

SCHEDULE 6 FUNCTIONING OF PUBLIC BODIES

PART 3

DUTIES IN RESPECT OF REPORTS AND OTHER DOCUMENTS

Power to postpone publication and laying of reports

- 8 (1) This paragraph applies to a statutory duty (however expressed)—
- (a) that is within the legislative competence of the Scottish Parliament to amend, and
 - (b) that requires the Scottish Ministers or a Scottish public authority to publish, or to publish and lay before the Scottish Parliament, a report (and any other associated documents) in connection with the exercise of their or its functions on or by a particular date while this paragraph is in force.
- (2) The Scottish Ministers or the Scottish public authority may decide to postpone complying with the duty if they or, as the case may be, it are of the view that complying would be likely to impede their or, as the case may be, its ability to take effective action to prevent, protect against, delay or otherwise control the incidence or transmission of coronavirus.
- (3) Where the Scottish Ministers decide or, as the case may be, a Scottish public authority decides to postpone complying with the duty they or it must publish a statement to that effect in such manner as they consider or it considers appropriate—
- (a) on or before the date by which the report is due, or
 - (b) as soon as reasonably practicable after the date.
- (4) A statement published under sub-paragraph (3) must indicate that the report will be published in accordance with paragraph 10(2).
- (5) This paragraph does not apply to—
- (a) a duty contained in this Act,
 - (b) accounts or associated documents required under section 19 or 20 of the Public Finance and Accountability (Scotland) Act 2000 (see paragraph 15),
 - (c) any other document in respect of which there is a statutory duty to publish or publicise it, lay it before the Scottish Parliament or otherwise make it available (see paragraph 9).

Power to publish or make available documents for inspection electronically

- 9 (1) This paragraph applies to a statutory duty (however expressed)—
- (a) that is within the legislative competence of the Scottish Parliament to amend, and
 - (b) that requires the Scottish Ministers or a Scottish public authority to—
 - (i) publish or publicise a document (other than by electronic means),
 - (ii) lay a document (or a copy of it) before the Scottish Parliament,
 - (iii) give notice of where a document may be inspected,
 - (iv) make available a document for inspection in a particular manner.

Status: This is the original version (as it was originally enacted).

- (2) The Scottish Ministers or, as the case may be, the Scottish public authority may decide not to comply with the duty if they or, as the case may be, it are of the view that doing so—
- (a) may give rise to a significant risk of the transmission of coronavirus, or
 - (b) is likely to be ineffective or inappropriate due to action taken in order to control the incidence or transmission of coronavirus.
- (3) Where the Scottish Ministers or, as the case may be, a Scottish public authority decide not to comply with the duty they or it must (if possible)—
- (a) publish the document in such electronic format as they consider or it considers appropriate (for example on their or its website),
 - (b) make the document (or the information contained in it) available for inspection by electronic means (for example on their or its website),
 - (c) give notice by electronic means of where a document (or the information contained in it) may be inspected, which notice may specify an electronic means (such as publication on a particular website) as the place where the document (or information) may be inspected,
- as appropriate, having regard to the nature of the duty in question.
- (4) If the Scottish Ministers or, as the case may be, a Scottish public authority decide not to comply with the duty and consider that it is not possible to use a means listed in sub-paragraph (3), they or it must publish a statement to that effect in such manner as they consider or it considers appropriate.
- (5) Where the duty is accompanied by a requirement that the Scottish Ministers or, as the case may be, a Scottish public authority must make a statement to the Scottish Parliament in respect of the document on a particular date or within a particular period, it is sufficient for the statement to be made as soon as reasonably practicable.
- (6) This paragraph does not apply to—
- (a) accounts or associated documents required under section 19 or 20 of the Public Finance and Accountability (Scotland) Act 2000 (see paragraph 15), or
 - (b) reports required in connection with the exercise of functions by the Scottish Ministers or a Scottish public authority and in respect of which there is a statutory duty to publish or lay before the Scottish Parliament (see paragraph 8).

Resumption of duties in relation to reports and documents

- 10 (1) Sub-paragraph (2) applies where the Scottish Ministers or, as the case may be, a Scottish public authority have made a decision under paragraph 8(2) to postpone complying with a duty.
- (2) The Scottish Ministers or, as the case may be, the Scottish public authority must comply with the duty as soon as reasonably practicable.
- (3) Sub-paragraph (4) applies where—
- (a) the Scottish Ministers or, as the case may be, a Scottish public authority made a decision under paragraph 9(2) not to comply with a duty, and
 - (b) they consider or it considers that there is no longer a significant risk of the transmission of coronavirus.

Status: This is the original version (as it was originally enacted).

- (4) The Scottish Ministers or, as the case may be, the Scottish public authority must—
- (a) in a case where the duty is to lay a document before the Scottish Parliament, comply with the duty as soon as reasonably practicable,
 - (b) in any other case—
 - (i) take such steps as they consider or it considers necessary to comply with the duty, or
 - (ii) publish a statement indicating that they are or it is not complying and setting out the reasons for not doing so (such as having done so by electronic means).