



Public Records (Scotland) Act 2011

2011 asp 12

PART 1

RECORDS MANAGEMENT PLANS

2 Authorities to which Part 1 applies

- (1) The authorities to which this Part applies are the bodies, office-holders and other persons listed, or of a description listed, in the schedule.
- (2) The Scottish Ministers may by order made by statutory instrument amend the schedule by—
 - (a) adding—
 - (i) a body, office-holder or other person, or
 - (ii) a description of bodies, office-holders or other persons,
 - (b) removing an entry listed in it, or
 - (c) modifying an entry listed in it.
- (3) An order under subsection (2)(a) may add a body, office-holder or other person, or a description of bodies, office-holders or other persons, only if the body, office-holder or person, or (as the case may be) each of the bodies, office-holders or persons within the description, is—
 - (a) a part of the Scottish Administration,
 - (b) a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998 (c.46)), or
 - (c) a publicly owned company.
- (4) In subsection (3)(c), “publicly owned company” means a company that is wholly owned by—
 - (a) the Scottish Ministers, or
 - (b) another authority.
- (5) For that purpose, a company is wholly owned—
 - (a) by the Scottish Ministers if it has no members other than—
 - (i) the Scottish Ministers or other companies that are wholly owned by the Scottish Ministers, or

Changes to legislation: There are currently no known outstanding effects for the Public Records (Scotland) Act 2011, Section 2. (See end of Document for details)

- (ii) persons acting on behalf of the Scottish Ministers or of such other companies,
- (b) by another authority if it has no members other than—
 - (i) the authority or other companies that are wholly owned by the authority, or
 - (ii) persons acting on behalf of the authority or of such other companies.
- (6) In this section, “company” includes any body corporate.
- (7) An order under subsection (2) may—
 - (a) include consequential, supplementary, incidental, transitional, transitory or saving provision,
 - (b) modify any enactment.
- (8) An order under subsection (2) is not to be made unless a draft of the statutory instrument containing the order has been laid before and approved by resolution of the Scottish Parliament.

Commencement Information

II S. 2 in force at 24.2.2012 by [S.S.I. 2012/21](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Public Records (Scotland) Act 2011, Section 2.