

CONCORDAT BETWEEN THE SCOTTISH EXECUTIVE (SE) AND THE DEPARTMENT OF TRADE AND INDUSTRY

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INTRODUCTION

1. The way in which the UK is governed has changed in a major way through the devolution settlements to Scotland, Wales and Northern Ireland. Devolution to Scotland, effected by the Scotland Act 1998, has changed the way in which Scotland is governed by creating a Scottish Parliament with devolved powers within the United Kingdom. Executive power in devolved areas is exercised by the Scottish Ministers, while the UK Government at Westminster has retained direct responsibility for reserved matters, as listed in Schedule 5 to the Scotland Act 1998. In this context, DTI and the SE operate in a number of linked and related areas and this concordat addresses relationships on these matters. This concordat is made between the Scottish Executive ("SE") and the Department of Trade and Industry ("DTI").

2. The purpose of this concordat is to provide a framework for working arrangements between DTI and the SE. The principal aim in producing the framework is to establish and maintain good working relationships between DTI and SE. This will include, as far as possible, maintaining pre-devolution arrangements for exchange of information and co-operation, including on new legislation and new policies. The responsibilities of the SE and DTI include the work and interests of bodies which they sponsor.

NATURE OF CONCORDAT

3. This concordat is a voluntary arrangement between the SE and DTI. Its purpose is to set the ground rules for administrative co-operation, exchange of information, advance notification and joint working, including the provision of support services on terms agreed between the parties. It does not create legal obligations or restrictions on either party.

4. The concordat operates within the overarching Memorandum of Understanding (MOU) which sets out common principles and practices which will underlie relations between the UK Government, the Scottish Ministers and the Cabinet of the National Assembly for Wales. DTI and the SE will implement the practices set out in the MoU and abide by the spirit of that Memorandum. This concordat should be read in conjunction with the MoU, and the overarching concordats on EU policy issues, international relations and the provision of statistical advice and information throughout the UK, and any procedures agreed between the administrations on common working arrangements.

STRUCTURE OF CONCORDAT

5. The main body of this concordat specifies general working arrangements between DTI and the SE

6. There are also a number of annexes. Each of these contains additional arrangements which are required for specific subject areas (or groups of subjects). These may specify day-to-day working practices designed to meet the objectives of the main body of the concordat or additional arrangements agreed between the two administrations in specific subject areas

DEFINITION

7. In this document, a “reserved” matter is a matter listed in Schedule 5 to the Scotland Act 1998 and a “devolved” matter is any other matter. “Concurrent,” and “executively devolved” are as described in relevant paragraphs below.

OBJECTIVES FOR DIFFERENT CATEGORIES OF MATTERS

8. Working arrangements necessarily differ for each of the four categories of matters identified. Each category is considered in turn below. DTI and SE recognise that neither has a monopoly on good ideas and both affirm their willingness to give and receive constructive suggestions and to keep each other advised of how such suggestions have been handled.

Devolved Matters

9. For devolved matters, SE will formulate and implement policies for Scotland.

10. When initiating and developing policies in relation to devolved matters, SE will ensure that, where relevant, the DTI is informed and consulted in good time and in adequate detail about proposals before they are made public. If DTI has views on such initiatives and developments, these will be communicated in good time to the lead SE Division to allow them to be taken into account when formulating Scottish policy. In cases where proposals have not been made public, DTI will keep information provided by SE confidential.

Reserved Matters

11. For reserved matters, DTI will continue to formulate and implement policies for Scotland (and other parts of the UK where functions have not been devolved).

12. When initiating and developing policies in relation to reserved matters, DTI will consider the needs of those parts of the UK/GB which will be affected. As part of this process, DTI will ensure that, whenever relevant, the SE is informed and consulted in good time and in adequate detail about proposals before they are made public. This is particularly important for developments which will have an effect on devolved matters. If the SE has views on such initiatives and developments, these will be communicated in good time to the lead DTI Directorate to allow them to be taken into account when formulating UK policy. In cases where proposals have not been made public, SE will keep information provided by DTI confidential.

Interaction between Devolved & Reserved Matters

13. There are areas where there are interactions between devolved and non-devolved matters (for example, functions relating to planning and energy supply). DTI and the SE will hold frequent discussions in order to:

- ensure that both parties keep abreast of developments in policy and legislation in areas where there is, or could be, an interaction, including in relation to relevant local government and enforcement activities and responsibilities;
- consider co-ordination of activities where this would be of mutual interest;
- identify when DTI legislation could have an impact on a devolved matter and to ensure that consultation takes place between the administrations;

- identify when action by the SE could have an impact or effect beyond the matter devolved and to ensure that consultation takes place between the administrations.

Concurrent Powers

14. Both UK Ministers and the Scottish Ministers will be able to exercise in or as regards Scotland powers listed in section 56 of the Scotland Act, including under:

- section 9 of the Industrial Organisation and Development Act 1947 (levies for scientific research, promotion of exports, etc.);
- section 5 of the Science and Technology Act 1965 (funding of scientific research);
- section 1 of the Mineral Exploration and Investment Grants Act 1972 (contributions in respect of mineral exploration);
- sections 10 to 12 of the Industry Act 1972 (credits and grants for construction of ships and offshore installations);
- sections 7 to 9 and 11 to 13 of the Industrial Development Act 1982 (financial and other assistance for industry);
- Export Promotion (specified in an Order under section 56 of the Scotland Act).

15. DTI and the SE will consult each other on policy developments and activities in these areas to avoid duplication of effort, including double funding of activities, and to avoid unintentional contradictory actions.

Executively Devolved

16. Some matters are reserved to DTI at a policy or legislative level but administration is carried out by the SE. In some cases, the functions include making or agreeing secondary legislation. Such matters are listed in the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (SI 1999/1750). DTI policy makers and SE administrators will need to have effective working relationships. This will require keeping abreast of developments, ensuring that DTI policy makers in the reserved area and the SE administrators have a good understanding of each others objectives and take account of them, in particular, where they impact on each other.

ACCESS TO SERVICES

17. The SE and DTI may provide each other with administrative, professional or technical services.

PUBLICITY CAMPAIGNS

18. In planning publicity campaigns relating to matters of mutual interest, DTI and the SE will inform each other of their intentions and consider whether it would be beneficial to have a joint or co-ordinated campaign. Current practice on the supply of literature printed by DTI will continue as at present.

NOTICE OF, AND PLANNING FOR, MEETINGS

19. Where appropriate, DTI and the SE will each give adequate notice of meetings with external contacts in which there will be a discussion of topics likely to impact on the responsibility of the other

and will consult on lines to take. Following meetings, DTI and the SE will provide a copy of the minutes or other record of such a meeting, together with details of any action it is proposed to take as a result of the meeting.

CROSS BORDER PUBLIC AUTHORITIES

20. The Scotland Act allows Cross-Border Public Authorities to be specified by an Order in Council. Such bodies have functions which are exercisable in or as regards Scotland and may relate to reserved, devolved or a mixture of both functions. Specific arrangements may be put in place for such bodies by means of an Order in Council under section 89 of the Scotland Act.

DISPUTE RESOLUTION MECHANISMS

21. The vast majority of matters should be capable of being handled routinely among officials from the appropriate Directorates of the DTI and Divisions of the SE. If further discussion is needed on any issue, the matter may be referred to senior officials or discussed bilaterally at political level. Where a dispute cannot be resolved bilaterally, the Scotland Office may be called upon to assist. The Secretariat of the Joint Ministerial Committee may also be consulted. If this does not result in agreement, a meeting of the Joint Ministerial Committee can be called to resolve any differences which remain, as described in the MoU.

22. Such discussions will not prevent the SE from acting in areas which are clearly devolved and will not prevent DTI from acting in areas which are clearly reserved.

23. It is recognised that a dispute resolution mechanism involving third parties will not be appropriate in all cases, for example, where commercially confidential and market sensitive information is involved.

REVIEW

24. Changes to this concordat can be made only with the agreement of both parties. In line with the terms of the MOU it is agreed that the concordat will be reviewed a year after it has been signed.

ANNEXES

- A. Industrial Development Act 1982
- B. State Aids Policy and Notification
- C. Competition Casework
- D. Committee on Overseas Promotion
- E. Insolvency Act 1986
- F. Energy

ANNEX A

INDUSTRIAL DEVELOPMENT ACT 1982

1. The DTI will consult in good time and in adequate detail with the SE on matters related to the Industrial Development Act 1982 ("the Act") which are of joint concern, as provided for in the Memorandum of Understanding. The SE will consult in good time and in adequate detail and provide information to the DTI on measures which may have implications for the GB and UK wide provisions of the Act, including potential European State aid implications.
2. For the purposes of the Act, DTI and the SE note that:-
Designation of Assisted Areas under Section 1 is a reserved matter under Schedule 5 to the Scotland Act 1998. The Regional Selective Assistance scheme (RSA), providing for grants to companies, operates under Section 7 of the Act and is confined to the Assisted Areas of GB".
3. DTI and SE will advise one another on consideration of policy changes which will affect the future operation of the RSA scheme and also provide opportunity for discussion.
4. The DTI and the SE will operate and observe common RSA Guidelines. Changes to the Guidelines will be agreed by the DTI and the SE. The Guidelines and discussions on the Guidelines will be confidential. Training of RSA appraisal and monitoring officers will be to common standards, and DTI will continue to take the lead in providing training in RSA practice and procedure.
5. The DTI will notify the SE of its [and other Departments] expenditure and forecast expenditure under section 8 of the Act, to ensure that the statutory limit is not exceeded. The SE will similarly notify the DTI of expenditure and planned expenditure under section 8 of the Act.
6. The DTI will consult the SE before an Order is made by the Secretary of State to raise the statutory limit (section 8(5)). DTI will determine whether the intention to increase the statutory limit should be notified to the European Commission.
7. The DTI will consult the SE before new programmes or schemes are made under section 8 powers which have GB wide or UK application
8. The SE will consult the DTI in good time and in adequate detail on any measure under the Act which may require prior notification under European Commission State Aid regulations.
9. The SE will provide the DTI with timely information so that the Industrial Development Act 1982 Annual Report may be laid before Parliament and published within six months of the end of the financial year (section 15 of the 1982 Act). The DTI will consult the SE on the draft Annual Report.

Note: The principles for handling large mobile investment proposals throughout the UK are set out in the separate **Concordat on financial assistance to industry**, which are supported by a separate set of guidance documents.

EUROPEAN COMMUNITY STATE AID RULES

1.0 Principles

1.1 The European Commission has considerable powers to monitor, control and restrict the forms and levels of aid given by all Member States to their industries. The principles underlying State aid are set out in Articles 87 & 88 EC. Detailed guidance on State aid rules can be found in "European Community State Aids: Guidance for all Departments and Agencies" and the various frameworks and guidelines issued by the Commission on the application of the rules. All State aid (other than that covered by de minimis provisions) must be notified to and approved by the Commission in advance of implementation, otherwise it is illegal.

2.0 Responsibility

2.1 Relations with the European Union are the responsibility of the UK Parliament and Government. The Department of Trade and Industry's State Aid Policy Unit co-ordinates UK policy on state aid, providing advice on the application of the state aid rules, and assisting in UK notifications to the Commission¹.

3.0 Policy

3.1 The State Aid Policy Unit will consult the SE within a reasonable timescale on State aid policy issues. The SE will respond within a reasonable timescale to enquiries received from the State Aid Policy Unit and/or UKREP on actual or potential State aid measures or on consultation about new policy developments.

4.0 Notifying Schemes or Projects

4.1 All notifications will be submitted through the State Aid Policy Unit². The SE will produce (in consultation with DTI's State Aid Policy Unit, Cabinet Office, FCO, UKREP and other Government departments as necessary) the notification and a covering letter to the Commission. Once agreed, the notification and letter will be sent by the State Aids Policy Unit to UKREP who will submit it to the Commission Secretariat General and copy it to the SE. The State Aid Policy Unit will relay to the SE the Commission's decision (which is likely to be around three months from date of notification) together with any conditions attached to that decision.

¹DETR and MAFF take forward notifications on UK State aid in the specialist sectors of transport and agriculture and fisheries respectively

²Except transport, agriculture and fisheries: see footnote 1 above.

4.2 All Member States are under a strict obligation to notify a proposed aid within the scope of Article (87) 1 EC. When considering cases where notification may not be required, the SE can seek advice from the DTI's State Aid Policy Unit on whether the existing derogations are relevant - this may include the Unit/UKRep consulting the Commission to allay any doubts.

4.3 Having obtained Commission approval, it is normally necessary to produce an annual report on the operation of the scheme of assistance/individual award of aid for each financial year. Reports will be sent to DTI's State Aid Policy Unit by the end of May following the end of each financial year.

5.0 **Communications with the EC**

5.1 The SE will channel communications with the European Commission on State aid issues through DTI's State Aid Policy Unit, which in turn is responsible for onward transmission to UKREP in Brussels (UKREP is responsible for onward transmission to the EC). Such communications may, for example, concern notifications of new aid and Commission enquiries about existing aids, or developments in Commission policy towards particular types of aid. DTI's state aid policy unit will copy to officials in the devolved administrations correspondence with the commission and UKREP on state aid issues that have application throughout the UK and in particular will keep SE fully informed of all issues which could have an impact on State aids on Scotland. Informal contacts between SE and the Commission are of course not excluded but they should be discussed and agreed with DTI's State aid policy unit and UKRep beforehand to ensure that there is consistency of approach, in the best interests of the aid concerned. Past experience has shown that informal representations are often best made by UKRep or at meetings with DGIV officials at which the lead Department wanting to provide the aid, the State aid policy unit and UKRep are all present to put the case.

6.0 **Confidentiality**

Consistent with the UK's obligations under the State aid procedural regulation not to disclose information covered by the obligation of professional secrecy (Article 24 of Regulation 659/99/EC), the DTI and SE shall respect the confidentiality of exchanges between the UK and the Commission, and both the DTI and the SE shall respect the confidential nature of individual cases.

COMPETITION CASEWORK

Objectives:

- To set out the roles and responsibilities of the Department of Trade and Industry (DTI) and the Scottish Executive (SE) in relation to UK and EC competition casework.
- To confirm that the SE will be consulted on competition cases where appropriate.

DTI will:

- Keep the SE informed with adequate detail and to a reasonable timescale about competition cases where there is a Scottish interest.
- Where appropriate, consult the SE about correspondence on competition cases or general competition inquiries with a Scottish interest.
- Where appropriate, offer competition policy advice to the SE.
- Give due and proper weight to comments and views from the SE in cases where there is a Scottish interest.

SE will:

- Note that competition cases often involve tight timescales and little time may be allowed for comments on papers.
- Respect the commercially confidential and market sensitive nature of case papers, having particular regard to any non-disclosure obligations, in particular in section 133 of the Fair Trading Act, sections 55 and 56 of the Competition Act 1998, article 20 of Council Regulation (EEC) 17/62 and article 17 of Council Regulation (EEC) No 4064/89.

ANNEX D

COMMITTEE ON OVERSEAS PROMOTION

1. The Concordat on Financial Assistance to Industry recognises the need for a co-ordinated approach to promotion of the UK and its constituent parts to foreign investors. Paragraph 14 of that Concordat says:

“The UK Government will continue to be responsible for promotion of the UK as a whole to foreign investors. Promotion of the UK and its constituent parts to foreign investors will be co-ordinated through the adherence of all concerned to guidelines agreed by the Committee on Overseas Promotion, on which the Scottish Executive, the National Assembly for Wales and the Northern Ireland Executive will be represented.”

2. The Committee on Overseas Promotion keeps the relevant guidelines under review. Through their membership of the Committee the Scottish Executive, the National Assembly for Wales and the Northern Ireland Executive will be able to participate in consideration of and agreement to any changes to the guidelines.

INSOLVENCY ACT 1986

1. The DTI will consult to a reasonable timescale with the SE on matters related to the Insolvency Act 1986 which are of joint concern, as provided for in the Memorandum of Understanding. The SE will maintain adequate consultation with, and provide information to, DTI on measures which may have implications for the GB and UK wide provisions of the Act.

2. In particular, the Insolvency Service should consult the SE on proposed changes to insolvency law that affect Scotland. Similarly, the SE should notify the Insolvency Service of proposed changes to insolvency law in devolved areas (e.g. private law or criminal law). In addition there are specific provisions of the **Insolvency Act 1986** which are reserved, but on which the DTI should consult the Scottish Ministers before making orders on a UK-wide basis. Details are set out below:

Section 124(4): Power of the Secretary of State to petition for the winding up of a company

This function is exercised by the Secretary of State for Trade and Industry. The Secretary of State for Trade and Industry should notify the Scottish Ministers when the petition concerns a company either whose registered office is in Scotland or is deemed to be situated there. The notification should be made after a petition has been presented against the company.

Section 391 (1): The power of the Secretary of State, by order, to declare a body to be a recognised professional body for the purposes of section 391.

This function is exercised by the Secretary of State for Trade and Industry. The Secretary of State for Trade and Industry should consult the Scottish Ministers concerning the recognition of a professional body in Scotland.

Section 411 (1)(b), (2) and (5): The power of the Secretary of State to make rules in relation to Scotland in respect of company voluntary arrangements, administration orders and certain aspects of winding up.

This function is exercised by the Secretary of State for Trade and Industry. The Secretary of State for Trade and Industry should consult the Scottish Ministers concerning rules and, in the case of sub-section (5), regulations in relation to Scotland.

Section 416 (1) & 417: The powers of the Secretary of State respectively by order and by regulation to increase or reduce various money sums specified in the Act.

This function is exercised by the Secretary of State for Trade and Industry. The Secretary of State for Trade and Industry should consult the Scottish Ministers before adjusting the monetary limits and sums specified in the Act

Section 419: The power of the Secretary of State to make regulations for the purpose of giving effect to Part XIII of the Act (Insolvency Practitioners and their Qualification).

This function is exercised by the Secretary of State for Trade and Industry. The Secretary of State for Trade and Industry should consult the Scottish Ministers before making such regulation.

ENERGY ISSUES

General

1. Energy is a reserved matter, but many energy issues are of importance to Scotland and thus to the Scottish Ministers. For that reason, certain functions relating to energy matters have been “executively devolved” to the Scottish Ministers, enabling them to take certain decisions on energy matters within the framework of UK energy policy. In addition, the promotion of energy efficiency (other than by prohibition or regulation) is devolved, as is environmental regulation.

2. The energy industries in general, and particular companies in the energy field, are of key importance to the Scottish economy. Energy companies and activities located in Scotland are correspondingly important to the UK economy. Wider issues connected with the energy industries, including international negotiations, also have an impact on Scotland, while DTI continues to need advice on Scottish energy issues when considering UK energy policy. All of these considerations will require DTI Energy Group and Energy Division of the Scottish Executive (SE) to communicate and consult closely. It may sometimes be necessary for Energy Division to consult widely within SE on energy policy matters which have broader (e.g. environmental) implications, and Energy Division is DTI’s initial point of contact with SE on all such broader energy matters.

Electricity

3. The generation, transmission, distribution and supply of electricity in Scotland is reserved. However the powers and duties under electricity legislation listed in Appendix 1 are the subject of executive devolution (under SI 1999/1750); the most significant relate to consents for power stations and overhead electricity lines, renewable energy and the associated fossil fuel levy. Before carrying out any of these powers and duties, SE will consult DTI on those which may have wider GB application or which may set a precedent. Likewise DTI, in discharging any powers or duties under electricity legislation, will consult SE where there would be implications for Scotland.

4. In addition, powers to license generation or supply of electricity in Scotland; to issue a general authority to the Director General of Electricity Supply to grant licences; and to grant exceptions from the need to hold a licence are exercisable by DTI Ministers only after consultation with the Scottish Ministers (as set out in SI 1999/1750).

Nuclear Energy

5. Nuclear energy and nuclear installations are reserved matters. Some functions (specified in SI 1999/1750) under the Nuclear Installations Act 1965 of making orders and regulations are exercisable by DTI Ministers only after consultation with the Scottish Ministers. Other administrative functions in relation to civil nuclear site licenses and permits and regarding liability for compensation for nuclear incidents, are the subject of executive devolution to SE, while planning for emergencies at civil nuclear sites in Scotland is the administrative responsibility of SE.

6. The duties of the Scottish Environment Protection Agency (SEPA) in relation to the keeping and use of radioactive material, the disposal or accumulation of radioactive waste and the regulation of non nuclear activities at nuclear installations in Scotland are devolved.

7. The Scottish Ministers take a very close interest in the nuclear industry, not least because British Energy is based in Scotland, and both UKAEA and BNFL have sites in Scotland. DTI will therefore consult SE on nuclear energy policy which may have an impact in Scotland. Since DTI Ministers are accountable to the UK Parliament for nuclear safety in Scotland, while SE wants to keep the Scottish Parliament fully informed on nuclear matters, in particular safety, working arrangements will be put in place between DTI, SE and HSE, as the regulator of nuclear safety throughout the UK, relating particularly to the handling of any on-site incidents and any off-site emergencies.

8. Planning for off-site civil nuclear emergencies is the responsibility of DTI in England and Wales and of SE in Scotland. There will be full consultation between DTI and SE to ensure continued consistency of approach throughout GB, and to maintain procedures to deal with any nuclear accident at a civil nuclear site

9. DTI will consult SE on EURATOM and other international nuclear matters insofar as they have implications for Scotland.

Oil and Gas

10. Oil and gas are reserved matters, although environmental regulation up to the 3 mile offshore limit is devolved. In addition, powers over land based operations in support of off-shore oil and gas operations under the Offshore Petroleum Development (Scotland) Act 1975, and functions under the Pipe-lines Act 1962 relating to approval of land based pipe-lines beginning and ending in Scotland, are executively devolved under SI 1999/1750.

11. Because the offshore oil and gas industry is of great importance to Scotland, DTI will discuss with and consult SE on all oil and gas issues which have implications for Scotland, including new licensing rounds, pipeline consents, field approvals and related developments. In addition the devolution of fisheries and environmental regulation require the early exchange of information on any oil and gas developments which will have an impact in these areas. Likewise, DTI will be consulted on all environmental proposals being considered by SE which could have an impact on the oil and gas industry. DTI will continue to be consulted with full weight given to their views in the decision making process following planning appeals and called-in planning applications relating to development by public gas transporters.

12. Generally, liaison on oil and gas issues will be between DTI and Energy Division of SE. However DTI will liaise with the Scottish Executive on offshore and fisheries issues and with The Scottish Executive Development Department on planning appeals and called-in planning applications relating to development by public gas transporters. In addition, the Head of SE's Energy Division will continue to chair the Fisheries and Offshore Oil Consultative Group.

13. In international negotiations on oil and gas issues in which DTI take the lead, it will consult SE fully on the Government's aims, negotiating strategy, and impacts of the possible outcomes from any negotiations.

14. DTI will be consulted by SE about all proposals relating to Scots civil and criminal law which may have a particular impact on off-shore activity.

Statistics

15. DTI collects a variety of statistics in relation to the energy industry. The SE will :
- (a) have access to statistics produced by DTI, subject to appropriate confidentiality safeguards;
 - (b) consider whether there are any specific requirements for statistics relating to Scotland, and agree with DTI how they should be compiled and any resulting resources implications; and
 - (c) be consulted on any proposed changes to the type of statistics collected, method of collection or presentation of figures.
16. SE will consult DTI on any statistics it collects and publishes to ensure comparability with statistics for the UK.

APPENDIX 1

1. The electricity functions administratively devolved to the Scottish Ministers include:-
 - 1.1 **joining together of 2 consumer committees, and being consulted by the Director on appointment of the chairman of a committee;**
 - 1.2 **promotion of renewable energy;**
 - 1.3 **levying electricity suppliers to pay for the promotion of renewable energy;**
 - 1.4 **directing generating stations as regards fuel stocks to be held;**
 - 1.5 **requiring transmission operators to operate in a specified matter;**
 - 1.6 **granting consent for new power stations of over 50MW capacity (1MW for hydro stations), and varying the limits on capacity for this purpose;**
 - 1.7 **granting consent for new or upgraded overhead electricity lines;**
 - 1.8 **making regulations on environmental assessment of electricity applications;**
 - 1.9 **causing a public inquiry to be held into electricity applications for consent;**
 - 1.10 **conjoining 2 or more enquiries;**
 - 1.11 **authorising an electricity licensee to purchase land compulsorily;**
 - 1.12 **granting necessary wayleaves; making orders relating to felling and lopping of trees;**
 - 1.13 **authorising persons to abstract and use water; and**
 - 1.14 **requiring a licensee to supply statistical information.**
2. When carrying out these duties, the functions of the Scottish Ministers also include:-
 - 2.1 **functions in respect of environmental assessment of electricity applications under the relevant regulations;**
 - 2.2 **a duty to exercise all the functions in a manner best calculated to achieve certain aims set out in the Electricity Act 1989, e.g. the protection of the interests of consumers of electricity in rural areas and the protection of the environment; and**
 - 2.3 **a duty when considering applications for consent of new power stations or overhead lines to have regard to amenity considerations; and duties relating to fisheries interests and the Fisheries Committee.**