

PUBLIC RECORDS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

SUMMARY OF THE ACT

Part 1 – Records Management Plans

Section 2 – Authorities to which Part 1 applies

12. Subsection (1) defines the authorities that must comply with the duties in Part 1 of the Act. The authorities are listed in the schedule. Some bodies are described rather than named individually, such as local authorities, Chief Constables of police forces and National Park authorities.
13. Subsection (2) allows the Scottish Ministers to add or remove authorities from the list in the schedule by order. Subsections (3) to (5) define the types of authorities which can be added to the list. The reference in subsection (3)(b) to an authority with mixed functions or no reserved functions is to be read in accordance with section 126 and paragraph 1 of Part III of Schedule 5 to the Scotland Act 1998. Orders under subsection (2) will be subject to affirmative procedure (see subsection (8)).
14. Subsection (7) allows orders amending the schedule to make consequential and other modifications to other legislation. If a new authority were to be added to the schedule, this power might be used to make consequential changes to any existing general records management duties which already applied to the authority.