support from some public bodies to which the duty will apply. As you will be aware, during Stage 1 scrutiny of the Consumer Scotland Bill, concerns were raised that there was a lack of clarity about the purpose of the duty and that it could become a tick box exercise, or a source of bureaucracy. The then Minister for Fair Work, Business and Skills stated that the design and implementation of the duty would be carried out collaboratively. The Committee would be grateful if you would set out what the consumer duty is expected to achieve and how that will be achieved. The Committee would also be grateful for more detailed information on the views of the bodies affected by the duty including publication of the responses.

The extent of the consumer duty

The consultation analysis suggested a lack of support for the duty to apply across all an organisation's functions with a preference for it to apply only to certain functions, for example those charged for or relating to providing a service. There was a recommendation that further consideration should be given to this issue. The draft

Regulations, now laid, apply the duty to all functions of the organisations. The Committee would be grateful if you would set out what consideration was given to making the duty more targeted and explain why that approach was not taken forward.

The bodies covered by the consumer duty

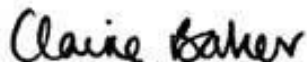
Several bodies that appeared on the list of public bodies to be covered by the duty in the consultation, are not now included in the draft Regulations. Some not now included would appear to have remits of clear relevance to the duty. The Committee would be grateful to know why regional transport partnerships and the Scottish Public Services Ombudsman will not be subject to the duty.

Guidance

In terms of the Act, Consumer Scotland must provide guidance on the consumer duty. The Committee asks when this will be available.

I look forward to hearing from you by 1 February.

Kind regards

A handwritten signature in black ink that reads "Claire Baker". The signature is written in a cursive, slightly slanted style.

Claire Baker MSP
Convener