

FREEDOM OF INFORMATION (AMENDMENT) (SCOTLAND) ACT 2013

EXPLANATORY NOTES

THE ACT – SECTIONS

Section 1 – Designation of authorities

8. Section 5 of the 2002 Act provides that the Scottish Ministers may by order designate as a Scottish public authority for the purposes of the Act any person who is neither listed in schedule 1 nor capable of being added to that schedule under section 4(1), is neither a public body nor the holder of a public office, and who appears to the Scottish Ministers to exercise functions of a public nature or who is providing, under contract to a Scottish public authority, any service whose provision is a function of that authority.
9. The Act expands on section 5 in two respects. Firstly, it broadens the required scope of consultation on an order made under section 5(5) to include “other persons as Ministers consider appropriate”, for example, those likely to use the services of a body proposed for coverage. The Act also introduces a requirement for the Scottish Ministers to report periodically to the Parliament on the use, or otherwise, of the power to extend coverage under section 5. The reporting period is set at two years - though this in no way precludes the use of the power at any other time during this period.