



# Freedom of Information (Scotland) Act 2002 2002 asp 13

## PART 1

### ACCESS TO INFORMATION HELD BY SCOTTISH PUBLIC AUTHORITIES

#### *Publication schemes*

#### **23 Publication schemes**

- (1) A Scottish public authority must—
  - (a) adopt and maintain a scheme (in this Act referred to as a “publication scheme”) which relates to the publication of information by the authority and is approved by the Commissioner;
  - (b) publish information in accordance with that scheme; and
  - (c) from time to time review that scheme.
- (2) A publication scheme must specify—
  - (a) classes of information which the authority publishes or intends to publish;
  - (b) the manner in which information of each class is, or is intended to be, published; and
  - (c) whether the published information is, or is intended to be, available to the public free of charge or on payment.
- (3) In adopting or reviewing its publication scheme the authority must have regard to the public interest in—
  - (a) allowing public access to information held by it and in particular to information which—
    - (i) relates to the provision of services by it, the cost to it of providing them or the standards attained by services so provided; or
    - (ii) consists of facts, or analyses, on the basis of which decisions of importance to the public have been made by it;
  - (b) the publication of reasons for decisions made by it.

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*Changes to legislation: Freedom of Information (Scotland) Act 2002, Cross Heading: Publication schemes is up to date with all changes known to be in force on or before 14 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (4) The authority must publish its publication scheme but may do so in such manner as it thinks fit.
- (5) The Commissioner may—
  - (a) when approving a publication scheme, provide that the approval expires at the end of a specified period; and
  - (b) at any time give notice to an authority revoking, as from the end of the period of six months beginning at that time, approval of its publication scheme.
- (6) The Commissioner, when—
  - (a) refusing to approve a proposed publication scheme; or
  - (b) revoking approval of a publication scheme,
 must state the reason for doing so.

#### **Commencement Information**

- II** [S. 23](#) wholly in force at 1.1.2005; [s. 23](#) not in force at Royal Assent, see [s. 75\(1\)](#); [s. 23](#) in force for certain purposes at 31.10.2003 by [S.S.I. 2003/477](#), [art 3\(3\)](#); [s. 23](#) wholly in force at 1.1.2005 by [S.S.I. 2004/203](#), [art. 3\(2\)](#)

## **24 Model publication schemes**

- (1) The Commissioner may, in relation to Scottish public authorities falling within particular classes—
  - (a) prepare and approve model publication schemes; or
  - (b) approve such schemes prepared by other persons.
- (2) If an authority which falls within the class to which an approved model publication scheme relates adopts that scheme without modification, no further approval of the Commissioner is required so long as that model scheme remains approved; but the approval of the Commissioner is required in relation to any modification of the scheme by an authority.
- (3) The Commissioner may—
  - (a) when approving a model publication scheme, provide that the approval expires at the end of a specified period; and
  - (b) at any time publish, in such manner as the Commissioner thinks fit, a notice revoking, as from the end of the period of six months beginning at that time, approval of such a scheme.
- (4) The Commissioner, when—
  - (a) refusing to approve—
    - (i) under subsection (1)(b), a proposed model scheme; or
    - (ii) any such modification as is mentioned in subsection (2),
 must state the reason for doing so; or
  - (b) revoking approval of a model publication scheme, must include in the notice under subsection (3)(b) a statement of the reason for doing so.

**Changes to legislation:**

Freedom of Information (Scotland) Act 2002, Cross Heading: Publication schemes is up to date with all changes known to be in force on or before 14 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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

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

- sch. 1 para. 74A inserted by [2023 asp 6 sch. 2 para. 2\(2\)](#)