
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the extension of coverage of the Freedom of Information (Scotland) 2002 Act (“the 2002 Act”) under section 5 of that Act.

Section 5 of the 2002 Act enables the Scottish Ministers to designate as Scottish public authorities by order 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)), 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 is providing, under contract to a Scottish public authority, any service whose provision is a function of that authority.

Article 2(1) designates grant-aided schools, independent special schools, providers of secure accommodation and Scottish Health Innovations Limited as Scottish public authorities for the purpose of the 2002 Act, being persons who appear to the Scottish Ministers to exercise a function or functions of a public nature under section 5(2)(a) of the 2002 Act in accordance with the descriptions set out in the table in Schedule 1.

Article 2(2) designates persons who provide, under a contract with Scottish Ministers, services relating to the provision and running of prisons, which by virtue of section 1 of the Prisons (Scotland) Act 1989 (c.45) is a function of Scottish Ministers. The table in the Schedule sets out the designated bodies with reference to the services being provided.