

**2004 No. 203 (C. 14)**

**FREEDOM OF INFORMATION**

**The Freedom of Information (Scotland) Act 2002  
(Commencement No. 3) Order 2004**

Made - - - -

29th April 2004

The Scottish Ministers in exercise of the powers conferred by section 75(1) of the Freedom of Information (Scotland) Act<sup>(a)</sup>, hereby make the following Order:

**Citation**

1. This Order may be cited as the Freedom of Information (Scotland) Act 2002 (Commencement No. 3) Order 2004.

**Interpretation**

2. In this Order “the Act” shall mean the Freedom of Information (Scotland) Act 2002.

**Commencement**

3.—(1) The provisions of the Act listed in column 1 of the Schedule to this Order and whose subject matter is specified in column 2 of that Schedule shall, insofar as they are not already in force come into force on 30th April 2004 but where a particular purpose is also specified in column 3 of that Schedule, that provision shall come into force on its appointed day only for that purpose.

(2) The remaining provisions of the Act shall, insofar as they are not already in force, come into force on 1st January 2005.

*TAVISH SCOTT*  
A member of the Scottish Executive

St Andrew’s House,  
Edinburgh  
29th April 2004

## SCHEDULE

Article 3

<i>Column 1</i> <i>Provision of the Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 12	Excessive cost of compliance	Only for the purpose of the making of regulations by the Scottish Ministers under section 9(4) of the Act
Section 44	Recommendations as to good practice	
Section 46	Laying of reports	
Section 50	Information notices	For all remaining purposes
Section 51	Enforcement notices	For all remaining purposes
Section 53	Failure to comply with notice	For all remaining purposes
Section 54	Powers of entry and inspection	For all remaining purposes
Section 74	Giving of notice, etc.	

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force the remaining provisions of the Freedom of Information (Scotland) Act 2002 (“the Act”). Certain provisions have already been brought into force by section 75(1) of the Act and by two earlier commencement orders (S.S.I. 2002/437 and 2003/477).

Article 3(1) of this Order commences on 30th April 2004—

- (a) section 12 of the Act, but only for the purpose of facilitating the making of regulations under section 9(4);
- (b) section 44, to enable practice recommendations to be made where publication schemes are not complied with by public authorities;
- (c) section 46, to enable the Scottish Information Commissioner to produce his first annual report;
- (d) Sections 50, 51, 53 and 54 for all remaining purposes insofar as they are not already in force; and
- (e) section 74, to enable practice recommendations or enforcement notices to be served in connection with publication schemes.

Article 3(2) of this Order commences all remaining provisions of the Act for all remaining purposes.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 3(1), 4, 5, 6, 7, 24	30.09.02	2002/437
Sections 42, 43, 45	30.09.02	2002/437
Sections 60, 61, 62, 64	30.09.02	2002/437
Sections 70(1) and (2), 71, 73	30.09.02	2002/437
Schedules 1 and 2	30.09.02	2002/437
Sections 55, 56, 63, 66 and 68	31.10.03	2003/477
Section 9 (but only for the purpose of the making of regulations by the Scottish Ministers under section 9(4))	31.10.03	2003/477
Section 23 (except that the duties on public authorities imposed by sections 23(1) to 23(4) shall not apply to those public authorities listed in parts 4 and 5 of Schedule 1 until 1st December 2003 and to those public authorities listed in part 7 of Schedule 1 until 1st March 2004)	31.10.03	2003/477
Sections 50, 51, 53 and 54 (but only for the purpose of the processing of publication schemes under section 23)	31.10.03	2003/477

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