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## SCHEDULE 1

(introduced by section 3(1)(a)(i))

### SCOTTISH PUBLIC AUTHORITIES

#### PART 1

##### MINISTERS, THE PARLIAMENT

- 1 The Scottish Ministers.
- 2 The Scottish Parliament.
- 3 The Scottish Parliamentary Corporate Body.

#### PART 2

##### NON MINISTERIAL OFFICE HOLDERS IN THE SCOTTISH ADMINISTRATION

- 4 The Chief Dental Officer of the Scottish Administration.
- 5 The Chief Medical Officer of the Scottish Administration.
- 6 Her Majesty's [<sup>F1</sup>Inspectors] of Constabulary.

##### Textual Amendments

- F1** Word in sch. 1 para. 6 substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 20\(a\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

- 7 Her Majesty's Chief Inspector of Prisons for Scotland.
- [<sup>F2</sup>7A The Drinking Water Quality Regulator for Scotland]

##### Textual Amendments

- F2** Sch. 1 para. 7A added (13.10.2008) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2008 \(S.S.I. 2008/297\)](#), art. 2, [Sch. 1](#)

- [<sup>F3</sup>7B Food Standards Scotland.]

##### Textual Amendments

- F3** [Sch. 1 para. 7B](#) inserted (1.4.2015) by [Food \(Scotland\) Act 2015 \(asp 1\)](#), [ss. 17\(3\)](#), 63(2) (with s. 62); S.S.I. 2015/99, art. 2

- 8 Her Majesty's Inspector of Anatomy for Scotland.
- [<sup>F4</sup>9 Her Majesty's Chief Inspector of the Scottish Fire and Rescue Service.]

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#### Textual Amendments

**F4** Sch. 1 para. 9 substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 63\(a\)](#); S.S.I. 2013/51, [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121)

10 Her Majesty's inspectors of schools (that is to say, the inspectors of schools appointed by Her Majesty on the recommendation of the Scottish Ministers under the Education (Scotland) Act 1980 (c.44)).

11 The Keeper of the Records of Scotland.

12 The Keeper of the Registers of Scotland.

[<sup>F5</sup>12A The Office of the Scottish Charity Regulator]

#### Textual Amendments

**F5** Sch. 1 para. 12A added (13.10.2008) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2008 \(S.S.I. 2008/297\)](#), [art. 2](#), [Sch. 1](#)

13 A procurator fiscal.

14 The Queen's and Lord Treasurer's Remembrancer.

15 The Queen's Printer for Scotland.

16 The Registrar General of Births, Deaths and Marriages for Scotland.

17 The Registrar of Independent Schools in Scotland.

18 A rent officer appointed under section 43(3) of the Rent (Scotland) Act 1984 (c.58).  
[<sup>F6</sup> Revenue Scotland ]

#### Textual Amendments

**F6** Words in sch. 1 Pt. 2 inserted (1.1.2015) by [Revenue Scotland and Tax Powers Act 2014 \(asp 16\)](#), s. 260(2), [sch. 4 para. 5](#) (with [ss. 257-259](#)); S.S.I. 2014/370, [art. 2](#), [sch.](#)

[<sup>F7</sup>18A The Scottish Court Service.]

#### Textual Amendments

**F7** Sch. 1 para. 18A inserted (1.10.2009) by [Judiciary and Courts \(Scotland\) Act 2008 \(asp 6\)](#), [ss. 60\(2\)](#), [76](#), [Sch. 3 para. 18](#); S.S.I. 2009/318, [art. 2](#), [Sch.](#)

[<sup>F8</sup>18B The Scottish Housing Regulator.]

#### Textual Amendments

**F8** Sch. 1 para. 18B inserted (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [sch. 2 para. 13\(2\)](#); S.S.I. 2014/264, [art. 2](#), [sch.](#)

<sup>F9</sup>19 .....

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**Textual Amendments**

- F9** Sch. 1 para. 19 repealed (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, [sch. 1 para. 11\(a\)\(i\)](#)

**PART 3**

LOCAL GOVERNMENT

- 20 An assessor appointed under section 27(2) of the Local Government etc. (Scotland) Act 1994 (c.39).
- 21 A council constituted by section 2 of that Act.
- 22 A joint board, within the meaning of section 235(1) of the Local Government (Scotland) Act 1973 (c.65).
- 23 A licensing board [<sup>F10</sup>continued in existence by or established under section 5 of the Licensing (Scotland) Act 2005 (asp 16)].

**Textual Amendments**

- F10** Words in [Sch. 1 para. 23](#) substituted (1.5.2007) by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), ss. 144, 150, [Sch. 6 para. 10](#) (with s. 143); [S.S.I. 2007/129](#), [art. 3](#), [Sch.](#)

- 24 The Strathclyde Passenger Transport Authority.

**PART 4**

THE NATIONAL HEALTH SERVICE

- 25 <sup>F11</sup> .....

**Textual Amendments**

- F11** Sch. 1 para. 25 removed (13.10.2008) by virtue of [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2008 \(S.S.I. 2008/297\)](#), [art. 3](#), [Sch. 2](#)

- 26 The Common Services Agency for the Scottish Health Service.
- 27 A Health Board, constituted under section 2 of the National Health Service (Scotland) Act 1978.

[<sup>F12</sup>27A. Healthcare Improvement Scotland.]

**Textual Amendments**

- F12** [Sch. 1 para. 27A](#) inserted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, [sch. 2 para. 7\(a\)](#)

- 28 <sup>F13</sup> .....

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**Textual Amendments**

**F13** Sch. 1 para. 28 removed (13.10.2008) by virtue of [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2008 \(S.S.I. 2008/297\)](#), **art. 3**, Sch. 2

29 **F14** .....

**Textual Amendments**

**F14** Sch. 1 para. 29 removed (13.10.2008) by virtue of [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2008 \(S.S.I. 2008/297\)](#), **art. 3**, Sch. 2

[<sup>F15</sup>29A The National Waiting Times Centre Board]

**Textual Amendments**

**F15** Sch. 1 para. 29A added (13.10.2008) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2008 \(S.S.I. 2008/297\)](#), art. 2, **Sch. 1**

30 A local health council, established under section 7 of the National Health Service (Scotland) Act 1978.

31 A National Health Service trust.

32 NHS 24.

[<sup>F16</sup>32A NHS Education for Scotland]

**Textual Amendments**

**F16** Sch. 1 para. 32A added (13.10.2008) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2008 \(S.S.I. 2008/297\)](#), art. 2, **Sch. 1**

[<sup>F17</sup>32B NHS Health Scotland]

**Textual Amendments**

**F17** Sch. 1 para. 32B added (13.10.2008) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2008 \(S.S.I. 2008/297\)](#), art. 2, **Sch. 1**

<sup>F18</sup>32C .....

**Textual Amendments**

**F18** Sch. 1 para. 32C repealed (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, **sch. 2 para. 7(b)**

33 A person providing [<sup>F19</sup>primary medical services under a general medical services contract (within the meaning of the National Health Service (Scotland) Act 1978) or] general dental services, general ophthalmic services or pharmaceutical services

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under Part II of [<sup>F20</sup>that Act], but only in respect of information relating to the provision of those services.

**Textual Amendments**

**F19** Words in Sch. 1 para. 33 substituted (1.4.2004) by [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\)](#), ss. 8, 9(1), **Sch. para. 5(a)(i)**; S.S.I. 2004/58, **art. 2(3)**

**F20** Words in Sch. 1 para. 33 substituted (1.4.2004) by [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\)](#), ss. 8, 9(1), **Sch. para. 5(a)(ii)**; S.S.I. 2004/58, **art. 2(3)**

34 A person providing [<sup>F21</sup>primary medical services] or personal dental services under arrangements made under section 17C of that Act, but only in respect of information relating to the provision of those services.

**Textual Amendments**

**F21** Words in Sch. 1 para. 34 substituted (1.4.2004) by [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\)](#), ss. 8, 9(1)(2), **Sch. para. 5(b)**; S.S.I. 2005/58, **art. 2(3)**

35 A person providing, in Scotland, piloted services within the meaning of the National Health Service (Primary Care) Act 1997 (c.46), but only in respect of information relating to the provision of those services.

36 <sup>F22</sup> .....

**Textual Amendments**

**F22** Sch. 1 para. 36 removed (13.10.2008) by virtue of [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2008 \(S.S.I. 2008/297\)](#), **art. 3**, Sch. 2

37 The Scottish Advisory Committee on Distinction Awards.

38 <sup>F23</sup> .....

**Textual Amendments**

**F23** Sch. 1 para. 38 removed (13.10.2008) by virtue of [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2008 \(S.S.I. 2008/297\)](#), **art. 3**, Sch. 2

39 The Scottish Ambulance Service Board.

40 <sup>F24</sup> .....

**Textual Amendments**

**F24** Sch. 1 para. 40 removed (13.10.2008) by virtue of [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2008 \(S.S.I. 2008/297\)](#), **art. 3**, Sch. 2

41 The Scottish Dental Practice Board.

42 <sup>F25</sup> .....

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**Textual Amendments**

**F25** Sch. 1 para. 42 removed (13.10.2008) by virtue of [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2008 \(S.S.I. 2008/297\)](#), **art. 3**, Sch. 2

43 **F26** .....

**Textual Amendments**

**F26** Sch. 1 para. 43 repealed (1.11.2005) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), ss. 42(2), 43(3), **Sch. 3**; S.S.I. 2005/492, **art. 3(b)**, Sch. 2

44 **F27** .....

**Textual Amendments**

**F27** Sch. 1 Pt. 4: para. relating to the Scottish Hospital Trust repealed (6.5.2004) by [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003](#), ss. 17, 21(2), Sch. 4 para. 17(a)(i); S.S.I. 2004/198, **art. 2(c)**

45 The State Hospitals Board for Scotland.

46 **F28** .....

**Textual Amendments**

**F28** Sch. 1 Pt. 4: para. relating to the Scottish Medical Practices Committee repealed (1.4.2004) by [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003 \(asp. 4\)](#), ss. 17, 21(2), **Sch. 4 para. 17(a)(ii)**; S.S.I. 2004/148, **art. 2(c)**

**PART 5**

EDUCATIONAL INSTITUTIONS

47 The board of management of a college of further education (expressions used in this paragraph having the same meaning as in section 36(1) of the Further and Higher Education (Scotland) Act 1992 (c.37)).

48 A central institution within the meaning of the Education (Scotland) Act 1980.

49 An institution in receipt of funding from the [<sup>F29</sup>Scottish Further and Higher Education Funding Council][<sup>F30</sup>or a regional strategic body (within the meaning of the Further and Higher Education (Scotland) Act 2005)] other than any institution whose activities are principally carried on outwith Scotland.

**Textual Amendments**

**F29** Words in Sch. 1 para. 49 substituted (3.10.2005) by [Further and Higher Education \(Scotland\) Act 2005 \(asp 6\)](#), ss. 32, 36, **Sch. 3 para. 12(a)**; S.S.I. 2005/419, **art. 2(1)**

**F30** Words in sch. 1 para. 49 inserted (1.5.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), **sch. para. 6**; S.S.I. 2014/79, **art. 2(1)**, sch. 1

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## PART 6

### POLICE

50 A chief constable of [<sup>F31</sup>the Police Service of Scotland].

#### Textual Amendments

**F31** Words in sch. 1 para. 50 substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 20\(b\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

[<sup>F32</sup>50A The Scottish Police Authority.]

#### Textual Amendments

**F32** Sch. 1 para. 50A inserted (8.8.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(1) (a), [sch. 1 para. 15](#)

<sup>F33</sup>51 .....

#### Textual Amendments

**F33** Sch. 1 para. 51 repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 8 Pt. 1](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

<sup>F34</sup>52 .....

#### Textual Amendments

**F34** Sch. 1 para. 52 repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 8 Pt. 1](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

<sup>F35</sup>52A .....

#### Textual Amendments

**F35** Sch. 1 para. 52A repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 8 Pt. 1](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

## PART 7

### OTHERS

53 The Accounts Commission for Scotland.

<sup>F36</sup>54 .....

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**Textual Amendments**

**F36** Words in sch. 1 Pt. 7 repealed (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), [ss. 2\(4\), 134\(7\)](#); [S.S.I. 2010/221](#), [art. 3\(2\)](#), sch.

55 <sup>F37</sup> .....

**Textual Amendments**

**F37** Sch. 1 Pt. 7: para. relating to the Ancient Monuments Board for Scotland repealed (31.5.2008) by [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003 \(asp 4\)](#), [ss. 17, 21\(2\)](#), [Sch. 4 para. 17\(b\)\(i\)](#); [S.S.I. 2003/219](#), [art 2\(1\)\(c\)](#)

56 <sup>F38</sup> .....

**Textual Amendments**

**F38** Sch. 1 para. 56 repealed (1.4.2007) by [Tourist Boards \(Scotland\) Act 2006 \(asp 15\)](#), [ss. 4, 5\(1\)](#), [Sch. 2 para. 8\(a\)\(i\)](#); [S.S.I. 2007/47](#), [art. 2](#)

- 57 Audit Scotland.
- 58 The Auditor General for Scotland.
- 59 The Board of Trustees for the National Galleries of Scotland.
- 60 The Board of Trustees of the National Museums of Scotland.
- 61 The Board of Trustees of the Royal Botanic Garden, Edinburgh.
- 61A [<sup>F39</sup>Bòrd na Gàidhlig]

**Textual Amendments**

**F39** Sch. 1 para. 61A inserted (13.2.2006) by virtue of [Gaelic Language \(Scotland\) Act 2005 \(asp 7\)](#), [ss. 12, 13](#), [Sch. 2 para. 3](#); [S.S.I. 2006/31](#), [art. 2](#)

[<sup>F40</sup>61B The British Waterways Board.]

**Textual Amendments**

**F40** Sch. 1 para. 61B inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), [art. 1\(2\)](#), [Sch. 3 para. 25](#) (with arts. 4-6)

<sup>F41</sup>62 .....

**Textual Amendments**

**F41** Words in sch. 1 Pt. 7 removed (28.5.2013) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2013 \(S.S.I. 2013/126\)](#), [arts. 1, 2\(b\)](#)

[<sup>F42</sup>62ZZZAChildren’s Hearings Scotland.]

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**Textual Amendments**

**F42** Sch. 1 para. 62ZZA inserted (18.4.2011) by [The Ethical Standards in Public Life etc. \(Scotland\) Act 2000 \(Devolved Public Bodies and Stipulated Time Limit\) and the Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2011 \(S.S.I. 2011/113\)](#), arts. 1, 4

[<sup>F43</sup>62ZZA The Commissioner for Ethical Standards in Public Life in Scotland.]

**Textual Amendments**

**F43** Words in sch. 1 Pt. 7 substituted (1.4.2015) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2014 \(S.S.I. 2014/354\)](#), arts. 1, **2(d)**

[<sup>F44</sup>62ZA The Commissioner for Children and Young People in Scotland]

**Textual Amendments**

**F44** Sch. 1 para. 62ZA added (13.10.2008) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2008 \(S.S.I. 2008/297\)](#), art. 2, **Sch. 1**

[<sup>F45</sup>62A A community justice authority.]

**Textual Amendments**

**F45** Sch. 1 para. 62A inserted (3.4.2006) by [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\)](#), s. **21(2)**, 24(2); S.S.I. 2006/48, **art. 3(2)**, Sch. Pt. 2

<sup>F46</sup>62B .....

**Textual Amendments**

**F46** Sch. 1 para. 62B repealed (15.8.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7)(8), **sch. 2 para. 21**; S.S.I. 2011/278, art. 2(d)

[<sup>F47</sup>62ZC The Convener of the School Closure Review Panels.]

**Textual Amendments**

**F47** Sch. 1 para. 62ZC inserted (9.1.2015) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), **ss. 81(11)(a)**, 102(3); S.S.I. 2014/353, art. 2(1)(b)

[<sup>F48</sup>62C Creative Scotland.]

**Textual Amendments**

**F48** Sch. 1 para. 62C inserted (1.7.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), **sch. 10 para. 3(a)**; S.S.I. 2010/221, art. 3(1)

[<sup>F49</sup>62D The Criminal Courts Rules Council.]

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#### Textual Amendments

**F49** Words in sch. 1 Pt. 7 inserted (28.5.2013) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2013 \(S.S.I. 2013/126\)](#), arts. 1, 2(a), **sch.**

63 The Crofters Commission.

<sup>F50</sup>64 .....

#### Textual Amendments

**F50** Sch. 1 Pt. 7 entry repealed (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), **sch. 1 para. 30**; S.S.I. 2010/221, art. 3(2), **sch.**

<sup>F51</sup>65 .....

#### Textual Amendments

**F51** Sch. 1 para. 65 omitted (1.10.2010) by virtue of [Flood and Water Management Act 2010 \(c. 29\)](#), **ss. 46(5), 49(3)** (with s. 49(1)(6)); S.I. 2010/2169, art. 4, **Sch.**

66 The General Teaching Council for Scotland.

[<sup>F52</sup>66A Her Majesty's Chief Inspector of Prosecution in Scotland]

#### Textual Amendments

**F52** Sch. 1 para. 66A added (13.10.2008) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2008 \(S.S.I. 2008/297\)](#), art. 2, **Sch. 1**

67 Highlands and Islands Enterprise.

[<sup>F53</sup>67ZA Historic Environment Scotland.]

#### Textual Amendments

**F53** Sch. para. 67ZA inserted (27.2.2015) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), **sch. 6 para. 3(a)** (with ss. 29, 30); S.S.I. 2015/31, art. 2, **sch.**

<sup>F54</sup>67A .....

#### Textual Amendments

**F54** Sch. 1 para. 67A repealed (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), **ss. 7(4), 134(7)**; S.S.I. 2010/221, art. 3(2), **Sch.**

[<sup>F55</sup>67B An integration joint board established by order under section 9(2) of the Public Bodies (Joint Working) (Scotland) Act 2014.]

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**Textual Amendments**

**F55** Words in sch. 1 Pt. 7 added (1.4.2015) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2014 \(S.S.I. 2014/354\)](#), arts. 1, 2(a), **sch.**

68 **F56** .....

**Textual Amendments**

**F56** Sch. 1 Pt. 7: para. relating to the Historic Buildings Council for Scotland repealed (31.5.2003) by [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003 \(asp. 4\)](#), ss. 17, 21(2), **Sch. 4 para. 17(b)(ii)**; S.S.I. 2003/219, **art. 2(1)(c)**

[<sup>F55</sup>68ZA The James Hutton Institute.]

**Textual Amendments**

**F55** Words in sch. 1 Pt. 7 added (1.4.2015) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2014 \(S.S.I. 2014/354\)](#), arts. 1, 2(a), **sch.**

[<sup>F57</sup>68A The Judicial Appointments Board for Scotland]

**Textual Amendments**

**F57** Sch. 1 para. 68A inserted (1.6.2009) by [Judiciary and Courts \(Scotland\) Act 2008 \(asp 6\)](#), ss. 9(4), 76, **Sch. 1 para. 21**, S.S.I. 2009/192, **art. 2**, Sch.

69 **F58** ...  
[<sup>F59</sup>A Justice of the Peace Advisory Committee established under the Justices of the Peace (Scotland) Order 2007.]

**Textual Amendments**

**F58** Words in sch. 1 Pt. 7 removed (28.5.2013) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2013 \(S.S.I. 2013/126\)](#), arts. 1, **2(c)**

**F59** Words in sch. 1 Pt. 7 added (28.5.2013) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2013 \(S.S.I. 2013/126\)](#), arts. 1, **2(c)**

70 Learning and Teaching Scotland.  
71 The Local Government Boundary Commission for Scotland.  
71A [<sup>F55</sup>The Moredun Research Institute.]

**Textual Amendments**

**F55** Words in sch. 1 Pt. 7 added (1.4.2015) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2014 \(S.S.I. 2014/354\)](#), arts. 1, 2(a), **sch.**

72 The Mental Welfare Commission for Scotland.

*Status: Point in time view as at 01/10/2015.*

*Changes to legislation: Freedom of Information (Scotland) Act 2002 is up to date with all changes known to be in force on or before 25 April 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)*

[<sup>F49</sup>72A Mobility and Access Committee for Scotland.]

**Textual Amendments**

**F49** Words in sch. 1 Pt. 7 inserted (28.5.2013) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2013 \(S.S.I. 2013/126\)](#), arts. 1, 2(a), **sch.**

73 A National Park authority, established by virtue of schedule 1 to the National Parks (Scotland) Act 2000 (asp 10).

74 The Parole Board for Scotland.

75 A person appointed for Scotland under section 3(1) of the Local Government and Housing Act 1989 (c.42).

<sup>F60</sup>75ZA .....

**Textual Amendments**

**F60** Sch. 1 para. 75ZA omitted (1.7.2013) by virtue of [The Public Services Reform \(Commissioner for Ethical Standards in Public Life in Scotland etc.\) Order 2013 \(S.S.I. 2013/197\)](#), art. 1, **sch. 2 para. 10(b)**

<sup>F61</sup>75A .....

**Textual Amendments**

**F61** Words in sch. 1 Pt. 7 removed (1.4.2015) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2014 \(S.S.I. 2014/354\)](#), arts. 1, **2(b)**

[<sup>F62</sup>75AB The Police Investigations and Review Commissioner.]

**Textual Amendments**

**F62** Sch. 1 para. 75AB substituted for sch. 1 para. 75A (as inserted by paragraph 11(b) of schedule 6 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 asp 10) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 7 para. 20(c)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

[<sup>F63</sup>75B Quality Meat Scotland]

**Textual Amendments**

**F63** Sch. 1 para. 75B added (13.10.2008) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2008 \(S.S.I. 2008/297\)](#), art. 2, **Sch. 1**

[<sup>F64</sup>75C The Risk Management Authority]

**Textual Amendments**

**F64** Sch. 1 para. 75C added (13.10.2008) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2008 \(S.S.I. 2008/297\)](#), art. 2, **Sch. 1**

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[<sup>F65</sup>76] .....

**Textual Amendments**

**F65** Sch. 1 para. 76 repealed (1.10.2015) by Historic Environment Scotland Act 2014 (asp 19), Sch. 6 para. 3(b) (with ss. 29, 30); S.S.I. 2015/196, art. 2, Sch. (with transitional provisions and savings in S.S.I. 2015/239, arts. 2-19)

[<sup>F66</sup>76A A School Closure Review Panel constituted under section 17A(3) of the Schools (Consultation) (Scotland) Act 2010.]

**Textual Amendments**

**F66** Sch. 1 para. 76A inserted (30.3.2015) by Children and Young People (Scotland) Act 2014 (asp 8), ss. **81(11)(b)**, 102(3); S.S.I. 2015/104, art. 2

77 The Scottish Agricultural Wages Board.

[<sup>F67</sup>78] .....

**Textual Amendments**

**F67** Sch. 1 para. 78 repealed (1.7.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), sch. 10 para. 3(b); S.S.I. 2010/221, art. 3(1)

79 [<sup>F68</sup>] .....

**Textual Amendments**

**F68** Sch. 1 para. 79 removed (13.10.2008) by virtue of The Freedom of Information (Scotland) Act 2002 (Scottish Public Authorities) Amendment Order 2008 (S.S.I. 2008/297), art. 3, Sch. 2

[<sup>F69</sup>79A. The Scottish Association of Citizens Advice Bureaux, but only in respect of information relating to the [<sup>F70</sup>functions] exercisable by virtue of article 2 of the Public Bodies (The Office of Fair Trading Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions) Order 2013 S.I. 2013/783.][<sup>F71</sup>and articles 3(1)(a), (b) and (d) of the Public Bodies (Abolition of the National Consumer Council and the Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/...)]

**Textual Amendments**

**F69** Sch. 1 para. 79A inserted (28.3.2013) by The Public Bodies (The Office of Fair Trading Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions) Order 2013 (S.I. 2013/783), arts. 1(2), **8**

**F70** Word in sch. 1 para. 79A substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 17(2)(a)** (with Sch. 1 para. 28, 2 paras. 13-15)

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**F71** Words in sch. 1 para. 79A inserted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 17(2)(b)** (with Sch. 1 para. 28, 2 paras. 13-15)

80 The Scottish Children’s Reporter Administration.

PROSPECTIVE

[<sup>F72</sup>[  
<sup>F73</sup>80A The Scottish Civil Enforcement Commission.]]

**Textual Amendments**

**F72** Sch. 1 para. 63A inserted (16.2.2017) by [The Crown Estate Scotland \(Interim Management\) Order 2017 \(S.S.I. 2017/36\)](#), arts. 1(1), **21(4)**

**F73** Sch. 1 para. 80A inserted (prosp.) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), ss. 226(1), 227(3), **Sch. 5 para. 28** (with s. 223)

[<sup>F49</sup>80AA The Scottish Civil Justice Council.]

**Textual Amendments**

**F49** Words in sch. 1 Pt. 7 inserted (28.5.2013) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2013 \(S.S.I. 2013/126\)](#), arts. 1, 2(a), **sch.**

[<sup>F74</sup>80B The Scottish Commission for Human Rights.]

**Textual Amendments**

**F74** Sch. 1 para. 80B inserted (1.4.2008) by [Scottish Commission for Human Rights Act 2006 \(asp 16\)](#), ss. 1(2), 22(3), **Sch. 1 para. 17** (with s. 22(2)); S.S.I. 2008/112, **art. 2**

<sup>F75</sup>81 .....

**Textual Amendments**

**F75** Sch. 1 para. 81 repealed (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, **sch. 1 para. 11(a)(ii)**

82 <sup>F76</sup> .....

**Textual Amendments**

**F76** Sch. 1 Pt. 7: para. relating to the Scottish Conveyancing and Executry Services Board repealed (15.8.2003) by [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003 \(asp. 4\)](#), ss. 17, 21(2), **Sch. 4 para. 17(b)(iii)**; S.S.I. 2003/384, **art. 2(d)**

83 The Scottish Criminal Cases Review Commission.

84 Scottish Enterprise.

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85 The Scottish Environment Protection Agency.

[<sup>F77</sup>85ZA The Scottish Fire and Rescue Service.]

**Textual Amendments**

**F77** Sch. 1 para. 85ZA inserted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 63\(b\)](#); S.S.I. 2012/253, art. 2, sch.

[<sup>F78</sup>85A The Scottish Further and Higher Education Funding Council.]

**Textual Amendments**

**F78** Sch. 1 para. 85A inserted (3.10.2005) by [Further and Higher Education \(Scotland\) Act 2005 \(asp 6\)](#), ss. 32, 36, [Sch. 3 para. 12\(b\)](#); S.S.I. 2005/419, [art. 2\(1\)](#)

<sup>F79</sup>85B .....

**Textual Amendments**

**F79** Sch. 1 para. 85B repealed (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [sch. 2 para. 13\(3\)](#); S.S.I. 2014/264, art. 2, sch.

86 <sup>F80</sup> .....

**Textual Amendments**

**F80** Sch. 1 para. 86 repealed (3.10.2005) by [Further and Higher Education \(Scotland\) Act 2005 \(asp 6\)](#), ss. 32, 36, [Sch. 3 para. 12\(c\)](#); S.S.I. 2005/419, [art. 2\(1\)](#)

87 <sup>F81</sup> .....

**Textual Amendments**

**F81** Sch. 1 para. 87 repealed (3.10.2005) by [Further and Higher Education \(Scotland\) Act 2005 \(asp 6\)](#), ss. 32, 36, [Sch. 3 para. 12\(c\)](#); S.S.I. 2005/419, [art. 2\(1\)](#)

88 <sup>F82</sup> .....

**Textual Amendments**

**F82** Sch. 1 para. 88 removed (13.10.2008) by virtue of [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2008 \(S.S.I. 2008/297\)](#), [art. 3](#), Sch. 2

<sup>F83</sup>89 .....

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#### Textual Amendments

**F83** Words in sch. 1 Pt. 7 repealed (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), [ss. 5\(4\), 134\(7\)](#); S.S.I. 2010/221, [art. 3\(2\)](#), sch.

- 90 The Scottish Information Commissioner.  
91 The Scottish Law Commission.  
92 The Scottish Legal Aid Board.  
[<sup>F84</sup>92A The Scottish Legal Complaints Commission.]

#### Textual Amendments

**F84** Sch. 1 para. 92A inserted (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), [ss. 81, 82](#), [Sch. 5 para. 5](#) (with s. 77); S.S.I. 2008/311, [art. 2\(i\)](#)

- [<sup>F85</sup>92B The Scottish Local Authorities Remuneration Committee]

#### Textual Amendments

**F85** Sch. 1 para. 92B added (13.10.2008) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2008 \(S.S.I. 2008/297\)](#), [art. 2](#), [Sch. 1](#)

- 93 Scottish Natural Heritage.  
<sup>F86</sup>94 .....

#### Textual Amendments

**F86** Words in sch. 1 Pt. 7 removed (1.4.2015) by [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2014 \(S.S.I. 2014/354\)](#), [arts. 1, 2\(c\)](#)

- 95 The Scottish Public Services Ombudsman.  
96 The Scottish Qualifications Authority.  
<sup>F87</sup>97 .....

#### Textual Amendments

**F87** Words in sch. 1 Pt. 7 repealed (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), [ss. 4\(5\)\(b\), 134\(7\)](#); S.S.I. 2010/221, [art. 3\(2\)](#), sch.

- <sup>F88</sup>98 .....

#### Textual Amendments

**F88** Sch. 1 para. 98 repealed (1.7.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), [s. 134\(7\)](#), [sch. 10 para. 3\(b\)](#); S.S.I. 2010/221, [art. 3\(1\)](#)

- 99 The Scottish Social Services Council.

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100 The Scottish Sports Council.

101 <sup>F89</sup> .....

**Textual Amendments**

**F89** Sch. 1 para. 101 repealed (1.4.2007) by [Tourist Boards \(Scotland\) Act 2006 \(asp 15\)](#), ss. 4, 5(1), [Sch. 2 para. 8\(a\)\(ii\)](#); S.S.I. 2006/47, [art. 2](#)

102 Scottish Water.

[<sup>F90</sup>102A. Social Care and Social Work Improvement Scotland.]

**Textual Amendments**

**F90** Sch. 1 para. 102A inserted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), [art. 1](#), [sch. 1 para. 11\(b\)](#)

103 <sup>F91</sup> .....

**Textual Amendments**

**F91** Sch. 1 para. 103 removed (13.10.2008) by virtue of [The Freedom of Information \(Scotland\) Act 2002 \(Scottish Public Authorities\) Amendment Order 2008 \(S.S.I. 2008/297\)](#), [art. 3](#), [Sch. 2](#)

104 The Standards Commission for Scotland.

105 [<sup>F92</sup> The National Library of Scotland ] .

**Textual Amendments**

**F92** Words in sch. 1 para. 105 substituted (1.2.2013) by [National Library of Scotland Act 2012 \(asp 3\)](#), s. 12(3), [sch. 2 para. 6](#); S.S.I. 2013/1, [art. 2](#)

[<sup>F93</sup>105A VisitScotland.]

**Textual Amendments**

**F93** Sch. 1 para. 105A inserted (1.4.2007) by [Tourist Boards \(Scotland\) Act 2006 \(asp 15\)](#), ss. 4, 5(1), [Sch. 2 para. 8\(b\)](#); S.S.I. 2007/47, [art. 2](#)

106 The Water Industry [<sup>F94</sup>Commission] for Scotland.

**Textual Amendments**

**F94** Word in Sch. 1 para. 106 substituted (1.7.2005) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), ss. 32, 37(2), [Sch. 5 para. 9\(b\)](#) (with s. 36); S.S.I. 2005/351, [art. 2](#), [Sch. 2](#) (with [art. 3](#))

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## SCHEDULE 2

(introduced by section 42(12))

### THE SCOTTISH INFORMATION COMMISSIONER

#### *Status*

- 1 (1) <sup>F95</sup>The Commissioner and that officer's staff are not to be regarded as servants or agents of the Crown or as having any status, immunity or privilege of the Crown; and the Commissioner's property is not to be regarded as property of, or property held on behalf of, the Crown.
- [<sup>F96</sup>(2) The Commissioner is, as such, to be regarded as a juristic person distinct from the natural person holding the office.]

#### **Textual Amendments**

- F95** Sch. 2 para. 1(1): sch. 2 para.1 renumbered as sch. 1 para. 1(1) (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), **sch. 4 para. 9** (with s. 31(6), sch. 7)
- F96** Sch. 2 para. 1(2) inserted (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), **sch. 4 para. 9** (with s. 31(6), sch. 7)

#### *Pensions, allowances, etc.*

- 2 (1) The Parliamentary corporation may make arrangements for the payment of pensions, allowances or gratuities to, or in respect of, any person who has ceased to hold the office of Commissioner and (without prejudice to that generality) may—
- (a) make contributions or payments towards provision for such pensions, allowances or gratuities; and
  - (b) for the purposes of this sub-paragraph, establish and administer one or more pension schemes.
- (2) The references in sub-paragraph (1) to pensions, allowances and gratuities include references to, as the case may be, pensions, allowances or gratuities by way of compensation for loss of office.

#### *Staff*

- 3 (1) The Commissioner may appoint such staff, on such terms and conditions, as that officer may determine.
- (2) The Commissioner may make arrangements for the payment of pensions, allowances or gratuities to, or in respect of, any person who has ceased to be a member of such staff and (without prejudice to that generality) may—
- (a) make contributions or payments towards provision for such pensions, allowances or gratuities; and
  - (b) for the purposes of this sub-paragraph, establish and administer one or more pension schemes.
- (3) The references in sub-paragraph (2) to pensions, allowances and gratuities include references to, as the case may be, pensions, allowances or gratuities by way of compensation for loss of employment.

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[<sup>F97</sup>(4) The exercise of a power in sub-paragraph (1) or (2) is subject to the approval of the Parliamentary corporation.]

#### Textual Amendments

**F97** Sch. 2 para. 3(4) substituted (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), [sch. 4 para. 10](#) (with s. 31(6), sch. 7)

#### Accountable officer

- 4 (1) The Parliamentary corporation is to designate the Commissioner or a member of that officer's staff as the accountable officer for the purposes of this paragraph.
- (2) The functions of the accountable officer are—
- (a) those specified in sub-paragraph (3); and
  - (b) where the accountable officer is not the Commissioner, the duty set out in sub-paragraph (4),
- and the accountable officer is answerable to the Parliament for the exercise of those functions.
- (3) The functions referred to in sub-paragraph (2)(a) are—
- (a) signing the accounts of the expenditure and receipts of the Commissioner;
  - (b) ensuring the propriety and regularity of the finances of the Commissioner; and
  - (c) ensuring that the resources of the Commissioner are used economically, efficiently and effectively.
- (4) The duty referred to in sub-paragraph (2)(b) is a duty, where the accountable officer is required to act in some way but considers that to do so would be inconsistent with the proper performance of the functions specified in sub-paragraph (3), to—
- (a) obtain written authority from the Commissioner before taking the action; and
  - (b) send a copy of that authority as soon as possible to the Auditor General.

#### [<sup>F98</sup>Budget

#### Textual Amendments

**F98** Sch. 2 para. 4A inserted (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), [sch. 4 para. 11](#) (with s. 31(6), sch. 7)

- 4A (1) The Commissioner must, before the start of each financial year, prepare proposals for the Commissioner's use of resources and expenditure during the year (a "budget") and, by such date as the Parliamentary corporation determines, send the budget to the Parliamentary corporation for approval.
- (2) The Commissioner may, in the course of a financial year, prepare a revised budget for the remainder of the year and send it to the Parliamentary corporation for approval.
- (3) In preparing a budget or revised budget, the Commissioner must ensure that the resources of the Commissioner will be used economically, efficiently and effectively.

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- (4) A budget or revised budget must contain a statement that the Commissioner has complied with the duty under sub-paragraph (3).]

#### *Accounts*

- 5 (1) The Commissioner must—
- (a) keep accounts; and
  - (b) prepare annual accounts in respect of each financial year, in accordance with such directions as the Scottish Ministers may give that officer.
- (2) The Commissioner must send a copy of the annual accounts to the Auditor General for Scotland for auditing.
- (3) The financial year of the Commissioner is—
- (a) the period beginning with the date on which the Commissioner is appointed and ending with 31st March next following that date; and
  - (b) each successive period of twelve months ending with 31st March.
- (4) If requested by any person, the Commissioner must make available at any reasonable time, without charge, in printed or in electronic form, the audited accounts, so that they may be inspected by that person.

#### *General powers*

- 6 (1) <sup>F99</sup>The Commissioner may do anything which appears necessary or expedient for the purpose of, or in connection with, or which appears conducive to, the exercise of that officer's functions; and without prejudice to that generality, may in particular—
- (a) acquire and dispose of land and other property; and
  - (b) enter into contracts.
- [<sup>F100</sup>(2) The exercise of the power to acquire or dispose of land is subject to the approval of the Parliamentary corporation.]

#### **Textual Amendments**

**F99** Sch. 2 para. 6(1): sch. 2 para. 6 renumbered as sch. 2 para. 6(1) (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), **sch. 4 para. 12** (with s. 31(6), sch. 7)

**F100** Sch. 2 para. 6(2) inserted (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), **sch. 4 para. 12** (with s. 31(6), sch. 7)

#### *[<sup>F101</sup>Location of office*

#### **Textual Amendments**

**F101** Sch. 2 paras. 7, 8 inserted (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), **sch. 4 para. 13** (with s. 31(6), sch. 7)

- 7 The Commissioner must comply with any direction given by the Parliamentary corporation as to the location of the Commissioner's office.

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*Sharing of premises, staff, services and other resources*

- 8 The Commissioner must comply with any direction given by the Parliamentary corporation as to the sharing of premises, staff, services or other resources with any other officeholder or any public body.]

*<sup>F102</sup>Restrictions on subsequent appointments etc.*

**Textual Amendments**

**F102** Sch. 2 para. 9 inserted (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010](#) (asp 11), s. 31(5), **sch. 4 para. 14** (with s. 31(6), sch. 7)

- 9 (1) A person who has ceased being the Commissioner may not, without the approval of the Parliamentary corporation—
- (a) be employed or appointed in any other capacity by the Commissioner,
  - (b) be a Scottish public authority or hold office in, or be an employee or appointee of, a Scottish public authority, or
  - (c) hold any other office, employment or appointment or engage in any other occupation, being an office, employment, appointment or occupation which, by virtue of section 42(3B)(a), that person could not have held or, as the case may be, engaged in when Commissioner.
- (2) The restriction in sub-paragraph (1)—
- (a) starts when the person ceases to be the Commissioner, and
  - (b) ends on the expiry of the financial year next following the one in which it started.]

SCHEDULE 3

*(introduced by section 54)*

POWERS OF ENTRY AND INSPECTION

**Modifications etc. (not altering text)**

**C1** Sch. 3 applied (with modifications) (1.1.2005) by [The Environmental Information \(Scotland\) Regulations 2004](#) (S.S.I. 2004/520), **reg 17(1)(2)** (with **reg. 3**)

*Grant of warrants*

- 1 (1) If a sheriff is satisfied by evidence on oath supplied by the Commissioner that there are reasonable grounds for suspecting—
- (a) that a Scottish public authority has failed or is failing to comply with—
    - (i) any of the requirements of Part 1 of this Act;
    - (ii) so much of a notice given to it by the Commissioner under subsection (5) of section 49 as, by virtue of subsection (6)(b) of that section, requires steps to be taken; or
    - (iii) an information notice or an enforcement notice; or
  - (b) that an offence under section 65(1) has been or is being committed,

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and that evidence of such a failure to comply or of the commission of the offence is to be found on any premises specified as part of that evidence, the sheriff, subject to paragraph 2, may grant to the Commissioner such warrant as is mentioned in sub-paragraph (2).

- (2) The warrant is one which authorises the Commissioner, or any member of the Commissioner's staff, at any time within seven days after the date of the warrant—
- (a) to enter and search the premises;
  - (b) to inspect and seize any documents or other material found there which may constitute the evidence in question; and
  - (c) to inspect, examine, operate and test any equipment found there in which information held by the authority may be recorded.
- 2 (1) A sheriff must not grant the warrant unless satisfied—
- (a) that the Commissioner has given seven days' notice in writing to the occupier of the premises demanding access to them; and
  - (b) that either—
    - (i) access was demanded at a reasonable hour and was unreasonably refused; or
    - (ii) although entry to the premises was granted, the occupier unreasonably refused to comply with a request by the Commissioner, or any member of the Commissioner's staff, to permit the Commissioner or any such member of staff to do any of the things referred to in paragraph 1(2); and
  - (c) that the occupier has, after the refusal, been notified by the Commissioner of the application for the warrant and has had an opportunity of being heard by the sheriff on the question of whether or not it should be granted.
- (2) Sub-paragraph (1) does not apply if the sheriff is satisfied that the case is one of urgency or that compliance with the provisions of that sub-paragraph would defeat the object of the entry.

### *Execution of warrants*

- 3 A person executing the warrant may use such reasonable force as may be necessary.
- 4 The warrant must be executed at a reasonable hour, unless it appears to the person executing it that there are grounds for suspecting that the evidence in question would not be found if it were so executed.
- 5 (1) If the premises in respect of which the warrant is granted are occupied by a Scottish public authority and any officer or employee of the authority is present when the warrant is executed, that officer or employee must be shown the warrant and supplied with a copy of it; and if no such officer or employee is present a copy of the warrant must be left in a prominent place on the premises.
- (2) If the premises in respect of which the warrant is granted are occupied by a person other than a Scottish public authority and that person is present when the warrant is executed, the person must be shown the warrant and supplied with a copy of it; and if the person is not present a copy of the warrant must be left in a prominent place on the premises.
- 6 (1) A person seizing anything in pursuance of the warrant must give a receipt for it if asked to do so.

*Status: Point in time view as at 01/10/2015.*

**Changes to legislation:** Freedom of Information (Scotland) Act 2002 is up to date with all changes known to be in force on or before 25 April 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)

- (2) Anything so seized may be retained for so long as is necessary in all the circumstances; but the person in occupation of the premises must be given a copy of anything that is seized if that person so requests and the person executing the warrant considers that it can be done without undue delay.

#### *Matters exempt from inspection and seizure*

- 7 The powers of inspection and seizure conferred by the warrant are not exercisable in respect of information which is exempt information by virtue of section 31(1).
- 8 (1) Subject to the provisions of this paragraph, the powers of inspection and seizure conferred by the warrant are not exercisable in respect of—
- (a) a communication between professional legal adviser and client in connection with the giving of legal advice to the client with respect to the client's obligations, liabilities or rights under this Act; or
  - (b) a communication between professional legal adviser and client, or between such adviser or client and another person, made in connection with or in contemplation of proceedings under or arising out of this Act and for the purpose of such proceedings.
- (2) Sub-paragraph (1) applies also to—
- (a) a copy or other record of such communication as is there mentioned; and
  - (b) a document or article enclosed with or referred to in such communication if made in connection with the giving of any advice or, as the case may be, in connection with or in contemplation of and for the purpose of such proceedings as are there mentioned.
- (3) This paragraph does not apply to anything in the possession of a person other than the professional legal adviser or client or to anything held with the intention of furthering a criminal purpose.
- (4) In this paragraph references to the client of a professional legal adviser include references to a person representing such a client.
- 9 If the person in occupation of premises in respect of which the warrant is granted objects to the inspection or seizure under it of any material on the grounds that the material consists partly of matters in respect of which those powers are not exercisable, that person must, if requested, provide in response to the warrant a copy of so much of the material as is material in relation to which the powers are exercisable.

#### *Offences*

- 10 (1) A person who—
- (a) intentionally obstructs a person who is executing the warrant; or
  - (b) fails, without reasonable excuse, to give the person who is executing the warrant such assistance as that person may reasonably require for executing it,
- is guilty of an offence.
- (2) A person guilty of an offence under sub-paragraph (1) is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

*Status: Point in time view as at 01/10/2015.*

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*Vessels, vehicles etc.*

- 11 In this schedule, “premises” includes vessel, vehicle, aircraft or hovercraft, and references to the occupier of premises include references to the person in charge of a vessel, vehicle, aircraft or hovercraft.

#### SCHEDULE 4

*(introduced by section 71(2))*

##### CONSEQUENTIAL AMENDMENTS TO SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002

- 1 In section 19(8) of the Scottish Public Services Ombudsman Act 2002 (asp 11) (which restricts the purposes for which information obtained by the Ombudsman from the Information Commissioner may be disclosed)—
- (a) the words from “the Information Commissioner” to “Freedom of Information Act 2000 (c.36)” become paragraph (a); and
  - (b) after that paragraph, there is inserted the word “or” and the following paragraph—
    - “(b) the Scottish Information Commissioner by virtue of section 63 of the Freedom of Information (Scotland) Act 2002 (asp 13),”.
- 2 In schedule 5 to that Act (which specifies persons or bodies to whom the Ombudsman in certain circumstances may disclose information in relation to certain matters), after the entry relating to the Information Commissioner, there is inserted—

“The Scottish Information Commissioner	1. A matter in respect of which the Commissioner could exercise any power conferred by— <ul style="list-style-type: none"> <li>(a) section 44 (recommendations as to good practice) of the Freedom of Information (Scotland) Act 2002 (asp 13); or</li> <li>(b) Part 4 (enforcement) of that Act</li> </ul> 2. The commission of an offence under section 65 (offence of altering etc. records with intent to prevent disclosure) of that Act”.
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**Status:**

Point in time view as at 01/10/2015.

**Changes to legislation:**

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