

Rural Affairs and Islands Committee  
Wednesday 19 March 2025  
10th Meeting, 2025 (Session 6)

## Note by the Clerk on the Scottish Public Services Ombudsman Act 2002 Amendment Order 2025 [draft]

### Overview

1. At this meeting, the Committee will take evidence from the Minister for Agriculture and Connectivity and Scottish Government officials on the Scottish Public Services Ombudsman Act 2002 Amendment Order 2025. It will then debate a motion in the name of the Minister inviting the Committee to recommend approval of the instrument.
2. This is a draft Scottish Statutory Instrument (SSI), which is subject to the affirmative procedure in the Parliament before it can become law. More information about the instrument is summarised below:

**Title of instrument:** [Scottish Public Services Ombudsman Act 2002 Amendment Order 2025](#) (draft)

**Laid under:** [Scottish Public Services Ombudsman Act 2002](#)

**Laid on:** 7 February 2025

**Procedure:** Affirmative

**Lead committee to report by:** 23 March 2025

**Commencement:** This information has not been provided.

3. [Further information about the affirmative procedure is provided on the Scottish Parliament's web site.](#)

### Purpose of the instrument

4. The policy note states the regulations will add two organisations to the list of public bodies subject to conditions in the Scottish Public Services Ombudsman Act 2002. These are one existing body, Quality Meat Scotland, and the newly Scottish Pubs Code Adjudicator. The main impact of this change would be to make Quality Meat Scotland and the Scottish Pubs Code Adjudicator liable to investigation by the Ombudsman.
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 specify that the Scottish Pubs Code Adjudicator as part of its creation. It is not clear why Quality Meat Scotland has not been included previously or why it is being included at this point.

6. The regulations would also remove five organisations from the list, as they no longer exist; these are the British Potato Council; Home-Grown Cereals Authority; Horticultural Development Council; Meat and Livestock Commission; and Milk Development Council. Members will note these five organisations are not listed in the policy note.
7. The policy note accompanying the instrument is included in the annexe. It includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects. 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”; it is not clear, therefore, if any consultation has been undertaken in relation to these changes.

## **Delegated Powers and Law Reform Committee consideration**

8. 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.
9. The DPLR Committee did, however, note that both these regulations and the Education (Scotland) Bill propose to insert 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”.

## **Committee consideration**

10. The Committee will take evidence on the instrument from the Minister at agenda item 2 and then consider the motion to approve the instrument at agenda item 3.
11. The Committee is invited to delegate responsibility to the Convener to sign off the Committee’s report.

## **Clerks to the Committee March 2025**

# **The Scottish Public Services Ombudsman Act 2002 Amendment Order 2025 (draft)**

The above instrument was made in exercise of the powers conferred by section 3 of the Scottish Public Services Ombudsman Act 2002 (“the Act”). The instrument is subject to *affirmative procedure*.

## **Summary**

### **Purpose of the instrument**

The purpose of this instrument is to amend the Scottish Public Services Ombudsman Act 2002.

This will add two organisations to the list of bodies covered by the Act and will also remove five organisations from part 2 of schedule 2 of the Act as these organisations no longer exist.

### **Policy objectives**

Making this change will ensure that the list of public bodies which are liable to investigation under the Scottish Public Services Ombudsman Act 2002 includes Quality Meat Scotland, an existing body, and the Scottish Pubs Code Adjudicator, which is a new body.

### **UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility**

This instrument is an Order in Council which, once approved by resolution of the Scottish Parliament, is signed by the Privy Council and not signed by the Scottish Ministers. As such, Ministers are not required to make a statement in terms of section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024.

It is worth pointing out at this time that this change to the Act will not impact on the UN Convention on the Rights of the Child.

### **EU alignment consideration**

This instrument is not relevant to the Scottish Government’s policy to maintain alignment with the EU.

### **Consultation**

The proposed amendments do not engage the consultation requirements of the Scottish Public Services Ombudsman Act 2002.

## **Impact assessments**

As this change has no impact on the organisations including any financial impact and given that it is a general requirement that public bodies are included in Schedule 2 of the Act, we are not looking to carry out any impact assessments.

## **Financial effects**

There are no financial effects of this change.

Both the Minister for Agriculture and Connectivity and the Minister for Employment and Investment confirm that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government  
Directorate – Agriculture and Rural Economy

3/2/2025