

Draft Order laid before the Scottish Parliament under section 72(2)(a) of the Freedom of Information (Scotland) Act 2002, section 18(4) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003, section 210(2) of the Equality Act 2010, section 2(8) of the Public Records (Scotland) Act 2011 and section 99(2) of the Children and Young People (Scotland) Act 2014 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2018 No.

FREEDOM OF INFORMATION

PUBLIC BODIES

EQUALITY

PUBLIC RECORDS

CHILDREN AND YOUNG PERSONS

The ILF Scotland (Miscellaneous Listings) Order 2018

Made - - - - 2018

Coming into force - - 28th June 2018

The Scottish Ministers make the following Order in exercise of the powers conferred by section 4(1)(a) of the Freedom of Information (Scotland) Act 2002(a), section 3(2)(a) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003(b), section 151(3) of the Equality Act 2010(c), section 2(2)(a) of the Public Records (Scotland) Act 2011(d), sections 3(2)(a), 44(2)(a) and 56(2)(a) of the Children and Young People (Scotland) Act 2014(e) and all other powers enabling them to do so.

In accordance with section 152(3) of the Equality Act 2010(f) the Scottish Ministers have consulted the Commission for Equality and Human Rights.

In accordance with section 72(2)(a) of the Freedom of Information (Scotland) Act 2002, section 18(4) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003, section 210(2) of

(a) 2002 asp 13. The powers to make this Order are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10). The Order is subject to the affirmative procedure by virtue of section 33(3) of that Act.

(b) 2003 asp 4.

(c) 2010 c.15.

(d) 2011 asp 12.

(e) 2014 asp 8.

(f) Section 152(3) was amended by section 37(7) of the Scotland Act 2016 (c.11).

the Equality Act 2010, section 2(8) of the Public Records (Scotland) Act 2011 and section 99(2) of the Children and Young People (Scotland) Act 2014, a draft of this Order has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the ILF Scotland (Miscellaneous Listings) Order 2018 and comes into force on 28th June 2018.

Freedom of Information (Scotland) Act 2002

2.—(1) The Freedom of Information (Scotland) Act 2002 is amended in accordance with paragraph (2).

(2) In Part 7 of schedule 1 (Scottish public authorities: others) after paragraph 67ZA(a) insert—
“67ZB ILF Scotland(b).”.

Public Appointments and Public Bodies etc. (Scotland) Act 2003

3.—(1) The Public Appointments and Public Bodies etc. (Scotland) Act 2003 is amended in accordance with paragraph (2).

(2) In schedule 2 (the specified authorities)(c), under the heading “Executive Bodies”, after the entry relating to Historic Environment Scotland insert—

“ILF Scotland”.

Equality Act 2010

4.—(1) The Equality Act 2010 is amended in accordance with paragraph (2).

(2) In Part 3 of schedule 19 (public authorities: relevant Scottish authorities)(d), at the end insert—

“Other body added on 28th June 2018
ILF Scotland.”.

Public Records (Scotland) Act 2011

5.—(1) The Public Records (Scotland) Act 2011 is amended in accordance with paragraph (2).

(2) In the schedule (authorities to which Part 1 applies)(e), under the heading “Others”, after the entry relating to Highlands and Islands Enterprise insert—

“ILF Scotland”.

Children and Young People (Scotland) Act 2014

6.—(1) The Children and Young People (Scotland) Act 2014 is modified in accordance with paragraphs (2) to (4).

(2) In schedule 1 (authorities to which section 2 applies)(f), at the end insert—

“21 ILF Scotland”.

(a) Section 67ZA was inserted by paragraph 3(a) of schedule 6 of the Historic Environment Scotland Act 2014 (asp 19) (“the 2014 Act”).

(b) ILF Scotland is a company limited by guarantee, registered under number SC500075.

(c) Schedule 2 was relevantly amended by paragraph 4(a) of schedule 6 of the 2014 Act.

(d) Part 3 of schedule 19 has been relevantly amended by S.S.I. 2015/83.

(e) The schedule has been amended but none of the amendments are relevant to this Order.

(f) Schedule 1 has been relevantly amended by S.S.I. 2015/157.

(3) In schedule 3 (listed authorities)(**a**), at the end insert—

“17 ILF Scotland”.

(4) In schedule 4 (corporate parents)(**b**), at the end insert—

“26 ILF Scotland”.

St Andrew’s House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

(a) Schedule 3 has been relevantly amended by S.S.I. 2016/151.
(b) Schedule 4 has been relevantly amended by S.S.I. 2015/157.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Freedom of Information (Scotland) Act 2002 (“the 2002 Act”), the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (“the 2003 Act”), the Equality Act 2010 (“the 2010 Act”), the Public Records (Scotland) Act 2011 (“the 2011 Act”) and the Children and Young People (Scotland) Act 2014 (“the 2014 Act”).

Article 2 adds ILF Scotland to Part 7 of schedule 1 of the 2002 Act, which lists “Scottish public authorities” as referred to in section 3(1)(a)(i) of that Act.

Article 3 adds ILF Scotland to schedule 2 of the 2003 Act, which lists “specified authorities” for the purposes of that Act.

Article 4 adds ILF Scotland to Part 3 of schedule 19 of the 2010 Act, which lists Scottish public authorities required to comply with the public sector equality duty.

Article 5 adds ILF Scotland to the schedule of the 2011 Act, which lists the authorities to which Part 1 of that Act (records management plans) applies.

Article 6 adds ILF Scotland to each of schedules 1, 3 and 4 of the 2014 Act. These schedules list: authorities to which section 2 of the 2014 Act applies (duties of public authorities in relation to the UNCRC), listed authorities for the purposes of Part 5 of the 2014 Act (Child’s Plan), and corporate parents respectively.

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£4.25

S201805101010 05/2018 19585

<http://www.legislation.gov.uk/id/sdsi/2018/9780111039052>

ISBN 978-0-11-103905-2



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