



# Freedom of Information (Amendment) (Scotland) Act 2013

2013 asp 2

## *Amendments*

### **5 Time limit for proceedings**

After section 65 of the FOI Act there is inserted—

#### **“65A Time limit for proceedings**

- (1) Proceedings for an offence under section 65(1) may be commenced within the period of 6 months beginning with the date on which evidence that the prosecutor believes is sufficient to justify the proceedings came to the prosecutor's knowledge.
- (2) No such proceedings may be commenced more than 3 years—
  - (a) after the commission of the offence, or
  - (b) in the case of a continuous contravention, after the last date on which the offence was committed.
- (3) In the case of a continuous contravention, the complaint may specify the entire period during which the offence was committed.
- (4) A certificate signed by or on behalf of the prosecutor stating the date on which the evidence referred to in subsection (1) came to the prosecutor's knowledge is conclusive as to that fact (and such a certificate purporting to be so signed is to be regarded as being so signed unless the contrary is proved).
- (5) Section 136(3) of the Criminal Procedure (Scotland) Act 1995 applies for the purposes of this section as it does for those of that section.”

#### **Commencement Information**

**II** S. 5 in force at 31.5.2013 by S.S.I. 2013/136, art. 2 (with art. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Freedom of Information (Amendment) (Scotland) Act 2013, Section 5.