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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision for the designation of persons as a Scottish public authority under section 5 of the Freedom of Information (Scotland) Act 2002 (“the 2002 Act”).

Section 5 of the 2002 Act enables the Scottish Ministers by order to designate as a Scottish public authority any person who is neither listed in schedule 1 to the 2002 Act (nor capable of being added to that schedule under section 4(1)) and is neither a public body nor the holder of a public office. The persons designated include those who appear to the Scottish Ministers to exercise functions of a public nature.

Article 2 designates as a Scottish public authority a person who appears to the Scottish Ministers to exercise a function of a public nature under section 5(2)(a) of the 2002 Act in accordance with the descriptions set out in the table in the Schedule. These persons are bodies established or created by one or more local authorities, whose functions include developing and/or delivering recreational, sporting, cultural or social facilities and activities and who are financed wholly or in part by any of the local authorities. The relevant functions to which the designation applies (see section 7 of the 2002 Act) are carrying on tourism related activities, provision of public libraries, museums and art galleries, recreational, sporting, cultural and social facilities and activities and advancing well-being.