
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 520

The Environmental Information (Scotland) Regulations 2004

Code of practice and functions of the Commissioner

18.—(1) The Scottish Ministers may issue, and may from time to time revise, a code of practice providing guidance to Scottish public authorities as to the practice which it would, in the opinion of the Ministers, be desirable for those authorities to follow in connection with the discharge of their functions under these Regulations and with the keeping, management and destruction of their records.

(2) The code may make different provision for different Scottish public authorities.

(3) Before issuing or revising any code under this regulation, the Scottish Ministers shall consult the Commissioner.

(4) The Scottish Ministers shall lay before the Scottish Parliament any code or revised code issued under this regulation.

(5) Sections 43(1) to (3) and (5) to (8) (general functions of Commissioner), 44 (recommendations as to good practice), 45 (confidentiality of information obtained by or furnished to Commissioner), 46 (laying of reports) and 63 (disclosure of information to Scottish Public Services Ombudsman or to Information Commissioner) of the Act shall have effect for the purposes of these Regulations as they have effect for the purposes of the Act but with the modifications specified in paragraph (6).

(6) In the application of any provision of the Act by paragraph (5) any reference to—

- (a) the Act is deemed to be a reference to these Regulations;
- (b) a Scottish public authority is deemed to be a reference to a Scottish public authority within the meaning of these Regulations;
- (c) the code of practice under section 60 of the Act (issue of a code of practice by the Scottish Ministers) is deemed to be reference to any code of practice issued under paragraph (1);
- (d) the code of practice under section 61 of the Act (code of practice as to the keeping, management and destruction of records) is deemed to be a reference to a code of practice under paragraph (1); and
- (e) section 1(1) of the Act is deemed to be a reference to regulation 5(1).