



# Freedom of Information (Scotland) Act 2002

2002 asp 13

## PART 7

### MISCELLANEOUS AND SUPPLEMENTAL

#### **64 Power to amend or repeal enactments prohibiting disclosure of information**

- (1) If it appears to the Scottish Ministers that by virtue of section 26(a) a relevant enactment is capable of preventing the disclosure of information under section 1, they may by order repeal or amend that enactment, in so far as it relates to any Scottish public authority, so as to remove or relax the prohibition.
- (2) In subsection (1)—
  - “relevant enactment” means an Act of Parliament, or Act of the Scottish Parliament, which receives Royal Assent before the end of the calendar year in which this Act receives Royal Assent or any subordinate legislation made before the date on which this Act receives Royal Assent; and
  - “information” includes unrecorded information.
- (3) An order under subsection (1) may do all or any of the following—
  - (a) make such modifications of enactments as, in the opinion of the Scottish Ministers, are consequential upon, or incidental to, the repeal or amendment of the relevant enactment;
  - (b) contain such transitional provisions and savings as appear to them to be appropriate;
  - (c) make different provision in relation to different cases.

**Changes to legislation:**

Freedom of Information (Scotland) Act 2002, Section 64 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.

[View outstanding changes](#)

**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\(2\)](#)