

**2010 No. 321 (C. 17)**

**CHARITIES**

**NATIONAL HEALTH SERVICE**

**PUBLIC SERVICES REFORM**

**SOCIAL CARE**

**The Public Services Reform (Scotland) Act 2010  
(Commencement No. 2) Order 2010**

*Made* - - - -

*8th September 2010*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 134(7) of the Public Services Reform (Scotland) Act 2010<sup>(a)</sup>.

**Citation**

1. This Order may be cited as the Public Services Reform (Scotland) Act 2010 (Commencement No. 2) Order 2010.

**Interpretation**

2. In this Order, “the Act” means the Public Services Reform (Scotland) Act 2010.

**Appointed day**

3.—(1) Subject to paragraph (2), the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in the Schedule to this Order (the subject matter of which is specified in column 2 of that table) is 1st October 2010.

(2) Where a purpose is specified in column 3 of that table, a provision mentioned in column 1 comes into force in accordance with paragraph (1) only for that purpose.

St Andrew's House,  
Edinburgh  
8th September 2010

*JOHN SWINNEY*  
A member of the Scottish Executive

## SCHEDULE

Article 3

<i>Column 1</i> <i>(provisions of the Act)</i>	<i>Column 2</i> <i>(subject matter)</i>	<i>Column 3</i> <i>(purpose)</i>
Sections 31 to 35	Information on exercise of public functions	
Sections 44 to 106 except section 103	Social care and social work: scrutiny and improvement	The purpose of making subordinate legislation
Sections 108 and 110	Health care: scrutiny and improvement	The purpose of making subordinate legislation
Section 111	The Mental Welfare Commission for Scotland	The purpose of making subordinate legislation
Sections 112 to 113	User focus	
Section 114	Scrutiny: duty of co-operation	
Sections 115 to 117	Joint inspections	The purpose of making subordinate legislation
Section 118	Amendment of Public Finance and Accountability (Scotland) Act 2000(a)	
Section 125	Reorganisation of restricted funds	The purpose of making subordinate legislation
Schedule 8	Information on exercise of public functions: listed public bodies	
Schedule 11	Social Care and Social Work Improvement Scotland: establishment etc.	The purpose of making subordinate legislation
Schedule 12	Care services: definitions	The purpose of making subordinate legislation
Schedule 13	Social work services functions: specified enactments	
Schedule 14	Social Care and Social Work Improvement Scotland: modifications of enactments	The purpose of making subordinate legislation
Schedule 16	Healthcare Improvement Scotland: establishment etc.	The purpose of making subordinate legislation
Schedule 17	Healthcare Improvement Scotland: modifications of enactments	The purpose of making subordinate legislation
Schedule 18	The Mental Welfare Commission for Scotland: modifications of the Mental Health (Care and Treatment) (Scotland) Act 2003(b)	The purpose of making subordinate legislation

- (a) 2000 asp 1.  
(b) 2003 asp 13.

<i>Column 1</i> <i>(provisions of the Act)</i>	<i>Column 2</i> <i>(subject matter)</i>	<i>Column 3</i> <i>(purpose)</i>
Schedule 19	Scrutiny functions: persons etc. subject to user focus duty	
Schedule 20	Scrutiny functions: persons etc. subject to duty of co-operation	

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Sections 103, 109, 132, 133 and 134 of the Public Services Reform (Scotland) Act 2010 (“the Act”) came into force on Royal Assent. The Public Services Reform (Scotland) Act 2010 (Commencement No. 1) Order 2010 brought some other provisions of the Act into force on 1st July 2010 and 1st August 2010 (for further detail see the note as to earlier commencement orders).

This Order brings the following provisions of the Act into force on 1st October 2010:

- sections 31 to 35 and schedule 8 require the publication of information on expenditure and certain other matters by the Scottish Ministers and certain public bodies;
- sections 44 to 106 (except section 103 which came into force on Royal Assent), and schedules 11, 12 and 14, are commenced for the purpose of making subordinate legislation in relation to the functions of Social Care and Social Work Improvement Scotland, and schedule 13 (which specifies enactments for the purposes of the meaning of “social work services functions” in section 48) is commenced in full;
- sections 108 and 110, and schedules 16 and 17, are commenced for the purpose of making subordinate legislation in relation to the functions of Healthcare Improvement Scotland;
- section 111 and schedule 18 are commenced for the purpose of making subordinate legislation in relation to the Mental Welfare Commission for Scotland;
- sections 112 and 113 and schedule 19 require listed scrutiny authorities to improve user focus in the exercise of their scrutiny functions and to have regard to relevant guidance;
- section 114 and schedule 20 require scheduled scrutiny authorities to co-operate and co-ordinate activity with a view to improving the exercise of their scrutiny functions;
- sections 115 to 117 are commenced for the purpose of making subordinate legislation in relation to joint inspections;
- section 118 amends Part 2 of the Public Finance and Accountability (Scotland) Act 2000 in relation to audit authorities and audit reports and examinations under that Part; and
- section 125 is commenced for the purpose of making subordinate legislation in relation to reorganisation of restricted funds in relation to charities.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act were brought into force by commencement order made before the date of this Order:

Provision	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 1 to 12 except section 3	1st August 2010	2010/221
Sections 14 to 30	1st August 2010	2010/221
Sections 36 to 43	1st July 2010	2010/221
Section 44 (partially) for the purpose of making appointments	1st August 2010	2010/221
Section 107	1st August 2010	2010/221
Section 108 (partially) for the purpose of making appointments	1st August 2010	2010/221
Section 110(1) for the purpose of making appointments	1st August 2010	2010/221
Section 111 for the purpose of making appointments	1st August 2010	2010/221
Section 119	1st August 2010	2010/221

Provision	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 120 to 128 except section 125	1st August 2010	2010/221
Section 129	1st August 2010	2010/221
Schedule 1	1st August 2010	2010/221
Schedules 5 to 7	1st August 2010	2010/221
Schedules 9 and 10	1st July 2010	2010/221
Schedule 11 (partially) for the purpose of making appointments	1st August 2010	2010/221
Schedule 15	1st August 2010	2010/221
Schedule 16 for the purpose of making appointments	1st August 2010	2010/221
Schedule 18 for the purpose of making appointments	1st August 2010	2010/221

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