

SCHEDULE 2 SCOTTISH PUBS CODE ADJUDICATOR

PART 1

STATUS AND LIABILITY

Legal personality

- 1 The adjudicator is, as such, to be regarded as a juristic person distinct from the person holding the office.

Exclusion of Crown Status

- 2 (1) The adjudicator—
(a) is not a servant or agent of the Crown, and
(b) does not enjoy any status, immunity or privilege of the Crown.
- (2) Individuals working as the adjudicator's staff are not, on that account, to be regarded as civil servants.

Exemption from liability for damages

- 3 (1) The following are exempt from liability in damages for any act or omission in the exercise (or purported exercise) of their functions—
(a) the adjudicator,
(b) persons working as the adjudicator's staff.
- (2) Sub-paragraph (1) does not exempt a person from liability for doing, or not doing, something that is shown to have been done, or as the case may be not done, in bad faith.
- (3) Sub-paragraph (1) does not prevent an award of damages being made in respect of an act or omission on the ground that it was unlawful as a result of section 6(1) of the Human Rights Act 1998.