

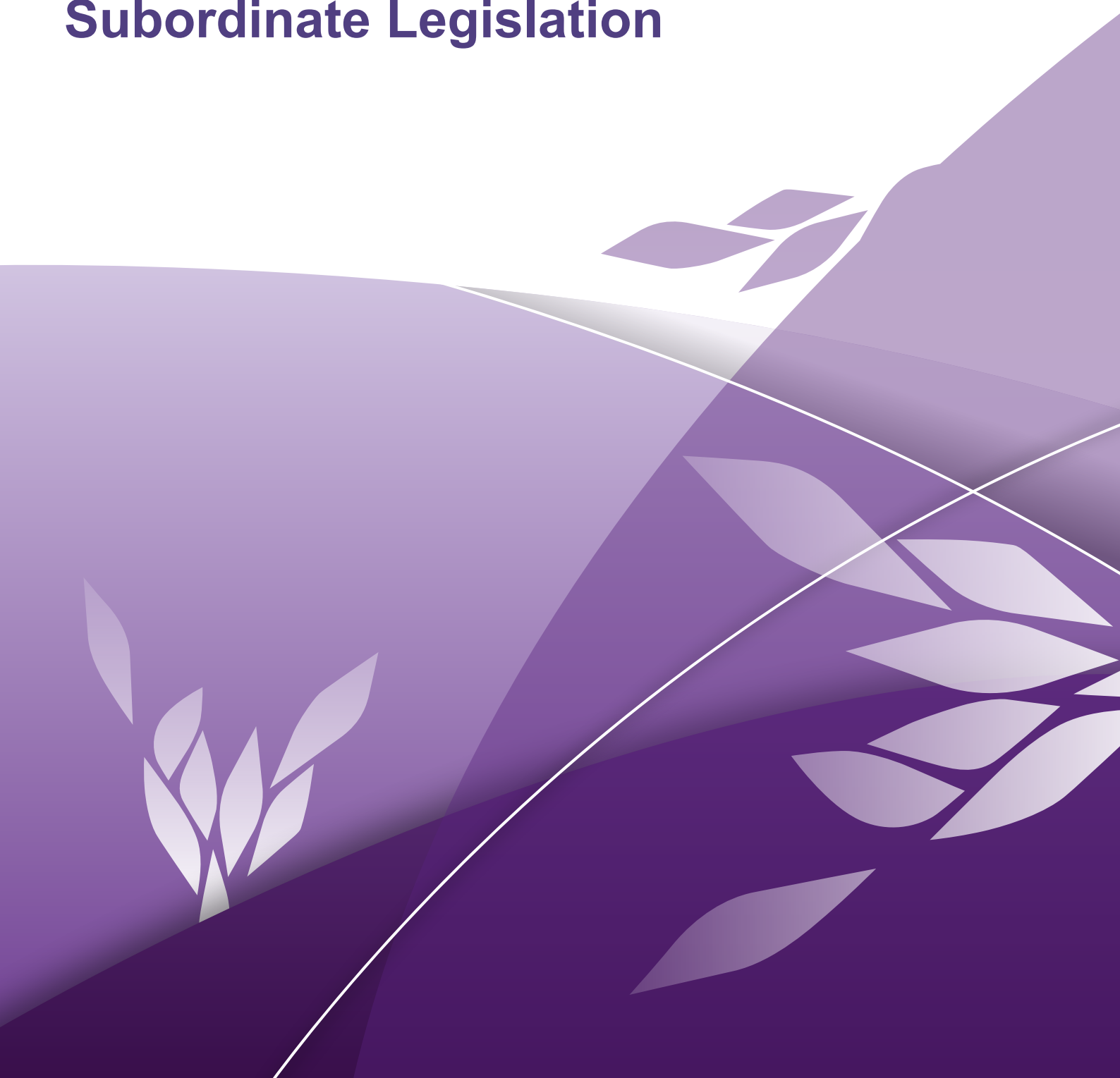


The Scottish Parliament
Pàrlamaid na h-Alba

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Economy, Energy and Fair Work Committee **Comataidh Eaconamaidh, Lùth is Obair Chothromach**

Subordinate Legislation



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Economy, Energy and Fair Work Committee

Remit: To consider and report on economy and fair work matters falling within the responsibilities of the Cabinet Secretary for Economy, Fair Work and Culture; matters relating to the digital economy within the responsibilities of the Cabinet Secretary for Finance, and matters relating to energy falling within the responsibilities of the Minister for Energy, Connectivity and the Islands.



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Committee Membership



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Gordon Lindhurst
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and Unionist Party



Deputy Convener
Willie Coffey
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Maurice Golden
Scottish Conservative
and Unionist Party



Rhoda Grant
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Scottish Conservative
and Unionist Party



Richard Lyle
Scottish National Party



Gordon MacDonald
Scottish National Party



Andy Wightman
Scottish Green Party

Scottish National Investment Bank p.l.c. and South of Scotland Enterprise (Miscellaneous Listings) Regulations 2020 [draft]; the Companies Act 2006 (Scottish public sector companies to be audited by the Auditor General for Scotland) Order 2020 [draft], and the Scottish National Investment Bank p.l.c. (Miscellaneous Listings) Order 2020 [draft]

1. The Committee took evidence from Fiona Hyslop, Cabinet Secretary for Economy, Fair Work and Culture at its meeting on 17 November 2020. The Committee considered the following Scottish Draft Statutory Instruments—
 - [Scottish National Investment Bank p.l.c. and South of Scotland Enterprise \(Miscellaneous Listings\) Regulations 2020 \[draft\]](#)
 - [Companies Act 2006 \(Scottish public sector companies to be audited by the Auditor General for Scotland\) Order 2020 \[draft\]](#)
 - [Scottish National Investment Bank p.l.c. \(Miscellaneous Listings\) Order 2020 \[draft\]](#)

The Official Report is available [here](#).

2. **The Scottish National Investment Bank p.l.c. and South of Scotland Enterprise (Miscellaneous Listings) Regulations 2020.** This instrument adds the Scottish National Investment Bank (SNIB) to the section of the 2010 Equality Act which lists authorities which are subject to the public sector duty regarding socio-economic inequalities. It further adds SNIB to the list of public authorities in the 2012 Regulations and modifies the 2012 Regulations in their application to SNIB so as to provide different dates by which certain duties have to be complied with.
3. **The Companies Act 2006 (Scottish public sector companies to be audited by the Auditor General for Scotland) Order 2020.** Article 2 of this Order provides that SNIB being a qualifying public sector company with a registered office in Scotland, is to have its accounts audited by the Auditor General for Scotland. Article 3 provides that that company will be exempt from the auditing of company accounts requirements of Part 16 of the Companies Act 2006.
4. **The Scottish National Investment Bank p.l.c. (Miscellaneous Listings) Order 2020.** This instrument adds SNIB to the relevant section of the Equality Act which

lists Scottish public authorities required to comply with the public sector equality duty. And adds SNIB to lists bodies which are subject to the reporting requirements in the Climate Change Order.

5. During the debate, Andy Wightman raised an issue regarding the Scottish National Investment Bank p.l.c. (Miscellaneous Listings) Order 2020.

” My understanding, from the information that we have, is that the Scottish National Investment Bank plc (Miscellaneous Listings) Order 2020 will come into force on 26 November. Has Parliament been given the usual 28 days in which to consider it?

Source: Economy, Energy and Fair Work Committee 17 November 2020 [Draft], Andy Wightman (Lothian) (Green), contrib. 23¹

6. Scottish Government official Graham Watson responded to Andy Wightman.

” We lodged all the SSIs together, and the full timetable should be available to the Parliament. I know that the committee moved the schedule forward to ensure that that was the case, and we are grateful for that. Perhaps I can clarify that point and come back to the committee separately on it.

Source: Economy, Energy and Fair Work Committee 17 November 2020 [Draft], Graham Watson (Scottish Government), contrib. 26²

7. Graham Watson undertook to clarify the matter and later confirmed by email that the discrepancy with the date of coming into force (of 26 November) was due to an oversight when laying the draft SSIs.
8. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on [10 November 2020](#) and agreed that no points arose.
9. Following evidence, the Cabinet Secretary for Economy, Fair Work and Culture moved—

S5M-23180—That the Economy, Energy and Fair Work Committee recommends that the Scottish National Investment Bank p.l.c. and South of Scotland Enterprise (Miscellaneous Listings) Regulations 2020 [draft] be approved.

S5M-23181—That the Economy, Energy and Fair Work Committee recommends that the Companies Act 2006 (Scottish public sector companies to be audited by the Auditor General for Scotland) Order 2020 [draft] be approved.

S5M-23182—That the Economy, Energy and Fair Work Committee recommends that the Scottish National Investment Bank p.l.c. (Miscellaneous Listings) Order 2020 [draft] be approved.

10. The motions were agreed to without debate or dissent.

The Economy, Energy and Fair Work Committee recommends that the Scottish National Investment Bank p.l.c. and South of Scotland Enterprise (Miscellaneous Listings) Regulations 2020 [draft]; the Companies Act 2006 (Scottish public sector companies to be audited by the Auditor General for Scotland) Order 2020 [draft], and the Scottish National Investment Bank p.l.c. (Miscellaneous Listings) Order 2020 [draft] be approved.

- [1] Economy, Energy and Fair Work Committee 17 November 2020 [Draft], Andy Wightman (Lothian) (Green), contrib. 23, <http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=12945&c=2295058>
- [2] Economy, Energy and Fair Work Committee 17 November 2020 [Draft], Graham Watson (Scottish Government), contrib. 26, <http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=12945&c=2295061>

