

Draft Order laid before the Scottish Parliament under section 25(3) of the Public Services Reform (Scotland) Act 2010 and section 2(8) of the Public Records (Scotland) Act 2011, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2024 No.

**FREEDOM OF INFORMATION
PUBLIC SERVICES REFORM
PUBLIC RECORDS**

The Scottish Pubs Code Adjudicator
(Miscellaneous Listings) Order 2024

Made - - - - 2024

Coming into force - - 7th October 2024

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⁽¹⁾, section 15(2)(a) of the Public Services Reform (Scotland) Act 2010⁽²⁾, section 2(2)(a) of the Public Records (Scotland) Act 2011⁽³⁾ and all other powers enabling them to do so.

In accordance with section 25(3) of the Public Services Reform (Scotland) Act 2010 and section 2(8) of the Public Records (Scotland) Act 2011, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Scottish Pubs Code Adjudicator (Miscellaneous Listings) Order 2024 and comes into force on 7 October 2024.

Freedom of Information (Scotland) Act 2002

2. In Part 7 of schedule 1 (Scottish public authorities: others) of the Freedom of Information (Scotland) Act 2002, after paragraph 95, insert—

(1) [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.
(2) [2010 asp 8](#).
(3) [2011 asp 12](#).

“95A. The Scottish Pubs Code Adjudicator.”.

Public Services Reform (Scotland) Act 2010

3. In schedule 5 (improvement of public functions: listed bodies) of the Public Services Reform (Scotland) Act 2010, under the heading “Scottish public authorities with mixed functions or no reserved functions”, after the entry relating to the Scottish Public Services Ombudsman, insert “Scottish Pubs Code Adjudicator”.

Public Records (Scotland) Act 2011

4. In the schedule (authorities to which Part 1 applies) of the Public Records (Scotland) Act 2011, under the heading “Others”, after the entry relating to the Scottish Public Services Ombudsman, insert “Scottish Pubs Code Adjudicator”.

St Andrew’s House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Freedom of Information (Scotland) Act 2002 (“the FOI Act”), the Public Services Reform (Scotland) Act 2010 (“the Public Services Reform Act”) and the Public Records (Scotland) Act 2011 (“the Public Records Act”) to add the Scottish Pubs Code Adjudicator (“the Adjudicator”) to the lists of public authorities subject to those Acts.

Article 2 adds the Adjudicator to the authorities listed in schedule 1 of the FOI Act, which makes the Adjudicator subject to the freedom of information requirements set out in that Act.

Article 3 adds the Adjudicator to the public bodies listed in schedule 5 of the Public Services Reform Act, which means the Scottish Ministers may by order make provision under Part 2 of that Act to improve efficiency, effectiveness and economy in the Adjudicator’s exercise of public functions.

Article 4 adds the Adjudicator to the authorities listed in the schedule of the Public Records Act, which puts the Adjudicator under a duty to comply with the records management requirements in Part 1 of that Act.

A Business and Regulatory Impact Assessment, Equality Impact Assessment, Data Protection Impact Assessment, and Fairer Scotland Duty Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government, B1 Spur, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD.