

Public Services Reform (Scotland) Act 2010

2010 asp 8

PART 3

INFORMATION ON EXERCISE OF PUBLIC FUNCTIONS

31 Public functions: duties to provide information on certain expenditure etc.

- (1) As soon as is reasonably practicable after the end of each financial year each listed public body must publish a statement of any expenditure that it has incurred during that financial year on or in connection with the matters described in subsection (2).
- (2) Those matters are—
 - (a) public relations,
 - (b) overseas travel,
 - (c) hospitality and entertainment,
 - (d) external consultancy.
- (3) As soon as is reasonably practicable after the end of each financial year each listed public body must publish a statement specifying the amount, date, payee and subject-matter of any payment made during that financial year which has a value in excess of £25,000.
- (4) As soon as is reasonably practicable after the end of each financial year each listed public body must publish a statement specifying the number of individuals (if any) who, during that financial year, received remuneration in excess of £150,000 in relation to service as a member of the listed public body or a member of its staff.
- (5) No information is to be provided under subsection (3) about the remuneration of, or other payments made to or in respect of, any individual in relation to that individual's service as a member of the listed public body or a member of its staff.
- (6) In subsections (4) and (5), the references to a member of a listed public body—
 - (a) where the body is an office-holder which is not a body corporate, are to that office-holder,

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- (b) where the body is a company (within the meaning of the Companies Act 2006 (c. 46)), are to a director or a secretary of that company.
- (7) Each listed public body must have regard to any guidance issued by the Scottish Ministers about the duties imposed by this section.
- (8) The Scottish Ministers must lay a copy of any such guidance before the Parliament as soon as is reasonably practicable.

Modifications etc. (not altering text)

- C1** [S. 31\(1\)\(3\)](#) excluded (1.10.2010) by [The Public Services Reform \(Scotland\) Act 2010 \(Ancillary Provisions\) Order 2010 \(S.S.I. 2010/322\)](#), arts. 1, 3

Commencement Information

- I1** [S. 31](#) in force at 1.10.2010 by [S.S.I. 2010/321](#), art. 3, [Sch.](#)

32 Public functions: duty to provide information on exercise of functions

- (1) As soon as is reasonably practicable after the end of each financial year each listed public body must publish a statement of the steps that it has taken during that financial year—
 - (a) to promote and increase sustainable growth through the exercise of its functions,
 - (b) to improve efficiency, effectiveness and economy in the exercise of its functions.
- (2) Each listed public body must have regard to any guidance issued by the Scottish Ministers about the duty imposed by subsection (1).
- (3) The Scottish Ministers must lay a copy of any such guidance before the Parliament as soon as is reasonably practicable.

Commencement Information

- I2** [S. 32](#) in force at 1.10.2010 by [S.S.I. 2010/321](#), art. 3, [Sch.](#)

33 Public functions: duty to provide information on special advisers

- (1) As soon as is reasonably practicable after the end of each financial year the Scottish Ministers must publish a statement of the total amount of remuneration paid to special advisers during that financial year.
- (2) In subsection (1), “special advisers” means a person appointed by virtue of article 3(4) of the Civil Service Order in Council 1995.

Commencement Information

- I3** [S. 33](#) in force at 1.10.2010 by [S.S.I. 2010/321](#), art. 3, [Sch.](#)

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34 Public functions: duties to provide information: further provision

- (1) The Scottish Ministers may by order—
 - (a) modify subsection (1), (3) or (4) of section 31 by varying the periods to which for the time being statements are to relate and the frequency with which for the time being statements are to be published,
 - (b) modify subsection (2) of that section by—
 - (i) adding a matter,
 - (ii) removing a matter,
 - (iii) amending the description of a matter,
 - (c) vary the figure for the time being specified in subsection (3) or (4) of that section.
- (2) Any power to make an order conferred by this Part on the Scottish Ministers must be exercised by statutory instrument.
- (3) An order under subsection (1) or under section 35 may make different provision in relation to different listed public bodies.
- (4) No order is to be made under subsection (1) unless a draft of the statutory instrument containing the order has been laid before, and approved by resolution of, the Parliament.
- (5) A statutory instrument containing an order under section 35 is subject to annulment in pursuance of a resolution of the Parliament.

Commencement Information

I4 S. 34 in force at 1.10.2010 by [S.S.I. 2010/321](#), art. 3, [Sch.](#)

35 Interpretation of Part 3

In this Part—

“financial year” means a year ending with 31 March or such other date as the Scottish Ministers may by order specify;

“listed public body” is a person, body or office-holder listed in schedule 8.

Commencement Information

I5 S. 35 in force at 1.10.2010 by [S.S.I. 2010/321](#), art. 3, [Sch.](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5 Ch. 3A inserted by [2019 asp 6 s. 12\(2\)](#)