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Commissioner  
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# Decision Notice 171/2026

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## Fred the Eagle

Applicant: The Applicant

Authority: Chief Constable of the Police Service of Scotland

Case Ref: 202501612

### Summary

The Applicant asked the Authority for information related to the case involving Fred the Eagle. The Authority disclosed some information and withheld the remaining information under various exceptions under the EIRs. The Commissioner investigated and found that the Authority had correctly refused to make some information available but had wrongly withheld other information. He required the Authority to disclose certain information to the Applicant.

### Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2) and (6) (General entitlement); 39(2) (Health, safety and environment); 47(1) and (2) (Application for decision by Commissioner).

The Environmental Information (Scotland) Regulations 2004 (the EIRs) regulations 2(1) (definition of “the Act”, “applicant”, “the Commissioner” and “environmental information”) (Interpretation); 5(1) (Duty to make environmental information available on request); 10(1), (2), 4(e), 5(b) (Exceptions from duty to make environmental information available); 11(2) (Personal data); 17(1), (2)(a), (b) and (f) (Enforcement and appeal provisions).

United Kingdom General Data Protection Regulation (the UK GDPR) Article 4(1) (definition of “personal data”) (Definitions).

Data Protection Act 2018 (the DPA 2018) sections 3(2), 3(3) (definition of “personal data and “identifiable living individual”) (Terms relating to the processing of personal data).

## Background

1. On 3 October 2023, the Applicant made a request for information to the Authority. They asked for all evidence and correspondence relating to the case involving Fred the Eagle as they understood that this case was now closed and was no longer time barred.
2. For context, Fred the Eagle, a golden eagle tagged by Raptor Persecution UK, disappeared in January 2021 after the signal to his tag was lost.
3. The Authority responded on 31 October 2023. It advised the Applicant that the information requested was exempt from disclosure under the exemptions in sections 34(1)(a)(i) and (b) and 35(1)(a) and (b) of FOISA.
4. On 7 December 2023, the Applicant wrote to the Authority requesting a review of its decision. They stated that they were dissatisfied with the decision because they did not agree that the public interest favoured withholding the information. They asked whether, due to impending political changes, would it not be in the public interest to show the actual circumstances of this case.
5. The Authority notified the Applicant of the outcome of its review on 8 January 2024. It repeated its earlier response, relying on the same exemptions to withhold the information falling within the scope of the Applicant's request.
6. On 21 March 2024, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. This resulted in the Commissioner issuing [Decision 057/2025](#)<sup>1</sup>, which found that the information requested was environmental information and that the Authority should have responded in terms of the EIRs. The Commissioner required the Authority to provide a response to the Applicant's requirement for review in terms of 16 of the EIRs.
7. The Authority notified the Applicant of the outcome of its revised review on 17 April 2025. It provided some information to the Applicant and withheld the remaining information under the exceptions in regulations 10(4)(e), 10(5)(b) and 11(2) of the EIRs.
8. On 10 September 2025, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. By virtue of regulation 17 of the EIRs, Part 4 of FOISA applies to the enforcement of the EIRs as it applies to the enforcement of FOISA, subject to specified modifications. The Applicant stated that they were dissatisfied with the outcome of the Authority's review because they considered that the redactions had been very heavy handed.

## Investigation

9. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.
10. On 10 October 2025, the Authority was notified in writing that the Applicant had made a valid application. The Authority was asked to send the Commissioner the information withheld

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<sup>1</sup> <https://www.foi.scot/decision-0572025>

from the Applicant. The Authority provided the information, and the case was subsequently allocated to an investigating officer.

11. Section 49(3)(a) of FOISA requires the Commissioner to give public authorities an opportunity to provide comments on an application. The Authority was invited to comment on this application and to answer specific questions related to its reasons for withholding the information from the Applicant under the various exceptions in the EIRs it had relied upon.

## **Commissioner's analysis and findings**

12. The Commissioner has considered all of the submissions made to him by the Applicant and the Authority.

### ***Handling in terms of the EIRs***

13. When information falls within the scope of the definition of "environmental information" in regulation 2(1) of the EIRs, a person has the right to access it (and the public authority a corresponding obligation to respond) under the EIRs, subject to various restrictions and exceptions contained in the EIRs.
14. For the reasons set out in paragraphs 17-24 of Decision 057/2025, the Commissioner is satisfied that the information requested by the Applicant falls within the definition of environmental information set out in regulation 2(1) of the EIRs.

### ***Regulation 5(1) of the EIRs – Duty to make environmental information available***

15. Regulation 5(1) of the EIRs requires a Scottish public authority which holds environmental information to make it available when requested to do so by any applicant. This obligation relates to information that is held by the authority when it receives a request.
16. On receipt of a request for environmental information, therefore, the authority must ascertain what information it holds falling within scope of the request. Having done so, regulation 5(1) requires the authority to make that information available, unless a qualification in regulations 6 to 12 applies (regulation 5(2)(b)).
17. Under the EIRs, a Scottish public authority may refuse to make environmental information available if one of the exceptions in regulation 10 apply and, in all the circumstances, the public interest in making the information available is outweighed by that in maintaining the exception.

### ***Information falling within the scope of the request***

18. The Authority identified 27 documents falling within the scope of the Applicant's request, some of which were disclosed subject to certain redactions under various exceptions in the EIRs while others were withheld in full.

### ***Regulation 10(4)(e) – Internal communications***

19. Regulation 10(4)(e) allows authorities to refuse to disclose internal communications. This is a class-based exception, meaning that there is no need to consider whether disclosure of the communication would cause harm before applying the exception.
20. For information to fall within the scope of the exception in regulation 10(4)(e) of the EIRs, it need only be established that the information is an internal communication.

21. As with all exceptions in regulation 10 of the EIRs, it is subject to the public interest test in regulation 10(1)(b) and, in line with regulation 10(1)(a), must be interpreted in a restrictive way with a presumption in favour of disclosure.
22. The Authority withheld information within documents 1-5 on the basis that it comprised internal communications. It submitted that this information was internal to the Authority and had not been shared externally.
23. Having reviewed the information in documents 1-5, the Commissioner is satisfied that the information in all of these documents (with the exception of document 2) comprise internal communications and the cited exception is relevant. He will therefore go on to consider, as required by regulation 10(1)(b) of the EIRs, whether the public interest in making this information available is outweighed by the public interest in maintaining the exception.
24. However, the Commissioner is not satisfied that the information within document 2 meets the criteria of an internal communication as there is one sender/recipient from an external organisation. This indicates that the information within document 2 had been shared externally to the Authority and is therefore not an internal communication for the purposes of regulation 10(4)(e) of the EIRs.
25. The Commissioner therefore finds that the Authority wrongly relied upon the exception in regulation 10(4)(e) of the EIRs in relation to the information in document 2. As the Authority is also withholding this information under the exception in regulation 10(5)(b) of the EIRs, he will go on to consider whether this exception applies later in his decision notice.

#### ***The public interest test – regulation 10(4)(e)***

##### ***The Applicant's submissions***

26. The Applicant considered that the case relating to Fred the Eagle was significant in bringing about changes to legislation that had affected many in the gamekeeping sector. They believed there was public interest in the facts of the case being made known, rather than spurious accusations that led to widespread animosity towards the sector and the members it represented.

##### ***The Authority's submissions***

27. The Authority submitted that the withheld information in question related to internal communications generated during the handling of the investigation into the disappearance of Fred the Eagle. This information comprised internal discussions and operational exchanges created for the purpose of managing a police response and included deliberative material such as internal assessments of evidence, intelligence, operational considerations, investigative strategy and internal advice and decision making.
28. The Authority submitted that disclosure of this information would undermine the ability of the Authority to communicate freely and frankly when planning and conducting investigations. It also argued that disclosure could reveal policing methodology, which would weaken the effectiveness of future investigations.
29. The Authority recognised that there was a public interest in disclosure of the withheld information in question in relation to transparency around wildlife crime investigations and how the Authority responded to environmental harm. It also acknowledged that disclosure would promote accountability in the handling of protected species.

30. However, the Authority considered there was a stronger public interest in ensuring that it could maintain a private space for internal discussion which it considered was essential for effective law enforcement decision making. It submitted that it was important that officers could exchange views candidly without concern that preliminary /untested information would be made public.
31. The Authority also considered it important to ensure that operational policing methods were not exposed in a way that could compromise future investigations and to preserve integrity of any potential future inquiry. It argued that premature or unrestricted disclosure of internal communications would risk weakening investigative capability, discouraging frank internal dialogue and undermining the administration of justice.
32. In all of the circumstances, the Authority concluded that the public interest in maintaining the exception outweighed that in disclosure, given the need to protect the integrity of its internal deliberations and methods in relation to the disappearance of Fred the Eagle and any future investigations.

*The Commissioner's view*

33. The Commissioner has carefully considered the submissions of both parties, together with the withheld information.
34. The Commissioner acknowledges the public interest in ensuring that the Authority has a private space in which to consider and explore options, which it considered was essential for effective law enforcement decision making.
35. The Commissioner accepts that this requires the Authority to have confidence that they can communicate ideas and opinions without fear that they will routinely be made public through disclosure in response to an FOI request. He also notes the Authority's position that, should any new information come to light, the investigation could be reopened and reinvestigated.
36. Having carefully considered the withheld information, the Commissioner accepts the relevance of the above arguments in relation to the information withheld in documents 1, 3 and 4. He acknowledges that there is a strong public interest in allowing the Authority a private space in which to consider and explore such matters without concern that this information would be made public.
37. For this information, the Commissioner is satisfied that the public interest in making the information available is outweighed by that in maintaining the exception. He therefore finds that the Authority was entitled to withhold this information under the exception in regulation 10(4)(e) of the EIRs. Consequently, he will not go on to consider whether the Authority was also entitled to withhold this information under the exception in regulation 10(5)(b) of the EIRs.
38. However, the Commissioner does not accept the relevance of the above arguments in relation to the information withheld in document 5. This information relates to an FOI request made by another party and the information disclosed by the Authority in response to that request.
39. Given that this information is already in the public domain as a result of the Authority's response to a previous FOI request, the Commissioner cannot accept that disclosure of that information would result in any harm to the Authority.
40. While the fact that this information is already in the public domain reduces the public interest in its disclosure in response to this request, the Commissioner finds that the information

would nevertheless be informative to the Applicant in this case and, given the presumption in favour of disclosure set out by regulation 10(2)(b) of the EIRs, he finds that the public interest favours the disclosure of this information.

41. However, given that the Authority is also withholding the information in document 5 under the exception in regulation 10(5)(b) of the EIRs, the Commissioner will go on to consider whether the Authority was entitled to withhold this information under that exception.

***Regulation 10(5)(b) – Prejudice to the ability of any public authority to conduct an inquiry of a criminal nature***

42. Regulation 10(5)(b) of the EIRs provides that a Scottish public authority may refuse to make environmental information available to the extent that its disclosure would, or would be likely to, prejudice substantially the course of justice, the ability of a person to receive a fair trial or the ability of any public authority to conduct an inquiry of a criminal or disciplinary nature.
43. As with all exceptions under regulation 10 of the EIRs, a Scottish public authority applying this exception must interpret it in a restrictive way and apply a presumption in favour of disclosure (regulation 10(2)). Even where the exception applies, the information must be available unless, in all the circumstances, the public interest in making the information available is outweighed by that in maintaining the exception (regulation 10(1)(b)).
44. There is no definition of “substantial prejudice” in the EIRs. However, the standard to be met in applying this test is high. The word “substantial” is important here: the harm caused or likely to be caused, by disclosure must be of real and demonstrable significance. The risk of harm must be real or very likely, not simply a remote or hypothetical possibility.
45. The Authority relied on this exception to refuse to provide information (other than personal data) in all of the documents referred to in paragraph 18, except document 27. As noted above, the Commissioner will not consider the Authority’s reliance on this exception in relation to the information in documents 1, 3 and 4, given his conclusion that the Authority was entitled to rely on the exception in regulation 10(4)(e) of the EIRs to withhold this information.

***The Applicant’s submissions***

46. The Applicant did not provide any specific arguments in relation to this exception, other than their general view that the Authority had been heavy handed in its redaction of the information.

***The Authority’s submissions***

47. The Authority argued that disclosure of the withheld information in question would undermine the ability of the Authority and its partners to conduct an inquiry of a criminal nature as it would reveal the tactics the Authority adopted in an attempt to disrupt and investigate this activity.
48. While the investigation was closed, the Authority noted that, should any new information come to light, the investigation could be reopened and reinvestigated. It considered that premature disclosure could therefore undermine the effectiveness of any future inquiry.
49. More specifically, the Authority submitted that disclosure of the withheld information in question would prejudice the Authority’s ability to conduct/conclude any investigation, reveal operational methodology by alerting individuals who might be of interest, compromise the integrity of evidence and discourage witnesses from cooperating.

50. The Authority also commented that there were links between illegal activity and organised criminality. Disclosure of the detailed means by which these activities were investigated by the authorities would be used by those involved in this type of crime, and with the means to do so, to frustrate and disrupt investigations by the authorities. It considered that disclosure would therefore substantially prejudice the ability of the Authority and UK National Wildlife Crime Unit to detect criminal activity of this type and to protect this particular type of wildlife environment from illegal and harmful raptor persecution.

*The Commissioner's view*

51. The Commissioner has carefully considered the submissions of both parties, together with the withheld information.
52. The Commissioner acknowledges the Authority's position that, should new evidence be discovered, it would be free to reopen the investigation and to revisit the evidence and information already gathered. He accepts that disclosure of information pertaining directly to the investigation into the public domain (which is the result of a disclosure under the EIRs) would be likely to substantially prejudice the Authority's ability to conduct an inquiry of a criminal nature into the disappearance of Fred the Eagle and into this type of environmental and wildlife crime more generally.
53. In particular, the Commissioner considers that alerting those who may seek to harm golden eagles (or other protected species) to the way in which the Authority conducts its operations would be likely to assist them in evading detection. Disclosure would, therefore, have prejudiced substantially, or would have been likely to prejudice substantially, the Authority's ability to conduct an inquiry of a criminal nature into this type of environmental and wildlife crime.
54. In all of the circumstances, the Commissioner is satisfied that disclosure of most of the withheld information would, or would be likely to, prejudice substantially the Authority's ability to conduct an inquiry of a criminal nature. He therefore finds that this information was properly excepted from disclosure under regulation 10(5)(b) of the EIRs.
55. For this information, he must go on to consider the public interest test in regulation 10(1)(b) of the EIRs. This specifies that a public authority may only withhold information to which an exception applies where, in all the circumstances, the public interest in making the information available is outweighed by the public interest in maintaining the exception.
56. However, the Commissioner is not satisfied that disclosure of some of the withheld information in document 5, 7, 8 and 14 would, or would be likely to, result in the substantial prejudice required for the exception in regulation 10(5)(b) of the EIRs to be engaged.
57. The Commissioner discussed the information in document 5 earlier in his decision notice in relation to the exception in regulation 10(4)(e) of the EIRs. It concerned another FOI request that was responded to by the Authority, with the information being provided to that requester. He therefore cannot see the harm in disclosure of this information to any inquiry of a criminal nature conducted by the Authority, either at the time of the review or in the future.
58. The Commissioner notes that the information in documents 7 and 8 relate to the preparation of a statement for the media. The Authority was unable to confirm whether the media statement contained in document 8 was ever used. Document 7 is a discussion about the preparation of the media statement and possible use.

59. The Commissioner notes that the information in document 8 was prepared in a way that would allow its disclosure, presumably so as not to harm any inquiry of a criminal nature conducted by the Authority, either at the time of the review or in the future. He also notes that the information in document 7 simply contains the view of an employee of the Authority on the potential use of the media statement in document 8.
60. The information in document 14 is an email chain involving the Authority and a third-party organisation, relating to the way the circumstances of Fred the Eagle's disappearance had been discussed/described rather to the specific details of the investigation itself. It is therefore difficult for the Commissioner to envisage that disclosure of this information would, or would be likely to, cause substantial prejudice to the ability of the Authority to conduct an inquiry of a criminal nature.
61. Based on the submissions provided by the Authority and the nature of the information in documents 7, 8 and 14, the Commissioner does not believe he has any option but to find that the Authority has not evidenced the required substantial prejudice for the exception in regulation 10(5)(b) of the EIRs to be engaged. It is for the Authority to provide the required evidence of harm, not for the Commissioner to go out and find it or make the case on behalf of the Authority.
62. In all of the circumstances, the Commissioner therefore finds that the Authority was not entitled to rely on the exception in regulation 10(5)(b) to withhold the information in documents 5, 7, 8 and 14. Having found the exception was wrongly relied upon, the Commissioner does not need to go on to consider the public interest in relation to this information.
63. Given that the Authority has not withheld the information in documents 7 and 8 under an alternative exception, and his finding in relation to document 5 that the exception regulation 10(4)(e) was not engaged, the Commissioner requires the Authority to disclose this information to the Applicant. He will specify to the Authority the information to be disclosed (subject to the redaction of certain third-party personal data).
64. However, the Authority also applied the exception in regulation 11(2) of the EIRs to the information it had withheld in document 14 under the exception in regulation 10(5)(b). The Commissioner will therefore consider later in this Decision Notice whether the Authority was entitled to withhold this information under the exception in regulation 11(2) of the EIRs.

### ***Public interest test - regulation 10(5)(b)***

#### ***The Applicant's submissions***

65. The Commissioner has had regard to the public interest arguments made by the Applicant as set out in paragraph 26 above.

#### ***The Authority's submissions***

66. The Authority recognised there was a public interest in transparency to inform the public about the level of wildlife crime investigations, how these were conducted and accountability for the protection of endangered species. However, it stated that there was a countervailing public interest in enabling public authorities to pursue their statutory activities.
67. In the circumstances, the Authority submitted that there was a stronger public interest in maintaining the exception in regulation 10(5)(b) of the EIRs to ensure that it could conduct investigations effectively, without interference or compromise, and so that potential future enforcement action was not undermined. It argued that individuals' rights and the integrity of

the justice process were protected and that it was important that sensitive operational information was not exposed, which could hinder law enforcement capability in other cases.

68. The Authority described other investigations that it had been engaged in involving golden eagles missing or harmed in Scotland. It referred to research which it stated indicated that up to 31% of young tracked eagles had disappeared under suspicious circumstances, which was hindering the recovery of the species, and it highlighted that RSPB Scotland had described the scale of these disappearances as evidence of “systematic, organised criminality”. It commented that these were not isolated incidents but part of a wider organised network.

#### *The Commissioner's view*

69. The Commissioner has carefully considered the submissions of both parties, together with the withheld information.
70. The Commissioner recognises that there is a strong public interest in transparency, particularly regarding matters of environmental and wildlife protection, and in the gamekeeping and land management sector being aware of how the Authority conducts criminal inquiries of this nature. He also acknowledges the importance placed on disclosure of this information by the Applicant, given their belief that the circumstances of this case influenced changes to the legislation relating to countryside management.
71. The Commissioner agrees that disclosure of the withheld information would have the effect of enhancing public understanding of how the Authority conducted its investigation into the disappearance of Fred the Eagle and that it would otherwise generally inform the public on how the Authority investigates matters of environmental and wildlife protection.
72. However, the Commissioner must also bear in mind the relevance of the information to the Authority's ability to conduct inquiries of a criminal nature. There is a clear public interest in the Authority's ability to conduct such inquiries without being undermined by the information requested being disclosed under the EIRs.
73. The Commissioner has already accepted that disclosure of this information would, or would be likely to, prejudice substantially the Authority's ability to conduct an inquiry of a criminal nature. He does not consider it would be in the public interest to place into the public domain information that could hinder the Authority's inquiries and effectiveness in the investigation of matters of environmental and wildlife protection.
74. In all the circumstances, the Commissioner considers that there is a greater public interest in protecting the ability of the Authority to conduct inquiries of a criminal nature than in disclosure of the withheld information.
75. Having carefully considered the public interest arguments put forward by both the Applicant and the Authority, the Commissioner has concluded that the public interest in making the information available is, on balance, outweighed by the public interest in maintaining the exception in regulation 10(5)(b) of the EIRs.
76. The Commissioner is therefore satisfied that the Authority was, and is, entitled to withhold the information in documents 2, 6, 9-13 and 15-26 under the exception in regulation 10(5)(b) of the EIRs.

## **Regulation 11(2) – Personal information**

77. The Applicant confirmed that they were not interested in obtaining personal data such as names of individuals and contact details. As such, the Commissioner will first consider whether the information the Authority has withheld in various documents under regulation 11(2) of the EIRs does meet the definition of personal data as defined in section 3(2) of the DPA 2018.
78. “Personal data” are defined in section 3(2) of the DPA 2018 as “any information relating to an identified or identifiable individual”. Section 3(3) of the DPA 2018 defines “identifiable living individual” as a living individual who can be identified, directly or indirectly, in particular by reference to –
- (a) An identifier such as a name, an identification number, location data, or an online identifier, or
  - (b) One or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.
79. Information will “relate to” a person if it is about them, linked to them, has biographical significance for them, is used to inform decisions affecting them, or has them as its main focus. An individual is “identified” or “identifiable” if it is possible to distinguish them from other individuals.
80. The Commissioner has carefully considered the information the Authority withheld under the exception in regulation 11(2) of the EIRs. For the most part, the Commissioner agrees that this information relates to identified (or identifiable) individuals, given that it comprises the names, contact details and job titles of individuals. He is therefore satisfied that this information is personal data in terms of section 3(2) of the DPA 2018.
81. However, the Commissioner does not accept that all of the information withheld under regulation 11(2) of the EIRs is personal data in terms of section 3(2) of the DPA 2018. In particular, there are instances of the Authority withholding as personal data the names of companies/organisations in email address suffixes (e.g. “...@exampledomain.com”).
82. The Commissioner’s [guidance](#)<sup>2</sup> on regulation 11 of the EIRs states (at paragraph 89) that:
- “... it’s important to keep redactions to the minimum necessary to remove the risk of identification. This is particularly relevant where valuable context would be lost otherwise – consider, for example, whether the full email address needs to be redacted or just that part with the employee’s name (the rest is still likely to help the requester understand where the communications in question originated and were sent to).”
83. The Authority also withheld under regulation 11(2) of the EIRs the designation of a staff member that it has disclosed elsewhere. The Commissioner does not accept that this information is personal data in terms of section 3(2) of the DPA 2018.
84. As stated above, the Authority also applied the exception in regulation 11(2) of the EIRs to withhold information in document 14. This information comprised all of the substantive content of the emails within that document.
85. Having carefully considered the substantive content of these emails, the Commissioner does not consider that this information is personal data in terms of section 3(2) of the DPA 2018,

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<sup>2</sup> [EIRsGuidanceRegulation11Personaldata.pdf](#)

particularly given that the Applicant has confirmed that they were not interested in receiving personal data such as names and contact details. The content of these emails simply shows a discussion of a matter related to the disappearance of Fred the Eagle. Absent the disclosure of the names of the individuals involved in or referred to in these discussions, the Commissioner does not accept that this information relates to, or would lead to the identification of, living individuals.

86. As the Commissioner has concluded that the information described above is not personal data in terms of section 3(2) of the DPA 2018, he must find that the Authority was not entitled to withhold this information under the exception in regulation 11(2) of the EIRs.
87. Given that the Authority has either not withheld the information described above under an alternative exception in the EIRs or it has but the Commissioner has found that alternative exception does not apply, the Commissioner requires the Authority to disclose this information to the Applicant. He will specify to the Authority the information to be disclosed to the Applicant.

## Decision

The Commissioner finds that the Authority partially complied with the Environmental Information (Scotland) Regulations 2004 (the EIRs) in responding to the information request made by the Applicant.

The Commissioner finds that, by relying on regulations 10(4)(e) and 10(5)(b) to withhold some of the information requested, the Authority complied with the EIRs.

However, the Commissioner finds that, by wrongly relying on regulations 10(4)(e), 10(5)(b) and 11(2) to withhold some of the information requested, the Authority failed to comply with the EIRs.

The Commissioner therefore requires the Authority to disclose to the Applicant the information wrongly withheld under regulations 10(4)(e), 10(5)(b) and 11(2) of the EIRs, by **14 August 2026**. He will specify to the Authority the information to be disclosed to the Applicant.

## Appeal

Should either the Applicant or the Authority wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

## **Enforcement**

If the Authority fails to comply with this decision, the Commissioner has the right to certify to the Court of Session that the Authority has failed to comply. The Court has the right to inquire into the matter and may deal with the Authority as if it had committed a contempt of court.

**Euan McCulloch**  
**Head of Enforcement**

**30 June 2026**