

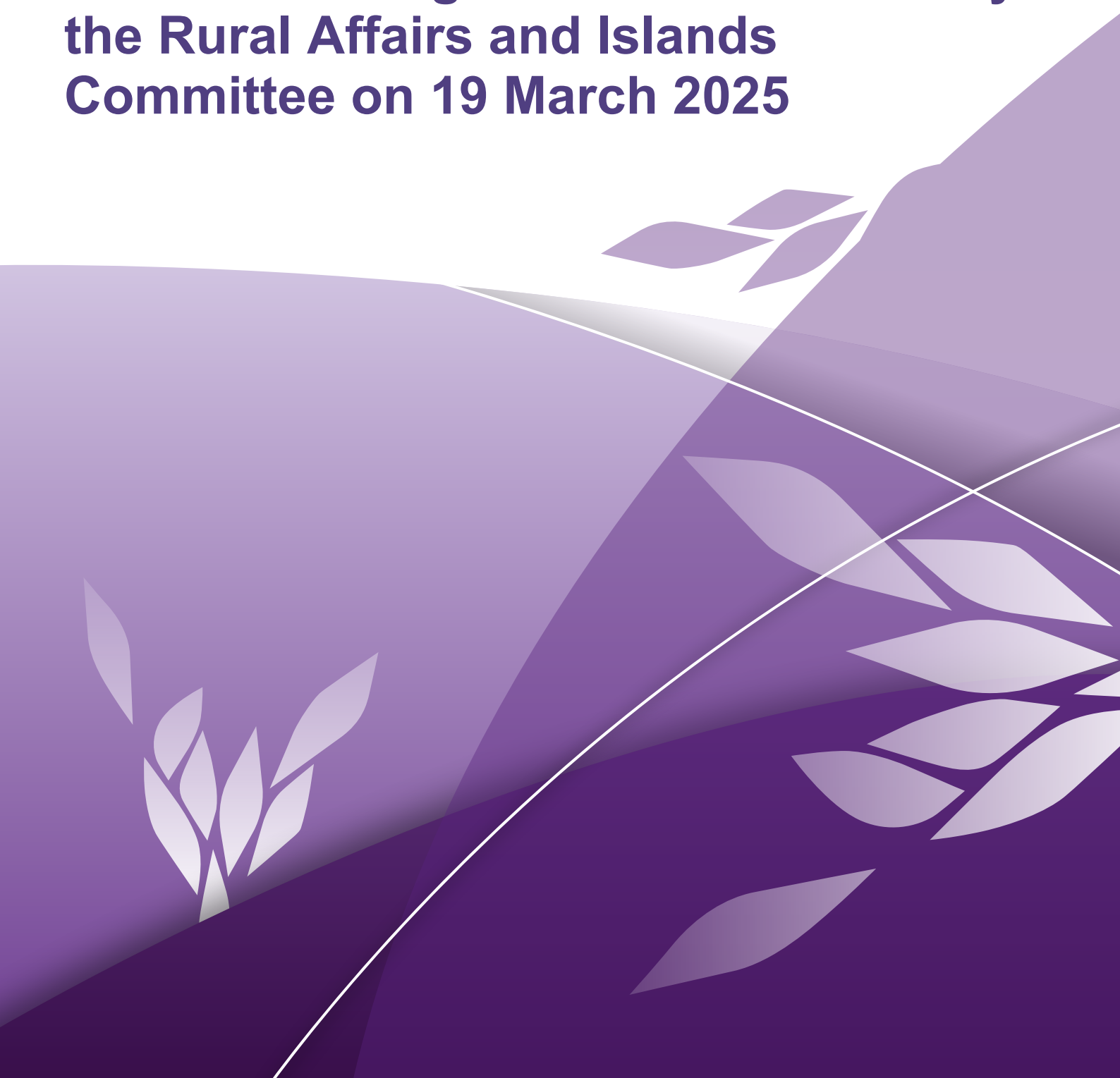


The Scottish Parliament
Pàrlamaid na h-Alba

Published 21 March 2025
SP Paper 763
4th Report, 2025 (Session 6)

Rural Affairs and Islands Committee

Subordinate legislation considered by the Rural Affairs and Islands Committee on 19 March 2025



Published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish Parliament website at:
<http://www.parliament.scot/abouttheparliament/91279.aspx>

For information on the Scottish Parliament contact Public Information on:
Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@parliament.scot

Contents

Executive summary	1
The draft Scottish Public Services Ombudsman Act 2002 Amendment Order 2025	2
Delegated Powers and Law Reform (DPLR) Committee consideration	3
Rural Affairs and Islands Committee consideration	4
Conclusion	5

Rural Affairs and Islands Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands, with the exception of matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland, and Royal Botanic Garden.



rural.committee@parliament.scot



0131 348 5985

Committee Membership



Convener
Finlay Carson
Scottish Conservative
and Unionist Party



Ariane Burgess
Scottish Green Party



Tim Eagle
Scottish Conservative
and Unionist Party



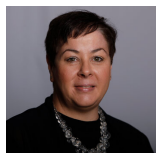
Rhoda Grant
Scottish Labour



Emma Harper
Scottish National Party



Emma Roddick
Scottish National Party



Elena Whitham
Scottish National Party

Executive summary

1. This report details the Rural Affairs and Islands Committee's consideration of the draft Scottish Public Services Ombudsman Act 2002 Amendment Order 2025.
2. The Committee agreed to recommend to the Scottish Parliament that it approve the instrument.

The draft Scottish Public Services Ombudsman Act 2002 Amendment Order 2025

3. The draft Scottish Public Services Ombudsman Act 2002 Amendment Order 2025 was laid on 7 February 2025 under the Scottish Public Services Ombudsman Act 2002 and was referred to the Rural Affairs and Islands Committee for consideration. It is subject to the affirmative procedure.
4. The policy note states the instrument would amend schedule 2 of the 2002 Act which lists those public bodies liable to investigation by the Ombudsman in order to—
 - Add the newly created public body, the Scottish Pubs Code Adjudicator;
 - Add the existing public body, Quality Meat Scotland; and
 - Remove five public bodies which no longer exist: the British Potato Council; Home-Grown Cereals Authority; Horticultural Development Council; Meat and Livestock Commission; and Milk Development Council.
5. The policy note states that “it is a general requirement that public bodies are included in Schedule 2 of the [2002] Act” but does not explicitly state that the Scottish Pubs Code Adjudicator is being included as part of the process of its creation. The policy note does not set out why Quality Meat Scotland has not been included previously or why it is being included at this point.
6. In relation to consultation, the policy note states that “the proposed amendments do not engage the consultation requirements of the Scottish Public Services Ombudsman Act 2002”.

Delegated Powers and Law Reform (DPLR) Committee consideration

7. The [DPLR Committee considered the instrument on 4 March 2025 and reported on it in its 17th Report, 2025](#) . The DPLR Committee made no recommendations in relation to this instrument.
8. The DPLR Committee did, however, note that both these regulations and the Education (Scotland) Bill propose a new paragraph 32AAA into schedule 2 of the 2002 Act. These regulations would insert 'Quality Meat Scotland' and the Bill would insert 'Qualifications Scotland'. The [Scottish Government indicated in correspondence with the DPLR Committee](#) that "if the Order is approved and made, consideration will be given to the lodging of appropriate amendment to the Education Bill".

Rural Affairs and Islands Committee consideration

9. The [Committee took evidence on the draft instrument from the Minister for Agriculture and Connectivity and Scottish Government officials at its meeting on 19 March 2025](#).
10. The Minister made an opening statement, setting out the purpose and objectives of the instrument.
11. In relation to the two public bodies being included in schedule 2 of the 2002 Act, the Minister confirmed it was as part of the overall process of setting up the Scottish Pubs Code Adjudicator. He also confirmed that Quality Meat Scotland should have been included in the schedule when it was established and its inclusion in this draft instrument was to correct this erroneous omission.
12. The Minister confirmed that, although formal consultation was not required, Scottish Government officials had “liaised” with Quality Meat Scotland who recognised it was appropriate that the public body should be included in the schedule.
13. The Minister and his officials were not aware of the DPLR Committee’s comment regarding a duplicate paragraph 32AAA but stated that “it may be possible to deal with this as drafting points” during the passage of the Education (Scotland) Bill.
14. The Committee expressed disappointment in the lack of detail contained in the policy note. It was felt the policy note should have detailed the five bodies being removed from the schedule; clarified the specific reasons why the two additional bodies were being added; and set out whether any informal engagement with these two additional bodies had been undertaken.

Conclusion

15. After giving evidence, the Minister moved motion S6M-16490:

That the Rural Affairs and Islands Committee recommends that the Scottish Public Services Ombudsman Act 2002 Amendment Order 2025 be approved.

16. The motion was agreed to without debate or division.

17. The Rural Affairs and Islands Committee recommends that the Scottish Public Services Ombudsman Act 2002 Amendment Order 2025 be approved.

18. The Rural Affairs and Islands Committee also recommends the Scottish Government update the Parliament at the earliest opportunity how it intends to address the duplicate paragraph 32AAA set out in the Education (Scotland) Bill.

