Scottish Information Commissioner
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Decision Notice 256/2026

Levelling-Up project – Monikie and Crombie

Applicant: The Applicant
Authority: Angus Council
Case Ref: 202500263

Summary

The Applicant asked the Authority for all documents delivered by Urban Foresight for a contract for a Levelling-Up project to develop Monikie and Crombie country parks. The Authority withheld the information as it considered it to be commercially sensitive. The Commissioner investigated and found that the Authority had correctly withheld some information but wrongly withheld other information. He required the Authority to disclose the wrongly withheld information.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2) and (6) (General entitlement); 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) and (5)(e) (Exceptions from making environmental information available); 17(1), (2)(a), (b) and (f) (Enforcement and appeal provisions).

Background

1. On 2 November 2023, the Applicant requested all the documents that were delivered by Urban Foresight (UF) under the contract titled "Consultant for Angus Levelling Up project - Monikie and Crombie".

2. Having received no response to his request for information, the Applicant wrote to the Authority on 13 December 2023 to request a review.

3. The Authority responded to the Applicant's requirement for review on 15 December 2023. It withheld the information requested under the exemption in section 30(c) of FOISA.

4. On 26 December 2023, 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 Notice 281/2024[1], 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 regulation 16 of the EIRs.

5. The Authority notified the Applicant of the outcome of its review on 23 January 2025. It withheld all of the information requested under the exception in regulation 10(5)(e) of the EIRs.

6. On 16 February 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 he was dissatisfied with the outcome of the Authority's review because he did not agree that the exception in regulation 10(5)(e) of the EIRs applied.

Investigation

7. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.

8. On 13 March 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 from the Applicant. The Authority provided the information, and the case was subsequently allocated to an investigating officer.

9. 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 reliance on the exception in regulation 10(5)(e) of the EIRs.

Commissioner's analysis and findings

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

Handling in terms of the EIRs

11. 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.

[1] https://www.foi.scot/decision-2812024

12. For the reasons set out in paragraphs 14-18 of Decision 281/2024, 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.

13. The Commissioner will therefore consider the request in what follows solely in terms of the EIRs.

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

14. 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.

15. 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)).

16. 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.

Regulation 10(5)(e) of the EIRs – Confidentiality of commercial or industrial information

17. The Authority identified 24 documents (some of which were duplicates) falling within the scope of the Applicant's request, all of which were withheld in full under the exception in regulation 10(5)(e) of the EIRs.

18. Regulation 10(5)(e) 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 confidentiality of commercial or industrial information where such confidentiality is provided for by law to protect a legitimate economic interest.

19. The Aarhus Convention: An Implementation Guide[2] which offers guidance on the interpretation of the Convention from which the EIRs are derived, notes (on page 87) that the first test for considering this exception is whether national law expressly protects the confidentiality of the withheld information. The law must explicitly protect the type of information in question as commercial or industrial secrets. Secondly, the confidentiality must protect "a legitimate economic interest".

20. Having taken this guidance into consideration, the Commissioner's view is that, before regulation 10(5)(e) of the EIRs can be engaged, authorities must consider the following matters:

    (i) Is the information publicly available?

    (ii) Is the information industrial or commercial in nature?

    (iii) Does a legally binding duty of confidence exist in relation to the information – express or implicit?

    (iv) Would disclosure of the information cause, or be likely to cause, substantial harm to a legitimate economic interest?

[2] https://unece.org/environment-policy/publications/aarhus-convention-implementation-guide-second-edition

Submissions from the Applicant on regulation 10(5)(e)

21. The Applicant did not agree with the Authority's decision to apply the exception in regulation 10(5)(e) of the EIRs for two principal reasons.

22. Firstly, the Applicant considered that the Authority had provided no reasons for why there would be a significant probability that substantial prejudice would occur if the information was disclosed. Furthermore, the Authority had not shown that any prejudice would be real, actual and cause significant harm.

23. Secondly, the Authority had not demonstrated that there was any legally binding duty of confidence in relation to the information. He did not consider that the Authority had identified any legitimate economic interests or commercially sensitive information, such as trade secrets, nor had it shown that there could be substantial harm to such legitimate economic interests. He argued that those entering into contracts with Scottish public authorities were well aware that information held may be subject to disclosure in terms of either FOISA or the EIRs and that, therefore, confidentiality could not be considered to be implicit in contracts of this nature.

24. Additionally, the Applicant disputed the Authority's position that the information in the documents requested were part of a "work in progress", not "definitive in their own right" or otherwise "incomplete". He noted that this was a fixed term contract the scope of which was defined.

25. The Applicant also commented that months of work by the consultant followed and built on two years of work by the Authority into proposals to develop Monikie and Crombie country parks. He submitted that these documents were extremely relevant as they could be picked up at any time to progress development of the parks if funding became available.

Submissions from the Authority on regulation 10(5)(e)

26. In its initial submissions, the Authority stated that the information withheld was not publicly available. However, in later submissions, it noted that Documents 8 and 23 and Documents 18 and 19 were already in the public domain via Engage Angus It also acknowledged that some of the information in Document 22 had been disclosed in response to Decision 089/2025[3], which considered tender documents submitted by Urban Foresight for the Levelling-Up project.

27. The Authority submitted that the information was commercial or industrial in nature because it comprised work produced by UF which involved insights, strategies and data that were directly related to the business operations of the Authority.

28. The Authority explained that the information was in an unrefined format without any approval or application of internal governance and comprised pieces of work in progress. The information included proprietary methodologies, market analysis, financial projections and strategic recommendations that were confidential and unconfirmed at that stage.

29. The Authority highlighted that the project outcome was not concluded and, as such, there was no work taken forward for formal approval, and that the information contained suggestions and recommendations put forward by UF based on their own research and market intel.

[3] https://www.foi.scot/decision-0892025

30. As such, the Authority commented that the information included aspects that did not align with the Authority's overarching business strategy or priorities. It noted that information of this type would typically be released within the acceptable parameters upon confirmation of approval, in line with its internal governance and the applicable procurement regulations.

31. The Authority submitted that, should the project be reinstated at any point, it was imperative that any previous workstreams were not disclosed to competitors or the public, to protect the authenticity of any incoming bid.

32. In its initial submissions, the Authority stated that a duty of confidence existed as the information had been supplied as part of a tendering or procurement process, which carried an implied duty of confidence until such time as the procurement regulations required certain information to be released. It emphasised that the information was not available to the public in its current format and had been provided in circumstances importing an obligation of confidentiality.

33. During the investigation, the Commissioner asked the Authority for further submissions around this matter. In particular, in relation to a link from the initial invitation to tender[4] on the Public Contracts Scotland website to the Conditions of Contract[5] and Clause 11 that referred to confidentiality and sharing of information.

34. The Authority responded that the contract terms were such that disclosure would still be limited if such details were likely to prejudice substantially the commercial interests of any person (Clause 11.1). It also submitted that, in this case, Clauses 11.6, 11.7 and 11.8 were removed from the Conditions of Contract at the request of UF, which the Authority agreed to and subsequently confirmed in the award letter.

35. The Authority stated that the legitimate economic interests of UF and the Authority itself would, or would be likely to be, harmed if the withheld information was disclosed.

36. The Authority submitted that disclosure of the withheld information would, or would be likely to, cause substantial harm to the legitimate economic interests of UF and the Authority for the following reasons:

    (i) The work produced by UF would have drawn upon data and methodologies from their own intellectual property and sharing this information would essentially share their intellectual property to the public at large for free, resulting in significant financial and commercial implications;

    (ii) Disclosure could provide competitors of UF with a competitive advantage, by enabling others to replicate their strategies diminishing UF's market advantage;

    (iii) Some of the information was sensitive in nature and disclosure could impact on the confidence among the public and local suppliers as to the future plans of the Authority;

    (iv) Maintaining the confidentiality of information generated by UF was crucial for building and retaining trust. Disclosure of sensitive information would dissuade others from engaging, leading to a lack of competition, variety and quality resulting in a negative impact financially when seeking best value;

    (v) Attracting and maintaining staff was a real and current problem. Disclosure of work that was essentially a work in progress would lead to external scrutiny by unqualified

[4] https://www.publiccontractsscotland.gov.uk/search/show_view.aspx?ID=MAY479746

[5] https://www.angus.gov.uk/media/conditions_of_contract_consultancy_services

persons, resulting in a negative impact on mental wellbeing of valuable employees. This in turn had financial and operational implications for vacancies and long-term absenteeism.

37. The Authority confirmed that it had not consulted UF specifically on this matter as all works pertaining to the project were the Authority's property. However, it said it had a moral duty to protect the integrity of all of its third-party dealings and the stance it had adopted in this case was the one it would take for any other such appointments.

38. During the investigation, the Commissioner asked the Authority to consider each of the documents falling within the scope of the request and to identify what specific information in each document was sensitive (and therefore subject to the exception in regulation 10(5)(e) of the EIRs) and why.

39. The Authority responded by providing a table describing specific information within the documents (i.e. not all of the information) as being subject to the exception in regulation 10(5)(e) of the EIRs and setting out its reasoning for this.

40. In general, the Authority submitted that this information, if it were disclosed, would enter information about UF and their approach into the public domain which could impact future competitive processes. More specifically, the Authority argued that disclosure:

- would provide details about UF's track-record, costing and working practices, which could undermine the UF's ability to compete in future tenders and compromise the Authority's ability to secure best value;
- would reveal speculative proposals before formal approval, which could result in confusion or criticism, undermining confidence in the Authority's governance and planning processes;
- would disclose works in progress containing suggestions or recommendations put forward by the UF based on their own research and intelligence, which could allow a competitor significant insight into UF's project approach;
- might cause substantial harm to UF and the Authority as the withheld information contained pre-decision thinking, commercial data and privileged advice.

The Commissioner's view on regulation 10(5)(e)

41. In the following, the Commissioner will consider if the Authority was justified in withholding information under regulation 10(5)(e) of the EIRs.

42. As stated in many previous decisions, the disclosure or withholding of information in one case should not be taken to mean that information in a similar case would necessarily require to be disclosed or withheld. As the Commissioner has made clear in many other decision notices, each case must be considered separately and on a case-by-case basis.

Is the information publicly available?

43. When determining whether information was properly withheld, the Commissioner must make his assessment in relation to the specific circumstances of the case on each occasion and, as recognised by the Court of Session in Scottish Ministers v Scottish Information Commissioner [2006] CSIH 8 [6](at paragraph [31]), at the time of the review (at the latest).

[6] https://www.bailii.org/scot/cases/ScotCS/2007/CSIH_8.html

44. The Commissioner has examined the withheld information and accepts that most of it was not in the public domain at the time of the review outcome.

45. However, the Authority has acknowledged that some of the information (i.e. Documents 8 and 23 and 18 and 19) was in the public domain via Engage Angus. The exception in regulation 10(5)(e) of the EIRs cannot apply to information in the public domain. The Commissioner therefore requires the Authority to disclose this information to the Applicant.

46. The Commissioner notes that some information within Documents 1 and 2 was disclosed by the Authority in response to Decision 089/2025. However, this information was disclosed on 14 May 2025 (i.e. it postdated the review outcome in this case). The Commissioner accepts that this information was not in the public domain at the time of the review in this case (i.e. 23 January 2025).

Is the information industrial or commercial in nature?

47. The withheld information comprises documents prepared by UF and provided to the Authority in performance of a consultancy contract relating to the proposed Levelling-Up project for Monikie and Crombie country parks.

48. The Commissioner recognises that UF is a commercial organisation and that the withheld information was produced as part of services it had been engaged, and paid, to provide to the Authority.

49. In that context, the Commissioner accepts that most of the withheld information is commercial in nature for the purposes of the exception in regulation 10(5)(e) of the EIRs.

50. However, it is difficult to accept that all of the information withheld is commercial or industrial in nature. Some of the information that was withheld cannot be regarded, on an objective reading, as being information of commercial or industrial nature in the sense intended by the exception in the EIRs. Although the information may occur within a context accepted by the Commissioner (above) as commercial, there are instances where the actual information does not have that nature.

51. Nevertheless, in order to determine the Authority's reliance on the exception in regulation 10(5)(e) of the EIRs, the Commissioner will go on to consider the remaining requirements of the exception for all of the withheld information (other than the information in respect of which he has found the exception cannot apply because it was in already in the public domain at the time of the review).

Does a legally binding duty of confidence exist?

52. In terms of regulation 10(5)(e) of the EIRs, confidentiality "provided by law" will include confidentiality imposed on any person under the common law of confidence, under a contractual obligation, or by statute.

53. The Commissioner does not accept that contractual terms or custom and practice, of themselves, mean that all information identified should be, or will be, automatically considered confidential. To accept such a proposition would essentially give public authorities the ability to withhold such information under the EIRs, regardless of whether the information in question is confidential. The Commissioner is required to focus on the nature of any withheld information to determine whether a duty of confidence should stand.

54. Having reviewed the withheld information and the Authority's submissions, the Commissioner is satisfied that it is reasonable (with the exception of the information already in the public

domain) to treat it as confidential. It is not generally accessible to the public already and it was communicated by UF to the Authority in circumstances importing an expectation of confidentiality.

Would disclosure of the information cause, or be likely to cause, substantial harm to a legitimate economic interest?

55. The term "legitimate economic interest" is not defined in the EIRs. In the Commissioner's view, the interest in question should be financial, commercial or otherwise "economic" in nature. The prejudice to that interest must be substantial: in other words, it must be of real and demonstrable significance.

56. The Commissioner accepts that disclosure of some of the withheld information in this case would be likely to cause substantial prejudice to the legitimate economic interests of UF. He accepts that disclosure of this information, given its specific detail and nature, would allow a competing company to gain significant insight into UF's pricing, approach to projects and vision.

57. The Commissioner has reached this conclusion having carefully considered the withheld information and the submissions from both parties. However, the Commissioner would remind the Authority that the Scottish Ministers' Code of Practice on the discharge of functions by Scottish public authorities under FOISA and the Environmental Information (Scotland) Regulations 2004 (the Section 60 Code[7]) recommends third-party consultation in all cases where the views of the third party may help the authority determine whether an exemption or exception applies to the information requested (e.g. if disclosure would cause substantial prejudice to that third party's interests or constitute a breach of confidentiality). He would also urge the Authority not to accept requests from contractors to make its confidentiality provisions more restrictive, unless presented with compelling, specific arguments for doing so.

58. The Commissioner is satisfied, therefore, that the Authority was entitled to apply the exception in regulation 10(5)(e) of the EIRs to some of the information falling within the scope of the request.

59. In relation to other information that has been withheld, the Commissioner is not satisfied that the Authority has demonstrated disclosure of that information would cause, or be likely to cause, the substantial harm necessary for the exception in regulation 10(5)(e) of the EIRs to be engaged. Just because information relates to a commercial enterprise does not in itself mean that its disclosure will cause harm.

60. The Commissioner accepts that disclosure of commercial information may, in some circumstances, prejudice both the legitimate economic interests of a consultant and the public authority (e.g. where it could impair the public authority's ability to secure best value in future procurements). However, such harm must be demonstrated by reference to the information actually withheld and must be substantial.

61. Having carefully considered the other withheld information, the Commissioner does not consider that it reveals sufficiently unique, technical or commercially sensitive information which competitors could realistically exploit to the detriment of UF. Given the nature of this information, he also does not consider that the Authority has demonstrated how disclosure of

[7] https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2026/03/foi-eir-section-60-code-practice/documents/foi-eir-section-60-code-practice/foi-eir-section-60-code-practice/govscot%3Adocument/foi-eir-section-60-code-practice.pdf

this information would materially weaken its ability to secure best value in future procurements.

62. The Commissioner has also taken account of the fact that the project did not proceed. In his view, this, in general, reduces the sensitivity of information prepared specifically for that project, given that the information will not now be acted upon in that context.

63. The Commissioner acknowledges that broadly similar considerations may be made by UF as part of future projects. However, in his view, the circumstances and requirements of any such project are likely to differ to the extent that the remaining withheld information – which he does not consider to be particularly technical or commercially sensitive – would be likely to be of limited practical value to competitors.

64. Consequently, the Commissioner cannot accept that the Authority can justify the application of regulation 10(5)(e) of the EIRs to some of the withheld information.

65. The Commissioner must find that, by wrongly withholding some information under regulation 10(5)(e), the Authority failed to comply with regulation 5(1) of the EIRs. He requires the Authority to disclose this information to the Applicant. He will provide a marked-up copy of the withheld information to the Authority, indicating what information should be disclosed.

66. To the extent that the Authority is concerned that disclosure of this information might mislead or cause confusion, it can choose to provide a commentary alongside this information, which places it in context or explains its limitations as it sees fit.

The public interest test – regulation 10(5)(e)

67. Having accepted that the exception in regulation 10(5)(e) applies to some of the withheld information, the Commissioner must consider the public interest test in regulation 10(1)(b) of the EIRs. This specifies that a Scottish 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.

The Applicant's submissions about the public interest

68. The Applicant argued that the Authority had not identified, set out or balanced the competing public interest arguments for and against releasing the information. He therefore considered that the Authority had failed to properly apply the public interest test to determine whether, in all of the circumstances of the case, the public interest in maintaining the exception outweighed that in making the information available.

69. The Applicant commented that Monikie and Crombie Parks are public parks that contribute to the quality of life, health and wellbeing of residents of Angus and beyond, through their natural environment, tranquillity and wildlife. He noted that a limited online survey by the Authority in October 2023 received over 1,700 responses and the development of the parks had been subject to a number of newspaper articles and debate on forums and social media. The development of the parks was therefore clearly of great concern and interest to many members of the public.

70. The Applicant argued that disclosure would assist the public debate on the development of the parks. He considered that any proposed changes to these assets should be open to public debate with appropriate public participation in the decision-making process.

71. The Applicant also stated that disclosure would inform the public of any likely impact to the biodiversity, wildlife and natural environment of the parks and allow debate around this

subject. He considered this very important given that it was widely acknowledged, including by the Authority, that the UK is currently in a nature and climate crisis. He noted that the parks contain a number of fragile habitats and are home to a number of legally protected species that could be harmed if not given adequate consideration.

72. The Applicant stated that disclosing the documents would aid transparency and accountability of the Authority's expenditure of the substantial amount of public money involved in the contract. It would allow scrutiny of the expenditure of public funds, to ensure that the public obtained value for money with the contract awarded. He considered that the public should be able to assess that the consultants were competent, knowledgeable and capable and that the objectives of the contract were achieved.

73. The Applicant also believed disclosure of the documents would allow oversight of the decision-making process of the proposed developments. It was important for the decision-making process to be transparent, to ensure that the public could have confidence in future development proposals, and he considered disclosure of the documents would allow the public to assess if there was fair and balanced participation in the decision-making process with appropriate stakeholder and public engagement.

The Authority's submissions about the public interest

74. The Authority acknowledged that there was public interest in disclosure of the information as it would aid transparency and allow scrutiny of the actions of a public authority.

75. However, the Authority considered that the confidential nature of the information, along with the competitive nature of the procurement process, which carried an implied duty of confidence in regard of this confidential information, favoured maintaining the exception.

76. The Authority commented that the lack of finality in the information would, if it were disclosed, cause unnecessary reaction, which would require a corrective statement from the Authority to confirm that the plans were unapproved and not going ahead due to the removal of the funding.

77. On balance, the Authority submitted that the public interest in maintaining the exception outweighed that in providing the information as it did not consider it would be of benefit to the public to have sight of plans which were possibly never going to be approved. It considered that disclosure might be seen as an endorsement of such plans, which might prompt negative reactions or elevate expectations. In its view, all of these factors would be harmful to the Authority's reputation and to the relationship between the public and local government bodies.

The Commissioner's view on the public interest

78. The Commissioner has carefully considered the submissions made by both parties on the public interest test, together with the information to which he accepts the exception in regulation 10(5)(e) of the EIRs applies.

79. The Commissioner recognises the public importance of the parks and the impact that any changes could have had, if the project had proceeded, on their use and enjoyment and the potentially significant impacts on the environment. He also acknowledges the Authority's position about the lack of finality in terms of the project, particularly given that the funding stream is no longer available.

80. The Commissioner has already concluded that disclosure of this information would be likely to cause substantial prejudice to a legitimate economic interest. Such harm would be contrary to the public interest.

81. In the Commissioner's view, it is in the public interest for organisations operating in a commercial environment to be able to trade fairly and provide a viable service in a competitive market. He considers it is in the public interest that UF are not disadvantaged as a result of having entered into contractual arrangements (for a project that never transpired) with the Authority, with a consequential adverse impact on their ability to participate effectively in future competitive exercises.

82. The Commissioner also accepts that, to some extent, organisations might be discouraged from seeking to do business with the Authority for fear of commercially sensitive information being disclosed to the world at large (which is the effect of disclosure under FOI law). This would not be in the public interest.

83. The Commissioner finds this to be a case where the public interest is finely balanced. He considers that the information he is requiring disclosure of will go some way to satisfying the public interest set out by the Applicant.

84. However, having carefully considered the public interest arguments put forward by both parties, and given that the project in question is no longer proceeding, the Commissioner has concluded that the public interest in making the information available (to which he accepts the exception in regulation 10(5)(e) of the EIRs applies) is outweighed by the public interest in maintaining the exception. He is therefore satisfied that the Authority was entitled to withhold the remaining information under regulation 10(5)(e) of the EIRs.

Conclusions

85. The information which is not covered by the exception in regulation 10(5)(e) of the EIRs should have been disclosed by the Authority at review (at the latest). By failing to disclose this information, the Authority failed to comply with regulation 5(1) of the EIRs in this regard. The Commissioner will specify to the Authority the information to be disclosed.

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 correctly relying on regulation 10(5)(e) to withhold some of the information, the Authority complied with the EIRs.

However, by wrongly relying on regulation 10(5)(e) to withhold other information, the Authority failed to comply with the EIRs.

The Commissioner therefore requires the Authority to provide the Applicant with the information that was wrongly withheld, by **20 November 2026**.

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

6 October 2026