



Freedom of Information (Scotland) Act 2002

2002 asp 13

PART 3

THE SCOTTISH INFORMATION COMMISSIONER

46 [F¹Laying and publication of reports]

- (1) The Commissioner must lay annually before the Parliament a general report on the exercise [F² during the reporting year] of the functions conferred on that officer under this Act.

[F³(1A) Each report must be so laid within 7 months after the end of the reporting year.

(1B) In this section, “reporting year” means the year beginning on 1 April.]

- (2) The report mentioned in subsection (1) (without prejudice to the generality of that subsection) must record the number of occasions, during the period covered by the report, on which the Commissioner failed to reach a decision on an application under section 47(1) (being an application on which a decision fell to be made) within the period of four months specified in section 49(3)(b).

[F⁴(2A) In preparing a report under subsection (1), the Commissioner must comply with any direction given by the Parliamentary corporation as to the form and content of the report.]

- (3) The Commissioner may from time to time lay before the Parliament such other reports with respect to the functions conferred on that officer under this Act as that officer thinks fit.

[F⁵(3A) The Commissioner must arrange for the publication of each report laid before the Parliament under this section.]

Textual Amendments

- F1 S. 46 title substituted (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), [sch. 4 para. 6\(d\)](#) (with s. 31(6), [sch. 7](#))

Changes to legislation: Freedom of Information (Scotland) Act 2002, Section 46 is up to date with all changes known to be in force on or before 28 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- F2** Words in s. 46(1) inserted (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), **sch. 4 para. 6(a)** (with s. 31(6), sch. 7)
- F3** S. 46(1A)(1B) inserted (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), **sch. 4 para. 6(b)** (with s. 31(6), sch. 7)
- F4** S. 46(2A) inserted (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), **sch. 4 para. 6(c)** (with s. 31(6), sch. 7)
- F5** S. 46(3A) inserted (1.4.2011) by [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(asp 11\)](#), s. 31(5), **sch. 4 para. 6(d)** (with s. 31(6), sch. 7)

Modifications etc. (not altering text)

- C1** S. 46 applied (with modifications) (1.1.2005) by [The Environmental Information \(Scotland\) Regulations 2004 \(S.S.I. 2004/520\)](#), **reg 18(5)(6)** (with reg. 3)

Changes to legislation:

Freedom of Information (Scotland) Act 2002, Section 46 is up to date with all changes known to be in force on or before 28 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. 1 para. 74A inserted by [2023 asp 6 sch. 2 para. 2\(2\)](#)