

# Wellbeing and Sustainable Development (Scotland) Bill

[AS INTRODUCED]

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**THE FOLLOWING ACCOMPANYING DOCUMENTS ARE ALSO PUBLISHED:  
Explanatory Notes (SP Bill 63-EN), a Financial Memorandum (SP Bill 63-FM), a Policy  
Memorandum (SP Bill 63-PM), a Delegated Powers Memorandum (SP Bill 63-DPM) and  
statements on legislative competence (SP Bill 63-LC).**

# Wellbeing and Sustainable Development (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to require public bodies, when exercising their functions, to have due regard for the need to promote wellbeing and sustainable development; and to provide for the establishment and functions of a Future Generations Commissioner for Scotland; and for connected purposes.

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## **PART 1**

### WELLBEING AND SUSTAINABLE DEVELOPMENT

#### **1 Duty**

- (1) A public body must, in the exercise of its functions, have due regard for the need to promote wellbeing and sustainable development.
- 10 (2) A public body must, when exercising its duty under subsection (1), have regard to any guidance published under section 5(2)(a) or (b).

#### **2 Sustainable development**

“Sustainable development” is development that improves wellbeing in the present without compromising the wellbeing of future generations.

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#### **3 Wellbeing**

- (1) “Wellbeing” means the ability of individuals, families and other groups within society to enjoy—
- (a) personal dignity, including respect for their choices and beliefs,
- (b) freedom from fear, oppression, abuse and neglect,
- 20 (c) good physical, mental and emotional health,
- (d) participation in meaningful activity including work, education, training and recreation,
- (e) an adequate standard of living including suitable and affordable accommodation, food, clothes and energy,

- (f) access to the natural environment for health, leisure and relaxation.
- (2) The Scottish Ministers may by regulations amend subsection (1) to add, remove or vary the factors included within the definition of wellbeing.
- (3) Regulations made under subsection (2) are subject to the affirmative procedure.

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## PART 2

### THE FUTURE GENERATIONS COMMISSIONER FOR SCOTLAND

#### *Establishment*

#### **4 The Future Generations Commissioner for Scotland**

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- (1) The office of the Future Generations Commissioner for Scotland is established.
- (2) Schedule 1 makes further provision about the office.

#### *Function*

#### **5 General Function**

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- (1) The Commissioner's general function is to promote the wellbeing of future generations by promoting sustainable development by public bodies in all aspects of their decisions, policies and actions.
- (2) In exercising the general function, the Commissioner is to—
  - (a) prepare and publish guidance for public bodies about the exercise of their duty under section 1(1),
  - (b) from time to time review the guidance published under paragraph (a) and, if it considers it appropriate, publish updated guidance,
  - (c) promote awareness and understanding amongst public bodies of wellbeing and sustainable development,
  - (d) keep under review the law, policy and practice relating to wellbeing and sustainable development with a view to assessing the adequacy and effectiveness of such law, policy and practice in giving effect to wellbeing and sustainable development,
  - (e) promote best practice by public bodies, and
  - (f) promote, commission, undertake and publish research on matters relating to wellbeing and sustainable development.

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#### *Investigations*

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#### **6 Carrying out investigations**

- (1) The Commissioner may carry out general investigations and individual investigations within the limitations imposed by this section and section 7.
- (2) The Commissioner may not carry out an investigation—
  - (a) if it would relate to a reserved matter,

(b) so far as it would relate to—

- (i) the making of decisions or taking of action in particular legal proceedings before a court or tribunal, or
- (ii) a matter which is the subject of legal proceedings before a court or tribunal.

5        **7        General and individual investigations**

- (1) A general investigation is an investigation into whether, by what means and to what extent public bodies have regard to wellbeing and sustainable development in making decisions, developing policy or taking actions.
- 10        (2) The Commissioner may carry out a general investigation only if the Commissioner, having considered the available evidence on, and any information received about, the matter, is satisfied on reasonable grounds that the matter to be investigated raises an issue of particular significance to the wellbeing of future generations.
- 15        (3) An individual investigation is an investigation into whether, by what means and to what extent one or more public bodies have had regard to wellbeing and sustainable development in making a particular decision, adopting a particular policy or taking a particular action.
- (4) Subsection (5) applies in relation to a matter about which the Commissioner may carry out an individual investigation.
- 20        (5) Where the Commissioner considers that the matter may be capable of being resolved without an investigation, the Commissioner may with a view to securing that outcome take such steps as the Commissioner considers appropriate.

**8        Initiation and conduct of investigation**

- (1) Before taking any steps in the conduct of an investigation, the Commissioner must—
  - 25        (a) draw up terms of reference for the investigation, and
  - (b) take such steps as appear to the Commissioner to be appropriate with a view to bringing notice of the investigation and terms of reference to the attention of persons likely to be affected by it.
- (2) Investigations are to be conducted in public except to the extent that the Commissioner considers that the taking of evidence in private is necessary or appropriate.

30        **9        Investigations: witnesses and documents**

- (1) The Commissioner may require any person—
  - 35        (a) to give evidence on any matter within the terms of reference of an investigation, or
  - (b) to produce documents in the custody or control of that person which have a bearing on any such matter.
- (2) The Commissioner may not impose such a requirement on any person whom the Scottish Parliament could not require, under section 23 of the Scotland Act, to attend its proceedings for the purpose of giving evidence or to produce documents.
- 40        (3) Schedule 2 makes further provision with respect to witnesses and documents and the sanctions for non-compliance with a requirement under this section.

## **10 Reports on investigations**

- (1) The Commissioner must, at the conclusion of any investigation, prepare a report of the investigation.
- (2) The report must state—
  - (a) the Commissioner’s findings in relation to the issue investigated, and
  - (b) the Commissioner’s recommendations in light of those findings.
- (3) The Commissioner must lay investigation reports before the Scottish Parliament.
- (4) The Commissioner must publish investigation reports as soon as is practicable after laying the report before the Scottish Parliament.

## **11 Requirement to respond**

- (1) In relation to any recommendation made in an investigation report, the Commissioner may include a requirement to respond.
- (2) A requirement to respond is a requirement that a public body provides, within such period as the Commissioner reasonably requires, a statement in writing to the Commissioner setting out—
  - (a) what the public body has done or proposes to do in response to the recommendation, or
  - (b) if the public body does not intend to do anything in response to the recommendation, the reasons for that.
- (3) If a report of an investigation includes a requirement to respond, the Commissioner must give a copy of the report to the public body who is required to respond.
- (4) If an investigation report includes a requirement to respond, the Commissioner must, in whatever manner the Commissioner considers appropriate—
  - (a) publish any written responses to a recommendation together with any such comments on that response that the Commissioner considers appropriate, or
  - (b) publicise a public body’s failure to comply with a requirement to respond to a recommendation.

### *Strategic plan, annual reports and other reports*

## **12 Strategic plans**

- (1) The Commissioner must, in respect of each 4 year period—
  - (a) prepare and publish a strategic plan, and
  - (b) lay a copy of the plan before the Scottish Parliament before the beginning of the 4 year period to which it relates.
- (2) Before publishing a strategic plan, the Commissioner must consult on a draft of it with—
  - (a) the Parliamentary corporation, and
  - (b) such other persons as the Commissioner thinks appropriate.
- (3) The reference in subsection (2)(b) to other persons includes a committee of the Scottish Parliament.

- (4) A strategic plan is a plan setting out how the Commissioner proposes to perform the Commissioner's functions during the period covered by the plan and, in particular, setting out—
- (a) what the Commissioner's objectives and priorities are for that period,
  - (b) how the Commissioner proposes to achieve them,
  - (c) what the timetable is for doing so, and
  - (d) estimates of the costs of doing so.
- (5) The Commissioner may, at any time, review and revise a strategic plan.
- (6) If the Commissioner reviews and revises a strategic plan—
- (a) subsections (1) to (5) apply to a revised strategic plan as they do to a strategic plan, and
  - (b) the reference in subsection (1) to the 4 year period is to be read as a reference to the period to which the revised strategic plan relates.
- (7) In this section, “4 year period”—
- (a) means the period of 4 years beginning on 1 April next following the coming into force of this section, and
  - (b) each subsequent period of 4 years.
- (8) The Commissioner may vary the start date and length of the period mentioned at sub-paragraph (7)(a) if—
- (a) the period as varied is more than 3 years and less than 5 years,
  - (b) the period as varied ends on 31 March of the relevant year, and
  - (c) the Parliamentary corporation has approved the variation.

### **13 Annual report**

- (1) The Commissioner must, in respect of each reporting year—
- (a) prepare and publish an annual report on the exercise of the Commissioner's functions during the reporting year, and
  - (b) lay a copy of the report before the Scottish Parliament within 7 months after the end of that reporting year.
- (2) The annual report must include—
- (a) a review of issues identified by the Commissioner in the reporting year as being relevant to the promotion of wellbeing and sustainable development,
  - (b) a review of the Commissioner's activity in the reporting year, including the steps taken to fulfil each of the Commissioner's functions,
  - (c) any recommendations by the Commissioner arising out of such activity, and
  - (d) an overview of work to be undertaken by the Commissioner in the year following the reporting year.
- (3) In preparing the report, the Commissioner must comply with any direction given by the Parliamentary corporation as to the form and content of the report.
- (4) In this section, “reporting year” means a year beginning on 1 April.

**14 Other reports**

- (1) The Commissioner may lay before the Scottish Parliament any report, in addition to reports under sections 10 and 13, prepared by the Commissioner if the Commissioner considers it appropriate to do so.
- (2) If the Commissioner lays a report before the Scottish Parliament under this section, the Commissioner must publish that report as soon as is practicable after laying the report before the Scottish Parliament.

*Protection from actions of defamation***15 Protection from actions of defamation**

- (1) For the purposes of the law of defamation—
- (a) any statement made to the Commissioner has absolute privilege,
  - (b) any statement made by the Commissioner has absolute privilege if it is made—
    - (i) in conducting an investigation under this Act,
    - (ii) in communicating with any person for the purposes of such an investigation,
    - (iii) in a report published under this Act,
  - (c) any other statement made by the Commissioner has qualified privilege.
- (2) In this section—
- (a) a reference to a statement being made to or by the Commissioner—
    - (i) includes a statement being made to or by (as the case may be) a member of the Commissioner’s staff,
    - (ii) does not include a statement made to or by (as the case may be) an individual when the individual is not acting in the individual’s capacity as the Commissioner or a member of the Commissioner’s staff,
  - (b) “statement” has the same meaning as in the Defamation and Malicious Publication (Scotland) Act 2021.

*Final provisions***16 Application of public authorities legislation**

Schedule 3 modifies other enactments so that their provisions apply to the office of Commissioner.

**PART 3**

## ANCILLARY PROVISIONS

**17 Interpretation and application**

- (1) In this Act—
- “action” includes failure to act and related expressions are to be construed accordingly,



“best practice” means such practice in relation to wellbeing and sustainable development as appears to the Commissioner to be desirable,

“Commissioner” means the Future Generations Commissioner for Scotland,

“Parliamentary corporation” means the Scottish Parliamentary Corporate Body,

“Scotland Act” means the Scotland Act 1998 (c. 46),

“Scottish Law Officer” means the Lord Advocate or the Solicitor General for Scotland.

(2) For the purposes of this Act (unless the context otherwise requires), a reference to a “public body”—

(a) includes a reference to—

(i) a Scottish public authority, and

(ii) so far as not falling within sub-paragraph (i), a cross-border public authority, (but only in relation to functions exercisable in or as regards Scotland which do not relate to reserved matters), but

(b) does not include any court or tribunal or body exercising the judicial power of the state.

(3) This Act applies only in relation to the exercise of functions by public bodies in or as regards Scotland which do not relate to reserved matters.

## **18 Commencement**

(1) This section, sections 4, 17 and 19 and schedule 1 come into force on the day after Royal Assent.

(2) The other provisions of this Act come into force at the end of a period of 6 months beginning with the day of Royal Assent.

## **19 Short title**

The short title of this Act is the Wellbeing and Sustainable Development (Scotland) Act 2025.

SCHEDULE 1  
*(introduced by section 4)*

THE OFFICE OF FUTURE GENERATIONS COMMISSIONER FOR SCOTLAND

**PART 1**

STATUS AND INDEPENDENCE

*Legal personality*

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

*Exclusion of Crown Status*

- 10      2 (1) The Commissioner—
- (a) is not a servant or agent of the Crown, and
- (b) does not enjoy any status, immunity or privilege of the Crown.
- (2) The Commissioner's property is not to be regarded as property of, or property held on behalf of, the Crown.
- 15      (3) Individuals working as the Commissioner's staff are not, on that account, to be regarded as civil servants.

*Independence*

- 3 (1) The Commissioner is not, except as provided in the provisions listed in sub-paragraph (2), subject to the direction or control of—
- 20        (a) any member of the Scottish Parliament,
- (b) the Scottish Ministers, or
- (c) the Parliamentary corporation.
- (2) The provisions referred to in sub-paragraph (1) are—
- 25        (a) section 12(8), 13(3), and
- (b) paragraphs 6, 7(3), 9, 10(2), 10(4), 13(1), 14, 15, 17(1), 18(1) and (2), 19(1), and 20(2) and 22(3) of this schedule and paragraph 8 of schedule 2.

**PART 2**

APPOINTMENT, TERMINATION AND TERMS AND CONDITIONS

*Appointment*

- 30      4 (1) The office of Commissioner is to be held by an individual appointed by His Majesty on the nomination of the Scottish Parliament.
- (2) An individual may not be appointed to hold the office of Commissioner if the individual is disqualified under paragraph 5.
- (3) An individual who holds or has held the office of Commissioner may not be reappointed.

*Disqualification from appointment*

5 An individual is disqualified from holding the office of Commissioner if the individual is or, within the year preceding the date on which the appointment is to take effect, has been—

- 5
- (a) a member of the Scottish Parliament,
  - (b) a member of the House of Commons, or
  - (c) a member of the House of Lords.

*Tenure*

10 6 Subject to paragraph 7, the Commissioner holds office for such period, not exceeding 8 years, as the Parliamentary corporation determines at the time of appointment.

*Early termination*

7 (1) The Commissioner's appointment ends if—

- 15
- (a) the Commissioner is relieved of office by His Majesty at the Commissioner's request,
  - (b) the Commissioner becomes disqualified from holding office (see paragraph 5), or
  - (c) the Commissioner is removed from office in accordance with sub-paragraph (2).

(2) The Commissioner may be removed from office by His Majesty if—

- 20
- (a) either of the conditions in sub-paragraph (3) is met, and
  - (b) the number of members voting in favour of the resolution referred to in the condition in question is at least two thirds of the total number of seats for members of the Scottish Parliament.

(3) The conditions are—

- 25
- (a) that—
    - (i) the Parliamentary corporation is satisfied that the Commissioner has breached the Commissioner's terms and conditions of appointment, and
    - (ii) the Scottish Parliament resolves that the Commissioner should be removed from office for that breach,
  - (b) the Scottish Parliament resolves that it has lost confidence in the Commissioner's willingness, suitability or ability to perform the Commissioner's functions.

30 *Validity of things done*

8 The validity of things done by the Commissioner is not affected by—

- (a) a defect in the nomination of the Commissioner, or
- (b) the disqualification of an individual as the Commissioner after appointment.

*Remuneration, allowances and pensions*

- 9 (1) The Parliamentary corporation may pay the Commissioner such remuneration and allowances (including expenses) as the Parliamentary corporation determines.
- 5 (2) The Parliamentary corporation must indemnify the Commissioner in respect of any liabilities incurred by the Commissioner in the exercise of the Commissioner's functions.
- (3) The Parliamentary corporation may pay, or make arrangements for the payment of, such pensions, allowances and gratuities to, or in respect of, any individual who holds or has held the office of Commissioner as the Parliamentary corporation determines.
- (4) Those arrangements may include—
- 10 (a) making payments towards the provision of those pensions, allowances and gratuities, and
- (b) providing and maintaining schemes for the payment of those pensions, allowances and gratuities.
- 15 (5) The reference in sub-paragraph (3) to pensions, allowances and gratuities includes pensions, allowances and gratuities by way of compensation for loss of office.

*Acting Future Generations Commissioner*

- 10 (1) This paragraph applies during any period when—
- (a) the office of Commissioner is vacant, or
- 20 (b) the individual holding the office of Commissioner is for any reason unable to perform the Commissioner's functions.
- (2) The Parliamentary corporation may appoint an individual to act as the Commissioner during that period.
- (3) An individual is eligible for appointment under sub-paragraph (2) only if the individual is not—
- 25 (a) prevented from being reappointed to the office of Commissioner by virtue of paragraph 4(3),
- (b) disqualified from holding the office of Commissioner under paragraph 5.
- (4) An individual appointed under sub-paragraph (2)—
- 30 (a) is appointed on such terms and conditions, and for such period, as the Parliamentary corporation determines,
- (b) while acting as Commissioner is to be treated as the Commissioner for all purposes except those of paragraphs 6, 7, and 9(3).

### **PART 3**

#### GENERAL POWERS

##### *General powers*

- 11 (1) The Commissioner may do anything which appears to the Commissioner—
- 5 (a) necessary or expedient in order to achieve, or in connection with the exercise of the Commissioner's functions, or
- (b) to be otherwise conducive to the exercise of those functions.
- 12 (1) The Commissioner may determine and charge reasonable sums for anything done or provided by the Commissioner in the performance of, or in connection with, the Commissioner's functions.
- 10 (2) Any sums received by the Commissioner by virtue of sub-paragraph (1) are to be retained by the Commissioner and applied to meet expenditure incurred in doing or providing whatever is charged for.

##### *Restrictions on general powers in relation to the acquisition or disposal of land*

- 15 13 (1) The Commissioner may not acquire or dispose of land without the approval of the Parliamentary corporation.
- (2) In sub-paragraph (1), the reference to acquiring or disposing of land includes acquiring or disposing of—
- (a) any right or interest in or over land,
- 20 (b) a servitude or other right in or over land by the creation of a new right.

### **PART 4**

#### STAFF AND OFFICES

##### *Appointment of staff*

- 25 14 (1) The Commissioner may, with the consent of the Parliamentary corporation as to numbers, appoint staff.
- (2) Staff appointed by the Commissioner are appointed on such terms and conditions as the Commissioner, with the approval of the Parliamentary corporation, determines.

##### *Advisors and other services*

- 30 15 (1) The Commissioner may obtain advice, assistance or any other service from any person who, in the opinion of the Commissioner, is qualified to give it.
- (2) The Commissioner may pay to that person such fees and allowances as the Commissioner determines.
- (3) Any payment under sub-paragraph (2) is subject to the approval of the Parliamentary corporation.

*Staff pensions*

- 16 (1) The Commissioner may, with the approval of the Parliamentary corporation, pay or make arrangements for the payment of pensions, allowances and gratuities to, or in respect of, any individual who is or has been a member of staff of the Commissioner.
- 5 (2) Those arrangements 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.
- 10 (3) The reference in sub-paragraph (1) to pensions, allowances and gratuities includes pensions, allowances and gratuities by way of compensation for loss of office.

*Authority to perform functions*

- 17 (1) The Commissioner may authorise any person to perform such of the Commissioner's functions (and to such extent) as the Commissioner determines.
- 15 (2) The giving of authority under sub-paragraph (1) does not—
- (a) affect the Commissioner's responsibility for the performance of the functions,
  - (b) prevent the Commissioner from performing the functions.

*Directions about premises and sharing of resources*

- 20 18 (1) The Commissioner must comply with any direction given to the Commissioner by the Parliamentary corporation in relation to—
- (a) the location of the Commissioner's office,
  - (b) the sharing of premises, staff, services or other resources.
- (2) A direction under this section may vary or revoke a previous direction.
- 25 (3) The Parliamentary corporation is to make any direction under this section publicly available.

**PART 5**

ACCOUNTS AND ACCOUNTABILITY

*Budget*

- 30 19 (1) The Commissioner must, before the start of each financial year—
- (a) prepare proposals for the Commissioner's use of resources and expenditure during the year (a "budget"), and,
  - (b) by such date as the Parliamentary corporation determines, send the budget to it for approval.
- 35 (2) The Commissioner may, in the course of a financial year, prepare a revised budget for the remainder of the year and send it to the Parliamentary corporation for approval.

- (3) In preparing a budget or revised budget, the Commissioner must ensure that the Commissioner's resources will be used economically, efficiently and effectively.
- (4) A budget or revised budget must contain a statement confirming that the Commissioner has complied with the duty under sub-paragraph (3).

5 *Accountable officer*

20 (1) The Parliamentary corporation must designate the Commissioner or a member of the Commissioner's staff as the accountable officer.

(2) The functions of the accountable officer are—

(a) signing the accounts of the expenditure and receipts of the Commissioner,

10 (b) ensuring the propriety and regularity of the finances of the Commissioner,

(c) ensuring that the resources of the Commissioner are used economically, efficiently and effectively, and

(d) where the accountable officer is not the Commissioner, the duty set out in sub-paragraph (3).

15 (3) The duty referred to in sub-paragraph (2)(d) is a duty, where the accountable officer is required to act in a way that the accountable officer considers would be inconsistent with the proper performance of the functions specified in sub-paragraph (2)(a) to (c), to—

(a) obtain written authority from the Commissioner before taking the action, and,

20 (b) send a copy of that authority as soon as possible to the Auditor General for Scotland,

(4) The accountable officer is answerable to the Scottish Parliament for the performance of the functions specified in sub-paragraph (2).

*Accounts and audit*

25 21 (1) The Commissioner 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.

30 (2) The Commissioner must comply with any direction from the Scottish Ministers in relation to the matters mentioned in sub-paragraph (1)(a) and (b).

(3) The Commissioner must make the audited statement of accounts available, without charge, for inspection by any person at all reasonable times.

SCHEDULE 2  
*(introduced by section 9)*

INVESTIGATIONS: SUPPLEMENTARY PROVISIONS ON WITNESSES AND DOCUMENTS

*Requirement to give evidence or produce documents*

- 5 1 (1) A requirement under section 9 is imposed by the Commissioner giving the person in question notice in writing specifying—
- (a) the time and place at which the person is to attend before the Commissioner and the particular subjects concerning which that person is required to give evidence, or
- 10 (b) the documents, or types of documents, which that person is to produce, the date by which that person is to produce them, and the particular subjects concerning which they are required.
- (2) Such notice must be given—
- (a) in the case of an individual, by sending it, by registered post or the recorded delivery service, addressed to that person at the person's usual or last known address or, where the person has given an address for service, at that address,
- 15 (b) in any other case, by sending it, by registered post or the recorded delivery service, addressed to the person at the person's registered or principal office.

*Privileges*

- 20 2 (1) A person is not obliged under this Act to answer any question or to produce any document which that person would be entitled to refuse to answer or produce in proceedings in a court in Scotland.
- (2) A Scottish Law Officer or a procurator fiscal is not obliged under this Act to answer any question or to produce any document which that officer would be entitled to decline
- 25 to answer or to produce in accordance with section 27(3) or, as the case may be, section 23(10) of the Scotland Act.

*Evidence on oath or affirmation*

- 3 (1) The Commissioner may—
- (a) administer an oath to any person giving evidence to the Commissioner, and
- 30 (b) require that person to take an oath.
- (2) Any person who refuses to take an oath when required to do so under this paragraph is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a period not exceeding three months.
- (3) In this paragraph, “oath” includes “affirmation”.

35 *Admissibility of statements in subsequent criminal proceedings*

- 4 Any statement made by a person in answer to any question which that person was obliged under this Act to answer is not admissible in any criminal proceedings against



that person, except where the proceedings are in respect of perjury relating to that statement.

*Offences*

- 5 (1) A person commits an offence if the following three conditions are met.
- 5 (2) The first condition is that the person has been given a notice under paragraph 1.
- (3) The second condition is that the person is not privileged under paragraph 2.
- (4) The third condition is that the person—
- (a) refuses or fails to attend before the Commissioner as required by the notice,
- 10 (b) refuses or fails, when attending before the Commissioner as required by the notice, to answer any question concerning the subjects specified in the notice,
- (c) deliberately alters, suppresses, conceals or destroys any document which that person is required to produce by the notice, or
- (d) refuses or fails to produce any such document.
- 15 (5) It is a defence for a person charged with an offence under sub-paragraph (4)(a), (b) or (d) to prove that there was a reasonable excuse for the refusal or failure.
- (6) A person who commits an offence under this paragraph is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a period not exceeding three months.

*Offences by bodies corporate and partnerships*

- 20 6 (1) This paragraph applies if a body corporate has committed an offence under paragraph 5.
- (2) A person commits the same offence if the following two conditions are met.
- (3) The first condition is that the person is—
- (a) a director, manager, secretary or other similar officer of the body corporate,
- 25 (b) a member of a body corporate with management functions where the body corporate is managed by its members,
- (c) a partner of a body corporate which is a partnership, or
- (d) any person who was purporting to act in any capacity mentioned at sub-paragraphs (3)(a) to (c).
- 30 (4) The second condition is that the person—
- (a) consented to, or connived in, the offence committed by the body corporate, or
- (b) the offence committed by the body corporate was attributable to any neglect by the person.
- 35 (5) A person who commits an offence under this paragraph is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a period not exceeding three months.

*Producing copies or extracts*

7 For the purposes of section 9 and this schedule a person complies with a requirement to produce a document if that person produces a copy of, or an extract of the relevant part of, the document.

5 *Allowances and expenses*

8 The Commissioner may pay such allowances and expenses to persons giving evidence before the Commissioner or producing documents which they have been required or requested to produce as the Commissioner may, with the agreement of the Parliamentary corporation, determine.

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SCHEDULE 3  
*(introduced by section 16)*

PUBLIC AUTHORITIES LEGISLATION

*Freedom of Information (Scotland) Act 2002*

15 1 In Part 7 of schedule 1 of the Freedom of Information (Scotland) Act 2002 (Scottish public authorities to which the Act applies), after paragraph 63A, insert—  
“63B The Future Generations Commissioner for Scotland.”.

*Public Services Reform (Scotland) Act 2010*

20 2 In schedule 5 of the Public Services Reform (Scotland) Act 2010 (Scottish public authorities with mixed or no reserved functions to which Part 2 order-making powers apply), after the entry relating to David MacBrayne Ltd, insert—  
“Future Generations Commissioner for Scotland”.

*Public Records (Scotland) Act 2011*

25 3 In the schedule of the Public Records (Scotland) Act 2011 (other authorities to which Part 1 applies), after the entry relating to the First-tier Tribunal for Scotland, insert—  
“Future Generations Commissioner for Scotland”.

*Procurement Reform (Scotland) Act 2014*

4 In Part 3 of the schedule of the Procurement Reform (Scotland) Act 2014 (other contracting authorities to which the Act applies), after paragraph 30 insert—  
“30A Future Generations Commissioner for Scotland”.



# Wellbeing and Sustainable Development (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to require public bodies, when exercising their functions, to have due regard for the need to promote wellbeing and sustainable development; and to provide for the establishment and functions of a Future Generations Commissioner for Scotland; and for connected purposes.

Introduced by: Sarah Boyack  
On: 27 March 2025  
Bill type: Member's Bill

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