

This document relates to the Consumer Scotland Bill as amended at Stage 2 (SP Bill 49A)

# Consumer Scotland Bill

[As Amended at Stage 2]

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## Supplementary Delegated Powers Memorandum

### Introduction

1. This memorandum has been prepared by the Scottish Government in accordance with rule 9.7.10 of the Parliament's Standing Orders to assist the Delegated Powers and Law Reform Committee in its consideration of the Consumer Scotland Bill. This memorandum describes a provision in the Bill conferring a power to make subordinate legislation which was introduced to the Bill at Stage 2.

2. The contents of this memorandum are entirely the responsibility of the Scottish Government and have not been endorsed by the Scottish Parliament. This supplementary memorandum should be read in conjunction with the Delegated Powers Memorandum published to accompany the Bill on introduction.

### Provisions conferring power to make subordinate legislation introduced or amended at Stage 2

3. The new delegated power in the Bill is listed below, with a short explanation of what the power allows, why the power has been taken in the Bill and why the selected form of Parliamentary procedure has been considered appropriate.

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## Section 6(3) – specified persons whose activities Consumer Scotland must have regard to

Power conferred on: the Scottish Ministers

Power exercisable by: regulations made by Scottish statutory instrument

Parliamentary procedure: negative

Revised or new power: new

### **Provision**

4. Section 6(3)(a) of the Bill imposes a requirement for Consumer Scotland, in exercising its functions, to have regard to the activities carried on by specified persons and any other persons with the same functions as, or similar functions to, Consumer Scotland. Section 6(8) defines “specified” and enables Ministers to use regulations to specify the particular persons whose activities Consumer Scotland must have regard to.

### **Reason for taking power**

5. This power ensures that, if the Scottish Ministers consider it appropriate, they can specify particular persons whose activities Consumer Scotland must have regard to. The power has been taken in recognition of the fact that the consumer protection landscape is complex, and that there are already a number of bodies doing significant work in this area. Allowing Ministers to name specific persons by regulations will provide flexibility as it will ensure that new organisations or office-holders can be recognised in the future, and amendments can be made to reflect any changes to the remit or names of specified organisations or office-holders.

### **Choice of procedure**

6. The choice of negative procedure and attendant level of scrutiny reflects the limited impact of the provision, which will neither significantly alter Consumer Scotland’s objectives or functions, nor impose obligations on any other organisations. The persons named in the regulations are likely to be those with whom Consumer Scotland will be working anyway, and Consumer Scotland would be entitled (and sometimes required) to

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have regard to the activities of others even if they are not named in the regulations.

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