

*These notes refer to the Freedom of Information Act 2000
(c.36) which received Royal Assent on 30th November 2000*

FREEDOM OF INFORMATION ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part I: Access to information held by public authorities

Right to information

Section 5: Further power to designate public authorities

37. *Subsection (1)* contains a power for the Secretary of State to make an order, subject to affirmative procedure, to include within the scope of the Act any person or office which is not described in Schedule 1 nor capable of being added to that Schedule by an order made under section 4(1) but which:
- appears to the Secretary of State to exercise functions of a public nature, or
 - is providing contractual services to a public authority where the provision of that service is one of the functions of the authority.
38. *Subsection (3)* requires the Secretary of State to consult any person in respect of whom he proposes to make an order under subsection (1).