



Freedom of Information (Scotland) Act 2002

2002 asp 13

PART 4

ENFORCEMENT

53 Failure to comply with notice

- (1) If a Scottish public authority has failed to comply with—
 - (a) so much of a notice given to it by the Commissioner under subsection (5) of section 49 as, by virtue of subsection (6)(b) of that section, requires steps to be taken by the authority;
 - (b) an information notice; or
 - (c) an enforcement notice,the Commissioner may certify in writing to the court that the authority has failed to comply with the notice.
- (2) For the purposes of this section, a Scottish public authority which, in purported compliance with an information notice—
 - (a) makes a statement which it knows to be false in a material respect; or
 - (b) recklessly makes a statement which is false in a material respect,is to be taken to have failed to comply with the notice.
- (3) Where a failure to comply is certified under subsection (1), the court may inquire into the matter and, after hearing any witness who may be produced against or on behalf of the authority, and after hearing any statement that may be offered in defence, may deal with the authority as if it had committed a contempt of court.
- (4) In this section, “the court” means the Court of Session.

Modifications etc. (not altering text)

- C1 [S. 53](#) applied (with modifications) (31.12.2009) by [The INSPIRE \(Scotland\) Regulations 2009 \(S.S.I. 2009/440\)](#), [reg. 12\(2\)\(f\)](#), Sch.

Changes to legislation: Freedom of Information (Scotland) Act 2002, Section 53 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

- II** [S. 53](#) wholly in force at 30.4.2004; [s. 53](#) not in force at Royal Assent see [s. 75\(1\)](#); [s. 53](#) in force for certain purposes at 31.10.2003 by [S.S.I. 2003/477](#), [art. 3\(4\)](#); [s. 53](#) wholly in force at 30.4.2004 by [S.S.I. 2004/203](#), [art. 3\(1\)](#), Sch.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. 1 para. 74A inserted by [2023 asp 6 sch. 2 para. 2\(2\)](#)