

Economy and Fair Work Committee

SSI cover note

3rd Meeting 2022, (Session 6), 26 January 2022

Title of Instrument: [Consumer Scotland \(Designated Regulators\) Regulations 2021 \(2021/465\)](#)

Laid Date: 13 December 2021

Reporting deadline: N/A

Type of instrument: Negative

Parliamentary procedure:

Under [Rule 10.4](#) of Standing Orders, the Parliament has 40 days to consider a motion to annul a negative instrument from the date the instrument was laid. No motion to annul has been laid, so the Committee is asked to agree on whether it has concluded its consideration of this instrument. Further information on the negative procedure can be found on the [Parliament's website](#).

Background

1. The Consumer Scotland Act 2020 (“the 2020 Act”) established Consumer Scotland to provide and promote advice and advocacy on consumer matters in Scotland.
2. [Section 9 of the 2020 Act](#) allows Consumer Scotland to issue notices requiring a person to provide information for it to exercise its functions.

Purpose

3. The purpose of this instrument is to specify the following authorities as designated regulators in terms of [section 9\(6\) of the 2020 Act](#) and from whom Consumer Scotland can issue a notice to provide information. The authorities are—
 - the [Drinking Water Quality Regulator for Scotland](#); and
 - the [Water Industry Commission for Scotland](#).
4. Designated regulators, in terms of section 9(6) of the 2020 Act, are required to respond to any notice issued by Consumer Scotland under s9(1) requesting information related to its functions.
5. The policy note is attached as an annexe to this paper.

Delegated Powers and Law Reform Committee consideration

6. The Delegated Powers and Law Reform Committee considered the instrument [at its meeting on 11 January](#) and did not raise any points.

For decision

7. The Committee is invited to note the instrument.

**Economy and Fair Work Committee Clerks
21 January 2022**

POLICY NOTE**THE CONSUMER SCOTLAND (DESIGNATED REGULATORS)
REGULATIONS
2021****SSI 2021/465**

The above instrument was made in exercise of the powers conferred by section 9(6) of the

Consumer Scotland Act 2020 which provides for the Scottish Ministers to make regulations to specify who is a designated regulator for the purposes of section 9 of that Act. The instrument is subject to the negative procedure.

Purpose of the instrument.

This instrument sets out the authorities as per section 9(6) of the Consumer Scotland Act 2020 who are designated as regulators from whom Consumer Scotland can require information related to its functions by issuing a notice to provide information as per the powers provided to it by the Consumer Scotland Act 2020.

Policy Objectives

As per section 9 of the Consumer Scotland Act 2020 (“the 2020 Act”), Consumer Scotland may issue a notice requiring a person to provide information to Consumer Scotland in order for Consumer Scotland to exercise its functions. These Regulations confirm those regulators Consumer Scotland can issue a notice to under section 9 of the 2020 Act.

Regulation 2 determines the relevant authorities who Consumer Scotland may issue a notice to are Drinking Water Quality Regulator for Scotland and the Water Industry Commission for Scotland. These bodies are therefore designated regulators in terms of section 9(6) of the 2020 Act, and must respond to a notice issued by Consumer Scotland to them under s9(1) by providing the information specified or described in the notice, within a reasonable time period as specified in the notice.

Consultation

Scottish Government officials have consulted with the relevant authorities and other key stakeholders in relation to the content of this instrument in accordance with sections 9(7) and 9(8) of the 2020 Act.

Impact Assessments

All necessary impact assessments were completed as part of the 2020 Act passage process. These were: Business Regulatory Impact Assessment (BRIA),

Equalities Impact Assessment (EQIA), Child Rights and Wellbeing Impact Assessment (CRWIA) and Data Protection Impact Assessment (DPIA).

Financial Effects

The financial effects of this instrument were considered as part of the impact assessments completed during the bill passage process and none were identified.

Scottish Government
DIRECTORATE FOR ENERGY AND CLIMATE CHANGE,
December 2021