

Annex C

Illustrative draft Regulations which add Scottish Bodies to Schedules 7 and 8

Draft Regulations laid before the Scottish Parliament under sections 54(5) and 62(5) of the Digital Economy Act 2017, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

DISCLOSURE OF INFORMATION

The Digital Government (Scottish Bodies) Regulations 2020

CONSULTATION DRAFT

Made - - - - - ***

Coming into force - - - ***

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 48(5) and 56(6) of the Digital Economy Act 2017(a) and all other powers enabling them to do so.

They have consulted the Information Commissioner, the Commissioners for Her Majesty's Revenue and Customs, the Welsh Ministers, the Department of Finance in Northern Ireland, the Minister for the Cabinet Office and such other persons as the Scottish Ministers consider appropriate, as required by section 48(11) and 56(12) of the Digital Economy Act 2017.

In accordance with section 54(5) and 62(5) of the Digital Economy Act 2017, a draft of these Regulations has been laid before, and approved by a resolution of, the Scottish Parliament.

Citation and commencement

1.These Regulations may be cited as the Digital Government (Scottish Bodies) Regulations 2020 and come into force on [2020].

Scottish bodies for the disclosure of information in relation to debt owed to the public sector

2.In schedule 7 of the Digital Economy Act 2017 (specified persons for the purposes of the debt provisions of that Act) after paragraph 24 insert—

(a) 2017 c. 30 ("the 2017 Act"). The Scottish Ministers are the appropriate authority in respect of the bodies to which these Regulations relate by virtue of sections 55(2) and 63(2) of the 2017 Act. Schedules 7 and 8 of the 2017 Act were amended by SI 2018/551.

“PART 3

SCOTTISH BODIES

- 25 The Scottish Ministers.
- 26 A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(a).
- 27 Highlands and Islands Enterprise.
- 28 The Accountant in Bankruptcy.
- 29 The Scottish Legal Aid Board.
- 30 Highlands and Islands Airports Limited.
- 31 The Common Services Agency for the Scottish Health Service.
- 32 The Scottish Courts and Tribunals Service.
- 33 The Scottish Environment Protection Agency.
- 34 Scottish Enterprise.
- 35 ILF Scotland.
- 36 The Scottish Legal Complaints Commission.
- 37 The Scottish Qualifications Authority.
- 38 Revenue Scotland.
- 39 A person providing services to a specified person who –
 - (a) falls within this Part of this Schedule; and
 - (b) is a public authority,in respect of the taking of action in connection with debt owed to a public authority or to the Crown.”.

Scottish bodies for the disclosure of information in relation to fraud against the public sector

3. In schedule 8 of the Digital Economy Act 2017 (specified persons for the purposes of the fraud provisions of that Act) after paragraph 56 insert—

“PART 3

SCOTTISH BODIES

- 57 The Scottish Ministers.
- 58 A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(b).
- 59 Highland and Islands Enterprise.
- 60 The Accountant in Bankruptcy.

(a) 1994 c.39.

(b) 1994 c.39.

- 61 The Scottish Legal Aid Board.
- 62 Highlands and Islands Airports Limited.
- 63 The Common Services Agency for the Scottish Health Service.
- 64 The Scottish Environment Protection Agency.
- 65 Scottish Enterprise.
- 66 ILF Scotland.
- 67 The Scottish Legal Complaints Commission.
- 68 The Scottish Qualifications Authority.
- 69 Revenue Scotland.
- 70 Audit Scotland.
- 71 Food Standards Scotland.
- 72 Creative Scotland.
- 73 The Skills Development Scotland Co. Limited.
- 74 A person providing services to a specified person who –
 - (a) falls within this Part of this Schedule; and
 - (b) is a public authority,

in respect of the taking of action in connection with fraud against a public authority.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to the disclosure of information in relation to debt owed to the public sector and fraud against the public sector, pursuant to sections 48 and 56 of the Digital Economy Act 2017 (c.30) (“the Act”).

Regulation 2 specifies Scottish Bodies as specified persons to be added to those set out in schedule 7 of the Act for the purposes of reducing debt owed to the public sector.

Regulation 3 specifies Scottish Bodies as specified persons to be added to those set out in schedule 8 of the Act for the purposes of combatting fraud against the public sector.