

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 7 – Miscellaneous and supplemental

Section 72 – Orders and regulations

162. A statutory instrument made under each of the following sections is subject to annulment by resolution of the Scottish Parliament (this is known as negative resolution):
- section 4(1) (orders relating to the amendment of schedule 1, except those which list an authority in the way mentioned in section 7(1))
 - section 13(1) (regulations relating to fees for disclosure in certain circumstances)
 - section 62(3) (regulations relating to access to environmental information)
163. A statutory instrument made under any of the following sections has to be laid before and approved by resolution of the Scottish Parliament (this is known as affirmative resolution):
- section 4(1) (orders which list an authority in the way mentioned in section 7(1))
 - section 5(1) (orders designating further Scottish public authorities)
 - section 7(2) (orders limiting, or removing any limitation to, the extent to which the Act applies to a Scottish public authority listed in schedule 1)
 - section 7(4)(b) (orders describing information held by a publicly-owned company)
 - section 9(4) (regulations relating to fees and charges)
 - section 10(4) (regulations which vary the time in which a request must be handled)
 - section 12 (regulations relating to excessive cost provisions)
 - section 20(7) (regulations to vary the time limits within which an applicant may request a requirement for review)
 - section 21(6) (regulations to vary the time in which the requirement for review must be considered)
 - section 47(6) (regulations to vary the time in which the Commissioner must reach a decision on an appeal)
 - section 59(1) (orders to vary the periods after which certain exemptions do not apply)

*These notes relate to the Freedom of Information (Scotland)
Act 2002 (asp 13) which received Royal Assent on 28 May 2002*

- section 64(1) (orders which amend or repeal prohibitions on disclosure)