



# Good Food Nation (Scotland) Act 2022

## 2022 asp 5

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 15th June 2022 and received Royal Assent on 26th July 2022**

An Act of the Scottish Parliament to require the Scottish Ministers to prepare and publish a national good food nation plan; to require certain authorities to prepare and publish their own good food nation plans; and to provide as to the effect of all of those plans.

### *National good food nation plan*

#### **1 Requirement to produce plan**

- (1) The Scottish Ministers must—
  - (a) publish, and
  - (b) lay before the Scottish Parliament, a national good food nation plan.
- (2) [Subsection \(1\)](#) must be complied with before the end of the period of 3 months beginning with the expiry of the period mentioned in [section 3\(1\)\(a\)](#).
- (3) The national good food nation plan must set out—
  - (a) the main outcomes in relation to food-related issues which the Scottish Ministers want to be achieved in relation to Scotland,
  - (b) indicators or other measures by which progress in achieving the outcomes may be assessed, and
  - (c) the policies which the Scottish Ministers intend to pursue in order to secure the achievement of the outcomes.
- (4) The national good food nation plan must also set out the Scottish Ministers' plans for ensuring that the implementation of the policies mentioned in [subsection \(3\)\(c\)](#) is informed by the views of the food business sector.
- (5) The national good food nation plan may include such other material in relation to food-related issues as the Scottish Ministers consider appropriate.
- (6) In determining the content of the national good food nation plan so far as required by [subsection \(3\)](#), the Scottish Ministers must have regard to the scope for food-related issues to affect outcomes in relation to, among other things—
  - (a) social and economic wellbeing,

- (b) the environment, including in particular in relation to—
  - (i) climate change, and
  - (ii) wildlife and the natural environment,
- (c) health and physical and mental wellbeing (including in particular through the provision of health and social care services),
- (d) economic development,
- (e) animal welfare,
- (f) education, and
- (g) child poverty.

## 2 Preparation of plan: principles

In preparing the national good food nation plan, the Scottish Ministers must have regard to—

- (a) the fact that each part of the food system and supply chain plays an important role in the provision of food,
- (b) the role of a sustainable food system and supply chain in contributing to mitigation of climate change, halting and reversing of loss of biodiversity and improvement in animal welfare,
- (c) the ability of high quality, nutritious and culturally appropriate food to improve the health and physical and mental wellbeing of people,
- (d) the fact that adequate food is a human right (as part of the right to an adequate standard of living set out in Article 11 of the International Covenant on Economic, Social and Cultural Rights) and essential to the realisation of other human rights,
- (e) the importance of the food business sector—
  - (i) continuing to be a thriving part of the Scottish economy,
  - (ii) having resilient supply chains,
  - (iii) operating with fair work standards, and
  - (iv) in contributing to resilient local economies across Scotland.

## 3 Requirement to lay proposed plan before the Parliament

- (1) Before complying with the requirement to lay a national good food nation plan in section 1(1), the Scottish Ministers must—
    - (a) lay the proposed plan before the Scottish Parliament for a period of 60 days, of which no fewer than 30 days must be days on which the Parliament is neither dissolved nor in recess, and
    - (b) before finalising the plan have regard to—
      - (i) any representations about the proposed plan that are made to them,
      - (ii) any resolution relating to the proposed plan passed by the Parliament, and
      - (iii) any report relating to the draft plan published by any committee of the Parliament for the time being appointed by virtue of the standing orders,
- during that period.

- (2) The proposed plan must be laid before the Parliament under subsection (1)(a) not later than the end of the period of 12 months beginning with the day on which this section comes into force.
- (3) The Scottish Ministers must, when laying the national good food nation plan before the Parliament under section 1(1), lay a statement setting out—
  - (a) details of any representations, resolutions or reports mentioned in subsection (1)(b), and
  - (b) the changes (if any) they have made to the plan in response to such representations, resolutions or reports and the reasons for those changes.

#### **4 Preparation of plan: consultation**

- (1) In preparing the national good food nation plan, the Scottish Ministers must—
  - (a) publish, and consult on, a draft of the plan, and
  - (b) have regard to any responses to the consultation.
- (2) The persons consulted under [subsection \(1\)\(a\)](#) are to be those who the Scottish Ministers consider appropriate.
- (3) In consulting under subsection (1)(a), the Scottish Ministers must have regard to the importance of communicating in an inclusive way.
- (4) In consulting under subsection (1)(a), the Scottish Ministers must have regard to the importance of communicating in a way that is effective in engaging children and young people.
- (5) The Scottish Ministers must, when laying the proposed national good food nation plan before the Scottish Parliament under section 3(1)(a), publish a statement—
  - (a) summarising—
    - (i) the consultation process undertaken in order to comply with subsection (1)(a), and
    - (ii) any responses to the consultation, and
  - (b) setting out how in preparing the plan they complied with subsection (1)(b) and (3).

#### **5 Preparation of plan: consideration of international instruments**

- (1) In preparing the national good food nation plan, the Scottish Ministers must have regard to the international instruments listed in [subsection \(2\)](#).
- (2) Those instruments are—
  - (a) Article 11 (so far as it concerns adequate food) of the International Covenant on Economic, Social and Cultural Rights,
  - (b) Article 24(2)(c) (so far as it concerns the provision of adequate nutritious foods) of the United Nations Convention on the Rights of the Child,
  - (c) Articles 27(1) and (3) (so far as they concern nutrition) of the United Nations Convention on the Rights of the Child,
  - (d) Article 12(2) (so far as it as concerns adequate nutrition during pregnancy and lactation) of the Convention on the Elimination of All Forms of Discrimination Against Women.

- (3) The Scottish Ministers may by regulations modify the list in [subsection \(2\)](#) so as to add, remove or vary a reference to an international instrument.
- (4) The provision which may be made by regulations under [subsection \(3\)](#) includes—
  - (a) limiting the extent of an international instrument to a particular matter,
  - (b) providing that a reference to an international instrument is a reference to that instrument as it has effect—
    - (i) at a particular time, or
    - (ii) as amended from time to time.

## 6 Effect of plan

The Scottish Ministers must, when exercising a specified function or a function falling within a specified description, have regard to the national good food nation plan.

## 7 Reporting

- (1) As soon as practicable after the end of each reporting period, the Scottish Ministers must—
  - (a) publish, and
  - (b) lay before the Scottish Parliament,
 a report setting out progress made in the reporting period towards achieving the outcomes set out in the national good food nation plan, by reference to the indicators or other measures contained in the plan by virtue of [section 1\(3\)\(b\)](#).
- (2) In relation to any outcome that the report states is not being achieved at the end of the reporting period, the report must set out—
  - (a) the view of the Scottish Ministers as to whether the policies in the plan which are directed at the achievement of the outcome remain sufficient, and
  - (b) if—
    - (i) the view is that the policies are sufficient, the reasons for the view,
    - (ii) the view is that the policies are insufficient, what action the Scottish Ministers intend to take.
- (3) The report may include such other material in relation to food-related issues as the Scottish Ministers consider appropriate.
- (4) In [this section](#), “reporting period” means—
  - (a) the period of 2 years beginning with the day on which [section 1\(1\)](#) is complied with, and
  - (b) each subsequent period of 2 years.

## 8 Review and revision of plan

- (1) Before the end of—
  - (a) the period of 5 years beginning with the day on which [section 1\(1\)](#) is complied with, and
  - (b) each subsequent period of 5 years,
 the Scottish Ministers must review the national good food nation plan.

- (2) In reviewing the plan, the Scottish Ministers must have regard to any recommendation made by virtue of section 20(3)(a) which was published—
  - (a) if this is the first review, since the plan was published,
  - (b) if this is a subsequent review, since the last review.
- (3) Following a review, the Scottish Ministers may revise the plan as they consider appropriate.
- (4) Sections 1(3) to (6), 2, 4(1) to (3) and 5(1) apply in relation to revising the plan as they apply in relation to the preparation of the plan in the first place.
- (5) As soon as practicable after revising the plan, the Scottish Ministers must—
  - (a) publish, and
  - (b) lay before the Scottish Parliament,the plan as so revised.
- (6) Sections 3(1) and (3) and 4(4) apply in relation to a revised national good food nation plan as they apply in relation to the national good food nation plan in the first place.

## **9 Publication of documents: inclusive communications**

In publishing a document under any of sections 1 to 8, the Scottish Ministers must have regard to the importance of communicating in an inclusive way.

### *Good food nation plans of public bodies*

## **10 Requirements to produce plans**

- (1) Each relevant authority must publish a good food nation plan.
- (2) In this Act, a “relevant authority” is—
  - (a) a health board,
  - (b) a local authority,
  - (c) a specified public authority.
- (3) Subsection (1) must be complied with—
  - (a) in the case of a health board or local authority, before the end of the period of 12 months beginning with the day on which [this section](#) comes into force,
  - (b) otherwise, before the end of the period specified in relation to the authority concerned.
- (4) A relevant authority’s good food nation plan must set out—
  - (a) the main outcomes in relation to food-related issues which the relevant authority wants to be achieved within the relevant authority’s areas of responsibility,
  - (b) indicators or other measures by which progress in achieving the outcomes may be assessed, and
  - (c) the policies which the relevant authority intends to pursue in order to secure the achievement of the outcomes.
- (5) A relevant authority’s good food nation plan may include such other material in relation to food-related issues as the relevant authority considers appropriate.

- (6) In determining the content of its good food nation plan, a relevant authority must have regard to the scope for food-related issues to affect outcomes in relation to, among other things—
- (a) social and economic wellbeing,
  - (b) the environment, including in particular in relation to—
    - (i) climate change, and
    - (ii) wildlife and the natural environment,
  - (c) health and physical and mental wellbeing (including in particular through the provision of health and social care services),
  - (d) economic development,
  - (e) animal welfare,
  - (f) education,
  - (g) child poverty, and
  - (h) any other matter specified by the Scottish Ministers.

## 11 Preparation of plans: principles

In preparing a good food nation plan under section 10, a relevant authority must have regard to—

- (a) the fact that each part of the food system and supply chain plays an important role in the provision of food,
- (b) the role of a sustainable food system and supply chain in contributing to mitigation of climate change, halting and reversing of loss of biodiversity and improvement in animal welfare,
- (c) the ability of high quality, nutritious and culturally appropriate food to improve the health and physical and mental wellbeing of people,
- (d) the fact that adequate food is a human right (as part of the right to an adequate standard of living set out in Article 11 of the International Covenant on Economic, Social and Cultural Rights) and essential to the realisation of other human rights,
- (e) the importance of the food business sector—
  - (i) continuing to be a thriving part of the Scottish economy,
  - (ii) having resilient supply chains,
  - (iii) operating with fair work standards, and
  - (iv) contributing to resilient local economies across Scotland.

## 12 Preparation of plans: consultation

- (1) In preparing a good food nation plan under [section 10](#), a relevant authority must—
  - (a) publish, and consult on, a draft of the plan, and
  - (b) have regard to any responses to the consultation.
- (2) Those consulted under [subsection \(1\)\(a\)](#) are to be those who the relevant authority considers appropriate.
- (3) In consulting under [subsection \(1\)\(a\)](#), a relevant authority must have regard to the importance of communicating in an inclusive way.

- (4) In consulting under subsection (1)(a), a relevant authority must have regard to the importance of communicating in a way that is effective in engaging children and young people.

### **13 Preparation of plans: consideration of national plan**

In preparing a good food nation plan under [section 10](#), a relevant authority must have regard to the national good food nation plan.

### **14 Statement accompanying plan**

A relevant authority must, when publishing its good food nation plan, publish a statement setting out how in preparing the plan it complied with sections 11 and 13.

### **15 Effect of plans**

A relevant authority must, when exercising a specified function or a function falling within a specified description, have regard to the relevant authority's good food nation plan.

### **16 Reporting**

- (1) As soon as practicable after the end of each reporting period, a relevant authority must publish a report setting out progress made in the reporting period towards achieving the outcomes set out in its good food nation plan, by reference to the indicators or other measures contained in its plan by virtue of [section 10\(4\)\(b\)](#).
- (2) The report may include such other material in relation to food-related issues as the relevant authority considers appropriate.
- (3) In [this section](#), “reporting period” means—
- (a) the period of 2 years beginning with the day on which [section 10\(1\)](#) is complied with by the relevant authority, and
  - (b) each subsequent period of 2 years.

### **17 Review and revision of plans**

- (1) Before the end of—
- (a) the period of 5 years beginning with the day on which [section 10\(1\)](#) is complied with by it, and
  - (b) each subsequent period of 5 years,
- a relevant authority must review its good food nation plan.
- (2) In reviewing its plan, a relevant authority must have regard to any recommendation made by virtue of [section 20\(3\)\(b\)](#) which was published—
- (a) if this is the first review, since the plan was published,
  - (b) if this is a subsequent review, since the last review.
- (3) Following a review, the relevant authority may revise the plan as the relevant authority considers appropriate.

- (4) Sections 10(4) to (6), 11, 12 and 13 apply in relation to revising the plan as they apply in relation to the preparation of the plan in the first place.
- (5) A relevant authority must, when publishing a revised good food nation plan, publish a statement setting out how in revising the plan it complied with sections 11 and 13.
- (6) As soon as practicable after revising the plan, a relevant authority must publish the plan as so revised.

## **18 Publication of documents: inclusive communications**

In publishing a document under any of sections 10 to 17, a relevant authority must have regard to the importance of communicating in an inclusive way.

### *Oversight by food commission*

## **19 Establishment of Scottish Food Commission**

- (1) The Scottish Food Commission (in Gaelic, Coimisean Bidh na h-Alba) is established.
- (2) In this Act, the Scottish Food Commission is referred to as “the Commission”.
- (3) Further provision about the constitution and operation of the Commission is made by the schedule.

## **20 Functions of the Commission**

- (1) The functions of the Commission are—
  - (a) to keep under review—
    - (i) progress in achieving the outcomes in the national good food plan and the good food nation plans of relevant authorities, and
    - (ii) the effectiveness of those plans in addressing food-related issues, and
  - (b) to advise, inform and assist the Scottish Ministers and relevant authorities with a view to—
    - (i) promoting and supporting progress in achieving the outcomes in the national good food nation plan and the good food nation plans of relevant authorities, and
    - (ii) improving the effectiveness of those plans in addressing food-related issues.
- (2) The Commission must have regard to any request by the Scottish Ministers to assist them under subsection (1)(b) in a particular way (for example, by considering and then advising them on a particular matter).
- (3) In pursuance of subsection (1)(b), the Commission may make formal recommendations—
  - (a) to the Scottish Ministers as to action which it considers should be taken in relation to the national good food nation plan,
  - (b) to a relevant authority as to action which it considers should be taken in relation to the authority’s good food nation plan.
- (4) The Commission must publish any formal recommendation it makes.



- (5) Without prejudice to [Part 2](#) of the schedule, the Commission may, in particular, for the purpose of its functions—
- (a) carry out, commission or support any research it considers appropriate,
  - (b) seek any independent and expert advice it considers appropriate,
  - (c) acquire, compile and keep under review information about food-related issues,
  - (d) keep under review implementation of any international obligation of the United Kingdom relating to a food-related issue,
  - (e) have regard to developments in, and information on the effectiveness of, legislation on food-related issues elsewhere in the world.
- (6) The Scottish Ministers may by regulations modify this section so as to—
- (a) confer functions on the Commission,
  - (b) modify the functions of the Commission,
  - (c) remove functions from the Commission.
- (7) But the power conferred by subsection (6) may not be exercised in a way that would result in the Commission having a function which relates (wholly or partly) to something other than the national good food nation plan or the good food nation plans of relevant authorities.

## **21 Independence of the Commission**

- (1) In exercising its functions, the Commission is not subject to the direction or control of any member of the Scottish Government.
- (2) This section is subject to any contrary provision in this or any other enactment.

## **22 Funding and financial assistance**

- (1) The Scottish Ministers may provide financial assistance (including grants, loans, guarantees and indemnities) to the Commission.
- (2) The Scottish Ministers may attach conditions (including conditions as to repayment or the repayment of interest) in respect of any financial assistance provided.
- (3) The Scottish Ministers may, from time to time after financial assistance is provided, vary any conditions attached to it.

## **23 Publication of documents by the Commission: inclusive communication**

In publishing a document under section 20(4) or the schedule, the Commission must have regard to the importance of communicating in an inclusive way.

### *Interpretation*

## **24 Meaning of “food-related issue”**

- (1) In this Act, “food-related issue” means—
- (a) a food matter, or
  - (b) any other matter connected with—

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- (i) the availability of food,
- (ii) the production, processing or distribution of food,
- (iii) the preparation or service of food for consumers.

(2) In [subsection \(1\)](#), “food” and “food matter” have the same meanings as in the Food (Scotland) Act 2015 (see, respectively, sections 53(1) and 54 of that Act).

## 25 Other defined expressions

(1) In this Act—

“communicating in an inclusive way” means communicating in a way that ensures that individuals who have difficulty communicating (in relation to speech, language or otherwise) can receive information and express themselves in ways that best meet their needs,

“the Convention on the Elimination of All Forms of Discrimination Against Women” means the Convention on the Elimination of All Forms of Discrimination Against Women adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979,

“food business sector” means persons carrying out businesses involving—

- (a) any stage of the production, processing or distribution of food, or
- (b) the preparation or service of food for consumers,

“health board” means a board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978,

“the International Covenant on Economic, Social and Cultural Rights” means the International Covenant on Economic, Social and Cultural Rights adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966,

“international instrument”—

- (a) means—
  - (i) any treaty, convention or other international legislative instrument, or
  - (ii) any document issued by an international organisation for the purpose of giving guidance to states, and
- (b) includes any provision of such an instrument,

“international organisation” means an organisation and its subordinate bodies governed by international law, or any other body which is set up by, or on the basis of, an agreement between two or more states,

“public authority” means a person who is—

- (a) a part of the Scottish Administration, or
- (b) a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998),

“relevant authority” has the meaning given in [section 10\(2\)](#),

“specified” means specified in regulations made by the Scottish Ministers,

“the United Nations Convention on the Rights of the Child” means the United Nations Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989.

- (2) A reference in this Act to an international instrument is, unless the reference contains contrary provision, a reference to the instrument as it has effect when [section 5](#) comes into force.

*Ancillary provision*

**26 Ancillary provision**

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act or any provision made under it.
- (2) Regulations under [subsection \(1\)](#) may modify any enactment (including this Act).

*Regulation-making powers*

**27 Regulations**

- (1) A power of the Scottish Ministers to make regulations conferred by any of the preceding provisions includes power to make—
- (a) incidental, supplementary, consequential, transitional, transitory or saving provision,
  - (b) different provision for different purposes.
- (2) Before making regulations under [section 6](#), [10\(2\)\(c\)](#) or [15](#), the Scottish Ministers must—
- (a) consult those persons who the Scottish Ministers consider appropriate, and
  - (b) have regard to any responses to the consultation.
- (3) In consulting under [subsection \(2\)](#), the Scottish Ministers must have regard to the importance of communicating in an inclusive way.
- (4) Regulations under [section 5\(3\)](#) are subject to the affirmative procedure.
- (5) The first regulations under [section 6](#) are subject to the affirmative procedure.
- (6) Subsequent regulations under [section 6](#) are subject to the negative procedure.
- (7) Regulations under [section 10\(2\)\(c\)](#) are subject to the affirmative procedure.
- (8) Regulations under [section 10\(3\)\(b\)](#) or [15](#) are subject to the negative procedure.
- (9) Regulations under [section 10\(6\)](#) are subject to the affirmative procedure.
- (10) Regulations under [section 20\(6\)](#) are subject to the affirmative procedure.
- (11) Regulations under [section 26\(1\)](#)—
- (a) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure,
  - (b) otherwise, are subject to the negative procedure.
- (12) Regulations under Part 5 of the schedule are subject to the affirmative procedure.

*Commencement and short title*

**28 Commencement**

- (1) The following sections come into force on the day after Royal Assent—
  - (a) [section 24](#),
  - (b) [section 25](#),
  - (c) [section 27](#),
  - (d) [this section](#), and
  - (e) [section 29](#).
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.
- (3) Regulations under [subsection \(2\)](#) may—
  - (a) include transitional, transitory or saving provision,
  - (b) make different provision for different purposes.

**29 Short title**

The short title of this Act is the Good Food Nation (Scotland) Act 2022.

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## SCHEDULE

(introduced by section 19)

### SCOTTISH FOOD COMMISSION: CONSTITUTION AND OPERATION

#### PART 1

##### STATUS

###### *Incorporation*

- 1 The Commission is a body corporate.

###### *Exclusion of Crown status*

- 2 The Commission is not to be regarded as a servant or agent of the Crown, or having any status, immunity or privilege of the Crown, nor are its members or its staff to be regarded as civil servants.

#### PART 2

##### POWERS

###### *General powers*

- 3 The Commission may do anything which appears to it to be—
  - (a) necessary or expedient for the purposes of, or in connection with, the exercise of its functions, or
  - (b) otherwise conducive to the exercise of its functions.

#### PART 3

##### PROCEDURE

###### *Committees and sub-committees*

- 4 The Commission may establish committees and sub-committees.

###### *Regulation of procedure*

- 5 The Commission may regulate its own procedure (including quorum) and that of its committees and sub-committees.

###### *Authority to perform functions*

- 6 The Commission may authorise any of its—
  - (a) members,
  - (b) committees,
  - (c) sub-committees, or

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(d) staff,  
to exercise such of its functions (and to such extent) as it may determine.

- 7 The giving of authority under paragraph 6 by the Commission does not—
- (a) affect the Commission’s responsibility for the exercise of its functions, or
  - (b) prevent the Commission from exercising the function itself.

*Validity of things done*

- 8 The validity of anything done by the Commission, its committees or sub-committees is not affected by—
- (a) a vacancy in its membership,
  - (b) a defect in the appointment of a member,
  - (c) the disqualification of a member after appointment.

## PART 4

### ACCOUNTABILITY

*Corporate plan*

- 9 (1) The Commission must submit a corporate plan to the Scottish Ministers.
- (2) Sub-paragraph (1) must be complied with as soon as reasonably practicable after the day this paragraph comes into force.
- (3) The corporate plan must set out how the Commission intends to exercise its functions.
- (4) The corporate plan may include such other material as the Commission considers appropriate.
- (5) The Scottish Ministers must—
- (a) approve the corporate plan,
  - (b) approve the corporate plan with any modifications they consider appropriate, or
  - (c) decline to approve the corporate plan.
- (6) Where the Scottish Ministers intend to approve the corporate plan with modifications, they must consult the Commission before doing so.
- (7) If sub-paragraph (5)(b) or (c) applies, the Commission must, as soon as reasonably practicable, modify the corporate plan and submit the modified plan to the Scottish Ministers.
- (8) Sub-paragraphs (5) to (7) apply to the corporate plan as modified.
- (9) As soon as reasonably practicable after it is approved by the Scottish Ministers—
- (a) the Commission must publish the corporate plan, and
  - (b) the Scottish Ministers must lay a copy of the corporate plan before the Scottish Parliament.
- (10) The Commission—
- (a) may revise the corporate plan at any time, and

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- (b) must revise the corporate plan when required to do so by the Scottish Ministers.
- (11) Sub-paragraphs (1) and (3) to (10) apply to a revised corporate plan as they apply to the first corporate plan.

#### *Accounts and audit*

- 10 (1) The Commission must—
- (a) keep proper accounts and accounting records,
  - (b) prepare in respect of each financial year a statement of accounts, and
  - (c) send a copy of the statement to the Auditor General for Scotland for auditing.
- (2) The Commission must comply with any directions which the Scottish Ministers give it in relation to the matters mentioned in sub-paragraphs (1)(a) and (b).

#### *Annual report*

- 11 The Commission must, as soon as reasonably practicable after each financial year—
- (a) prepare and make publicly available a report of its activities during the year,
  - (b) send a copy of the report to the Scottish Ministers, and
  - (c) lay a copy of the report before the Scottish Parliament.

## **PART 5**

### **MEMBERS**

#### *Commission composition*

- 12 (1) The Commission is to consist of—
- (a) a member to chair it, and
  - (b) at least 2 but no more than 4 other members.
- (2) The Scottish Ministers may by regulations amend sub-paragraph (1)(b) so as to alter the maximum number of members.

#### *Appointment of members*

- 13 (1) The Scottish Ministers are to appoint—
- (a) the chairing member, and
  - (b) the ordinary members.
- (2) Appointments are to be made in accordance with regulations made by the Scottish Ministers.
- (3) A person may be appointed more than once.
- (4) A person who is disqualified from being a member may not be appointed (see paragraph 17).
- (5) Regulations under sub-paragraph (2) may in particular—

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- (a) specify qualifications and experience that a person must have in order to be appointed,
  - (b) require appointments to be made so that a board includes a member who fulfils criteria specified in the regulations,
  - (c) require that regard is had when making appointments to the desirability of a board including a member who fulfils criteria specified in the regulations.
- (6) Criteria, for the purpose of sub-paragraph (5)(b) and (c), may include criteria about a person's—
- (a) having certain qualifications or experiences,
  - (b) holding a certain office,
  - (c) being representative of certain interests.

*Members' tenure and other terms and conditions*

- 14 (1) A person's membership of the Commission continues until the end of the period of appointment (subject to paragraph 16).
- (2) In sub-paragraph (1), "the period of appointment" means the period specified by the Scottish Ministers on appointing the person as a member.
- (3) The Scottish Ministers may determine other terms and conditions of membership, in relation to matters not covered by this schedule.

*Members' remuneration, allowances and pensions*

- 15 (1) The Scottish Ministers may—
- (a) pay members of the Commission remuneration and allowances (including expenses),
  - (b) pay, or make arrangements for the payment of, pensions, allowances and gratuities to, or in respect of, any person who is or has been a member of the Commission.
- (2) The arrangements referred to in sub-paragraph (1)(b) may include—
- (a) making payments towards the provision of those pensions, allowances and gratuities,
  - (b) providing and maintaining schemes for the payment of those pensions, allowances and gratuities.
- (3) The reference in sub-paragraph (1)(b) to pensions, allowances and gratuities includes pensions, allowances and gratuities by way of compensation for loss of office.

*Early termination of membership*

- 16 (1) A person's membership of the Commission ends if—
- (a) the person resigns by written notice given to the Scottish Ministers,
  - (b) the person becomes disqualified from being a member (see paragraph 17), or
  - (c) the Scottish Ministers give the person written notice that the person is removed from the Commission.
- (2) The Scottish Ministers may remove a member of the Commission by virtue of sub-paragraph (1)(c) only if they consider that the member is—



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

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- (a) unfit to continue to be a member, or
- (b) unable to exercise the member's functions.

#### *Disqualification from membership*

- 17 (1) A person is disqualified from being a member of the Commission if the person is—
- (a) disqualified from being a member by virtue of section 19 of the Ethical Standards in Public Life etc. (Scotland) Act 2000,
  - (b) disqualified from being the director of a company registered under the Companies Act 2006 in Great Britain.
- (2) The Scottish Ministers may by regulations modify this paragraph to add or remove descriptions of persons disqualified from being a member of the Commission.
- (3) Regulations under sub-paragraph (2) may not repeal sub-paragraph (1)(a).

## **PART 6**

### **STAFF**

#### *Appointment of staff*

- 18 The Commission may appoint staff.

#### *Staff terms and conditions*

- 19 Staff appointed by the Commission are appointed on such terms and conditions as the Scottish Ministers approve.

#### *Staff pensions, allowances and gratuities*

- 20 (1) The Commission may pay, or make arrangements for the payment of, pensions, allowances and gratuities to, or in respect of, any person who is or has been a member of its staff.
- (2) But the Commission may not make those payments or arrangements without the Scottish Ministers' approval.
- (3) The arrangements referred to in sub-paragraph (1) may include—
- (a) making payments toward the provision of pensions, allowances and gratuities,
  - (b) providing and maintaining schemes for the payment of pensions, allowances and gratuities.
- (4) The reference in sub-paragraph (1) to pensions, allowances and gratuities includes pensions, allowances and gratuities by way of compensation for loss of office.

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

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## PART 7

### APPLICATION OF LEGISLATION RELATING TO PUBLIC BODIES

#### *Amendment of public bodies' legislation*

- 21 (1) In the Ethical Standards in Public Life etc. (Scotland) Act 2000, in schedule 3 (devolved public bodies), after the entry relating to the Scottish Fiscal Commission insert— “The Scottish Food Commission”.
- (2) In the Freedom of Information (Scotland) Act 2002, in Part 7 of schedule 1 (non-ministerial office holders in the Scottish Administration), after paragraph 85ZA insert—  
“85ZAA The Scottish Food Commission”.
- (3) In the Public Appointments and Public Bodies etc. (Scotland) Act 2003, in schedule 2 (the specified authorities), under the heading “Executive bodies”, after the entry relating to the Scottish Fiscal Commission insert— “The Scottish Food Commission”.
- (4) In the Public Services Reform (Scotland) Act 2010, in schedule 8 (listed public bodies), after the entry relating to the Scottish Fiscal Commission insert— “The Scottish Food Commission”.
- (5) In the Public Records (Scotland) Act 2011, in the schedule, under the heading “Others” after the entry relating to the Scottish Fire and Rescue Service insert— “The Scottish Food Commission”.
- (6) In the Procurement Reform (Scotland) Act 2014, in Part 3 of the schedule (contracting authorities: others), after paragraph 50 insert—  
“50A The Scottish Food Commission”.