
STATUTORY INSTRUMENTS

1998 No. 1447

ENVIRONMENTAL PROTECTION

The Environmental Information (Amendment) Regulations 1998

Made - - - - *11th June 1998*
Laid before Parliament *19th June 1998*
Coming into force - - *10th July 1998*

The Secretary of State, being a Minister designated⁽¹⁾ for the purposes of subsection (2) of section 2 of the European Communities Act 1972⁽²⁾ in relation to freedom of access to, and the dissemination of, information on the environment held by public authorities or bodies with public responsibilities for the environment and which are under the control of a public authority, in exercise of the powers conferred on him by that subsection and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Environmental Information (Amendment) Regulations 1998 and shall come into force on 10th July 1998.

(2) These Regulations shall extend to Great Britain only.

Amendment of the Environmental Information Regulations 1992

2.—(1) For regulation 4(2) of the Environmental Information Regulations 1992⁽³⁾, the following shall be substituted:

“(2) For the purposes of these Regulations, information is to be capable of being treated as confidential if, and only if, it is information the disclosure of which—

- (a) would affect international relations, national defence or public security;
- (b) would affect matters which are, or have been, an issue in any legal proceedings or in any enquiry (including any disciplinary enquiry), or are the subject-matter of any investigation undertaken with a view to any such proceedings or enquiry;
- (c) would affect the confidentiality of the deliberations of any relevant person;

(1) S.I.1992/1711.
(2) 1972 c. 68.
(3) S.I. 1992/3240.

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- (d) would involve the supply of a document or other record which is still in the course of completion, or of any internal communication of a relevant person;
 - (e) would affect the confidentiality of matters to which any commercial or industrial confidentiality attaches, including intellectual property.”
- (2) Regulation 4(5) of the Environmental Information Regulations 1992 shall be omitted.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

Michael Meacher
Minister of State,
Department of the Environment, Transport and
the Regions

11th June 1998

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 4 of the Environmental Information Regulations 1992 so as fully to align the exceptions in paragraph (2) of that regulation with the derogations set out in Article 3(2) of Council Directive [90/313/EEC](#) on the freedom of access to information on the environment (OJNo. L158, 23.6.90, p. 56).