



Public Records (Scotland) Act 2011

2011 asp 12

PART 1

RECORDS MANAGEMENT PLANS

7 Action notices

- (1) This section applies where the Keeper considers that an authority—
 - (a) has failed or is failing to comply with its records management plan, or
 - (b) otherwise has failed or is failing to comply with any duty imposed on the authority by or under this Part.
- (2) The Keeper may issue to the authority a notice (an “action notice”)—
 - (a) specifying the details of the alleged failure, and
 - (b) requiring the authority to take specified action by a specified date.
- (3) Where the Keeper is considering issuing an action notice to an authority, before deciding whether to do so, the Keeper must—
 - (a) notify the authority—
 - (i) that the Keeper is considering issuing an action notice, and
 - (ii) of the reasons for doing so,
 - (b) give the authority an opportunity to make representations, and
 - (c) have regard to any representations made by the authority.
- (4) In subsection (2)(b), “specified” means specified in the action notice.
- (5) If the authority fails to comply with any of the requirements of the action notice, the Keeper may take such steps as the Keeper considers appropriate to publicise the failure.