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SCHEDULE

(introduced by section 19)

SCOTTISH FOOD COMMISSION: CONSTITUTION AND OPERATION

PART 1

STATUS

Incorporation

- 1 The Commission is a body corporate.

Commencement Information

- I1** Sch. para. 1 not in force at Royal Assent, see [s. 28\(2\)](#)
I2 [Sch. para. 1](#) in force at 15.2.2024 by [S.S.I. 2024/29](#), reg. 2(1)(2), [sch. 1](#)

Exclusion of Crown status

- 2 The Commission is not to be regarded as a servant or agent of the Crown, or having any status, immunity or privilege of the Crown, nor are its members or its staff to be regarded as civil servants.

Commencement Information

- I3** Sch. para. 2 not in force at Royal Assent, see [s. 28\(2\)](#)
I4 [Sch. para. 2](#) in force at 15.2.2024 by [S.S.I. 2024/29](#), reg. 2(1)(2), [sch. 1](#)

PROSPECTIVE

PART 2

POWERS

General powers

- 3 The Commission may do anything which appears to it to be—
- necessary or expedient for the purposes of, or in connection with, the exercise of its functions, or
 - otherwise conducive to the exercise of its functions.

Commencement Information

- I5** Sch. para. 3 not in force at Royal Assent, see [s. 28\(2\)](#)

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PROSPECTIVE

PART 3

PROCEDURE

Committees and sub-committees

4 The Commission may establish committees and sub-committees.

Commencement Information

I6 Sch. para. 4 not in force at Royal Assent, see [s. 28\(2\)](#)

Regulation of procedure

5 The Commission may regulate its own procedure (including quorum) and that of its committees and sub-committees.

Commencement Information

I7 Sch. para. 5 not in force at Royal Assent, see [s. 28\(2\)](#)

Authority to perform functions

6 The Commission may authorise any of its—

- (a) members,
- (b) committees,
- (c) sub-committees, or
- (d) staff,

to exercise such of its functions (and to such extent) as it may determine.

Commencement Information

I8 Sch. para. 6 not in force at Royal Assent, see [s. 28\(2\)](#)

7 The giving of authority under paragraph 6 by the Commission does not—

- (a) affect the Commission’s responsibility for the exercise of its functions, or
- (b) prevent the Commission from exercising the function itself.

Commencement Information

I9 Sch. para. 7 not in force at Royal Assent, see [s. 28\(2\)](#)

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Commencement Information

- I8** Sch. para. 6 not in force at Royal Assent, see [s. 28\(2\)](#)
I9 Sch. para. 7 not in force at Royal Assent, see [s. 28\(2\)](#)

Validity of things done

- 8 The validity of anything done by the Commission, its committees or sub-committees is not affected by—
- (a) a vacancy in its membership,
 - (b) a defect in the appointment of a member,
 - (c) the disqualification of a member after appointment.

Commencement Information

- I10** Sch. para. 8 not in force at Royal Assent, see [s. 28\(2\)](#)

PROSPECTIVE

PART 4

ACCOUNTABILITY

Corporate plan

- 9 (1) The Commission must submit a corporate plan to the Scottish Ministers.
- (2) Sub-paragraph (1) must be complied with as soon as reasonably practicable after the day this paragraph comes into force.
- (3) The corporate plan must set out how the Commission intends to exercise its functions.
- (4) The corporate plan may include such other material as the Commission considers appropriate.
- (5) The Scottish Ministers must—
- (a) approve the corporate plan,
 - (b) approve the corporate plan with any modifications they consider appropriate, or
 - (c) decline to approve the corporate plan.
- (6) Where the Scottish Ministers intend to approve the corporate plan with modifications, they must consult the Commission before doing so.
- (7) If sub-paragraph (5)(b) or (c) applies, the Commission must, as soon as reasonably practicable, modify the corporate plan and submit the modified plan to the Scottish Ministers.
- (8) Sub-paragraphs (5) to (7) apply to the corporate plan as modified.

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- (9) As soon as reasonably practicable after it is approved by the Scottish Ministers—
- (a) the Commission must publish the corporate plan, and
 - (b) the Scottish Ministers must lay a copy of the corporate plan before the Scottish Parliament.
- (10) The Commission—
- (a) may revise the corporate plan at any time, and
 - (b) must revise the corporate plan when required to do so by the Scottish Ministers.
- (11) Sub-paragraphs (1) and (3) to (10) apply to a revised corporate plan as they apply to the first corporate plan.

Commencement Information

I11 Sch. para. 9 not in force at Royal Assent, see [s. 28\(2\)](#)

Accounts and audit

- 10 (1) The Commission must—
- (a) keep proper accounts and accounting records,
 - (b) prepare in respect of each financial year a statement of accounts, and
 - (c) send a copy of the statement to the Auditor General for Scotland for auditing.
- (2) The Commission must comply with any directions which the Scottish Ministers give it in relation to the matters mentioned in sub-paragraphs (1)(a) and (b).

Commencement Information

I12 Sch. para. 10 not in force at Royal Assent, see [s. 28\(2\)](#)

Annual report

- 11 The Commission must, as soon as reasonably practicable after each financial year—
- (a) prepare and make publicly available a report of its activities during the year,
 - (b) send a copy of the report to the Scottish Ministers, and
 - (c) lay a copy of the report before the Scottish Parliament.

Commencement Information

I13 Sch. para. 11 not in force at Royal Assent, see [s. 28\(2\)](#)

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PART 5

MEMBERS

Commission composition

- 12 (1) The Commission is to consist of—
- (a) a member to chair it, and
 - (b) at least 2 but no more than 4 other members.
- (2) The Scottish Ministers may by regulations amend sub-paragraph (1)(b) so as to alter the maximum number of members.

Commencement Information

I14 Sch. para. 12 not in force at Royal Assent, see [s. 28\(2\)](#)

I15 Sch. para. 12 in force at 15.2.2024 by [S.S.I. 2024/29](#), reg. 2(1)(2), [sch. 1](#)

Appointment of members

- 13 (1) The Scottish Ministers are to appoint—
- (a) the chairing member, and
 - (b) the ordinary members.
- (2) Appointments are to be made in accordance with regulations made by the Scottish Ministers.
- (3) A person may be appointed more than once.
- (4) A person who is disqualified from being a member may not be appointed (see paragraph 17).
- (5) Regulations under sub-paragraph (2) may in particular—
- (a) specify qualifications and experience that a person must have in order to be appointed,
 - (b) require appointments to be made so that a board includes a member who fulfils criteria specified in the regulations,
 - (c) require that regard is had when making appointments to the desirability of a board including a member who fulfils criteria specified in the regulations.
- (6) Criteria, for the purpose of sub-paragraph (5)(b) and (c), may include criteria about a person's—
- (a) having certain qualifications or experiences,
 - (b) holding a certain office,
 - (c) being representative of certain interests.

Commencement Information

I16 Sch. para. 13 not in force at Royal Assent, see [s. 28\(2\)](#)

I17 Sch. para. 13 in force at 15.2.2024 by [S.S.I. 2024/29](#), reg. 2(1)(2), [sch. 1](#)

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Members' tenure and other terms and conditions

- 14 (1) A person's membership of the Commission continues until the end of the period of appointment (subject to paragraph 16).
- (2) In sub-paragraph (1), "the period of appointment" means the period specified by the Scottish Ministers on appointing the person as a member.
- (3) The Scottish Ministers may determine other terms and conditions of membership, in relation to matters not covered by this schedule.

Commencement Information

I18 Sch. para. 14 not in force at Royal Assent, see [s. 28\(2\)](#)

I19 [Sch. para. 14](#) in force at 15.2.2024 by [S.S.I. 2024/29](#), [reg. 2\(1\)\(2\)](#), [sch. 1](#)

Members' remuneration, allowances and pensions

- 15 (1) The Scottish Ministers may—
- (a) pay members of the Commission remuneration and allowances (including expenses),
 - (b) pay, or make arrangements for the payment of, pensions, allowances and gratuities to, or in respect of, any person who is or has been a member of the Commission.
- (2) The arrangements referred to in sub-paragraph (1)(b) may include—
- (a) making payments towards the provision of those pensions, allowances and gratuities,
 - (b) providing and maintaining schemes for the payment of those pensions, allowances and gratuities.
- (3) The reference in sub-paragraph (1)(b) to pensions, allowances and gratuities includes pensions, allowances and gratuities by way of compensation for loss of office.

Commencement Information

I20 Sch. para. 15 not in force at Royal Assent, see [s. 28\(2\)](#)

I21 [Sch. para. 15](#) in force at 15.2.2024 by [S.S.I. 2024/29](#), [reg. 2\(1\)\(2\)](#), [sch. 1](#)

Early termination of membership

- 16 (1) A person's membership of the Commission ends if—
- (a) the person resigns by written notice given to the Scottish Ministers,
 - (b) the person becomes disqualified from being a member (see paragraph 17), or
 - (c) the Scottish Ministers give the person written notice that the person is removed from the Commission.
- (2) The Scottish Ministers may remove a member of the Commission by virtue of sub-paragraph (1)(c) only if they consider that the member is—
- (a) unfit to continue to be a member, or
 - (b) unable to exercise the member's functions.

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Commencement Information

- I22** Sch. para. 16 not in force at Royal Assent, see **s. 28(2)**
I23 Sch. para. 16 in force at 15.2.2024 by S.S.I. 2024/29, reg. 2(1)(2), **sch. 1**

Disqualification from membership

- 17 (1) A person is disqualified from being a member of the Commission if the person is—
- (a) disqualified from being a member by virtue of section 19 of the Ethical Standards in Public Life etc. (Scotland) Act 2000,
 - (b) disqualified from being the director of a company registered under the Companies Act 2006 in Great Britain.
- (2) The Scottish Ministers may by regulations modify this paragraph to add or remove descriptions of persons disqualified from being a member of the Commission.
- (3) Regulations under sub-paragraph (2) may not repeal sub-paragraph (1)(a).

Commencement Information

- I24** Sch. para. 17 not in force at Royal Assent, see **s. 28(2)**
I25 Sch. para. 17 in force at 15.2.2024 by S.S.I. 2024/29, reg. 2(1)(2), **sch. 1**

PART 6

STAFF

Appointment of staff

- 18 The Commission may appoint staff.

Commencement Information

- I26** Sch. para. 18 not in force at Royal Assent, see **s. 28(2)**
I27 Sch. para. 18 in force at 15.2.2024 by S.S.I. 2024/29, reg. 2(1)(2), **sch. 1**

Staff terms and conditions

- 19 Staff appointed by the Commission are appointed on such terms and conditions as the Scottish Ministers approve.

Commencement Information

- I28** Sch. para. 19 not in force at Royal Assent, see **s. 28(2)**
I29 Sch. para. 19 in force at 15.2.2024 by S.S.I. 2024/29, reg. 2(1)(2), **sch. 1**

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Staff pensions, allowances and gratuities

- 20 (1) The Commission may pay, or make arrangements for the payment of, pensions, allowances and gratuities to, or in respect of, any person who is or has been a member of its staff.
- (2) But the Commission may not make those payments or arrangements without the Scottish Ministers' approval.
- (3) The arrangements referred to in sub-paragraph (1) may include—
- (a) making payments toward the provision of pensions, allowances and gratuities,
 - (b) providing and maintaining schemes for the payment of pensions, allowances and gratuities.
- (4) The reference in sub-paragraph (1) to pensions, allowances and gratuities includes pensions, allowances and gratuities by way of compensation for loss of office.

Commencement Information

I30 Sch. para. 20 not in force at Royal Assent, see [s. 28\(2\)](#)

I31 Sch. para. 20 in force at 15.2.2024 by [S.S.I. 2024/29](#), [reg. 2\(1\)\(2\)](#), [sch. 1](#)

PART 7

APPLICATION OF LEGISLATION RELATING TO PUBLIC BODIES

Amendment of public bodies' legislation

- 21 (1) In the Ethical Standards in Public Life etc. (Scotland) Act 2000, in schedule 3 (devolved public bodies), after the entry relation to the Scottish Fiscal Commission insert— “The Scottish Food Commission”.
- (2) In the Freedom of Information (Scotland) Act 2002, in Part 7 of schedule 1 (non-ministerial office holders in the Scottish Administration), after paragraph 85ZA insert—
- “85ZAA The Scottish Food Commission”.
- (3) In the Public Appointments and Public Bodies etc. (Scotland) Act 2003, in schedule 2 (the specified authorities), under the heading “Executive bodies”, after the entry relating to the Scottish Fiscal Commission insert— “The Scottish Food Commission”.
- (4) In the Public Services Reform (Scotland) Act 2010, in schedule 8 (listed public bodies), after the entry relating to the Scottish Fiscal Commission insert— “The Scottish Food Commission”.
- (5) In the Public Records (Scotland) Act 2011, in the schedule, under the heading “Others” after the entry relating to the Scottish Fire and Rescue Service insert— “The Scottish Food Commission”.
- (6) In the Procurement Reform (Scotland) Act 2014, in Part 3 of the schedule (contracting authorities: others), after paragraph 50 insert—

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“50A The Scottish Food Commission”.

Commencement Information

I32 Sch. para. 21 not in force at Royal Assent, see [s. 28\(2\)](#)

I33 Sch. para. 21 in force at 15.2.2024 by [S.S.I. 2024/29](#), reg. 2(1)(2), [sch. 1](#)

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Changes and effects yet to be applied to :

- sch. para. 3 coming into force by [S.S.I. 2024/29 reg. 2\(3\)\(4\)sch. 2](#)
- sch. para. 4 coming into force by [S.S.I. 2024/29 reg. 2\(3\)\(4\)sch. 2](#)
- sch. para. 5 coming into force by [S.S.I. 2024/29 reg. 2\(3\)\(4\)sch. 2](#)
- sch. para. 6 coming into force by [S.S.I. 2024/29 reg. 2\(3\)\(4\)sch. 2](#)
- sch. para. 7 coming into force by [S.S.I. 2024/29 reg. 2\(3\)\(4\)sch. 2](#)
- sch. para. 8 coming into force by [S.S.I. 2024/29 reg. 2\(3\)\(4\)sch. 2](#)
- sch. para. 9 coming into force by [S.S.I. 2024/29 reg. 2\(3\)\(4\)sch. 2](#)
- sch. para. 10 coming into force by [S.S.I. 2024/29 reg. 2\(3\)\(4\)sch. 2](#)
- sch. para. 11 coming into force by [S.S.I. 2024/29 reg. 2\(3\)\(4\)sch. 2](#)