

# **GOOD FOOD NATION (SCOTLAND) ACT 2022**

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## **EXPLANATORY NOTES**

### **GOOD FOOD NATION PLANS OF PUBLIC BODIES**

#### ***Section 20: Functions of the Commission***

47. **Section 20(1)** sets out the functions of the Commission; namely (1) to keep under review progress in achieving the outcomes in both the national and relevant authority good food nation plans and the effectiveness of the plans in addressing food-related issues, and (2) to advise, inform and assist the Scottish Ministers and relevant authorities with a view to promoting and supporting progress in achieving the plans' outcomes and improving their effectiveness in addressing food-related issues.
48. The Commission must have regard to any request by the Scottish Ministers for its assistance in relation to a particular matter.
49. The Commission may make formal recommendations in relation to both the national good food nation plan and any relevant authority's good food nation plan. These recommendations must be published.
50. Subsection (5) gives the Commission certain powers for the purpose of its functions. This is "without prejudice" to the general powers which the Commission is given in Part 2 of the schedule – that means that the conferral of these specific powers does not give rise to any arguments that the general powers are in fact narrower than they appear to be.
51. Subsection (6) confers a power on the Scottish Ministers to confer on, modify or remove functions pertaining to the Commission by regulations. But this is subject to the important limitation in subsection (7) to the effect that the power in subsection (6) cannot be exercised in a way that would result in functions being conferred on the Commission which do not relate to the national good food nation plan or the good food nation plans of relevant authorities. This means that the power cannot be used to confer a function independently of the plans – so, for example, the power could not be used to give the Commission a direct responsibility for food safety.