

2002 No. 2812 (C. 86)

FREEDOM OF INFORMATION

**The Freedom of Information Act 2000 (Commencement
No. 2) Order 2002**

Made - - - - - 12th November 2002

The Lord Chancellor, in exercise of the powers conferred upon him by section 87(3) of the Freedom of Information Act 2000(a), makes the following Order:

1.—(1) This Order may be cited as the Freedom of Information Act 2000 (Commencement No. 2) Order 2002(b).

(2) In this Order—

“the Act” means the Freedom of Information Act 2000; and

“the publication scheme provisions” means section 19(1) to (4) of the Act, insofar as it is not already in force(c).

Commencement on 30th November 2002

- 2.** The following provisions of the Act shall come into force on 30th November 2002:
- (a) sections 19(5) to (7) and 20, insofar as they are not already in force;
 - (b) sections 45 and 46, insofar as they are not already in force;
 - (c) section 47(1);
 - (d) sections 48(1) and (2), 51 and 54 and Schedule 3, so far as they relate to—
 - (i) the issue of practice recommendations, and
 - (ii) the issue and enforcement of information notices,relating to the conformity with the code of practice under section 45 of the practice of public authorities in relation to the exercise of their functions under the publication scheme provisions;
 - (e) sections 51, 52 and 54 and Schedule 3, so far as they relate to the enforcement of the requirements on public authorities under the publication scheme provisions;
 - (f) section 55, so far as relating to the provisions of Schedule 3 referred to in paragraphs (d) and (e) above;
 - (g) sections 56, 57(2), 58, 59 and 61(2);
 - (h) paragraph 10(b) of Schedule 2 (and section 18(4) insofar as it is not already in force);
 - (i) paragraph 3 of Schedule 4 (and section 61(1) so far as relating to that provision);
 - (j) paragraph 1 of Schedule 5 (and section 67 so far as relating to that provision);
 - (k) section 72; and
 - (l) section 88.

(a) 2000 c. 36. The functions of the Secretary of State under section 87(3) were transferred to the Lord Chancellor by the Transfer of Functions (Miscellaneous) Order 2001 (S.I. 2001/3500), which Order amended section 87(3) accordingly.

(b) Certain provisions of the Act came into force on Royal Assent (30th November 2000) by section 87(1), on 30th January 2001 by section 87(2), and on 14th May 2001 by S.I. 2001/1637 (c. 56).

(c) By section 87(1)(b) of the Act, section 19 so far as relating to the approval of publication schemes is already in force.

3. The publication scheme provisions shall come into force on 30th November 2002 for the public authorities listed in—

- (a) paragraph 1 of Schedule 1 to the Act (government departments), except for the Crown Prosecution Service and the Serious Fraud Office;
- (b) paragraphs 2, 3 and 5 of Schedule 1 to the Act; and
- (c) Schedule 1 to this Order(a).

Commencement on 28th February 2003

4. The publication scheme provisions shall come into force on 28th February 2003 for the following public authorities—

- (a) the Common Council of the City of London, in respect of information held in its capacity as a local authority or port health authority(b); and
- (b) the public authorities listed in—
 - (i) paragraphs 7, 8, 10 to 16 and 18 to 36 of Schedule 1 to the Act; and
 - (ii) Schedule 2 to this Order.

Commencement on 30th June 2003

5. The publication scheme provisions shall come into force on 30th June 2003 for the following public authorities—

- (a) the Crown Prosecution Service and the Serious Fraud Office;
- (b) the Common Council of the City of London, in respect of information held in its capacity as a police authority; and
- (c) the public authorities listed in—
 - (i) paragraph 6 of Schedule 1 to the Act;
 - (ii) paragraphs 57 to 64(c) of Schedule 1 to the Act; and
 - (iii) Schedule 3 to this Order.

Signed by the authority of the Lord Chancellor

12th November 2002

Yvette Cooper
Parliamentary Secretary
Lord Chancellor's Department

(a) The public authorities listed in Schedules 1, 2 and 3 to this Order are among those listed in Parts VI and VII of Schedule 1 to the Act.
(b) The Common Council of the City of London, in respect of information held in its capacity as a local authority, police authority or port health authority, is listed in paragraph 9 of Schedule 1 to the Act.
(c) Paragraphs 60 and 61 of Schedule 1 to the Act were amended by paragraph 25 of Schedule 6 to the Police (Northern Ireland) Act 2000 (c. 32).

SCHEDULE 1

Article 3

COMMENCEMENT ON 30th NOVEMBER 2002

PART I

OTHER PUBLIC BODIES AND OFFICES: GENERAL

The Advisory Committee on Novel Foods and Processes.
The Advisory Council on Public Records.
An Agricultural Dwelling House Advisory Committee.
An Agricultural Wages Board for England and Wales.
An Agricultural Wages Committee.
The Alcohol Education and Research Council.
The Ancient Monuments Board for Wales.
The Apple and Pear Research Council.
The Arts Council of England.
The Arts Council of Wales.
The Authorised Conveyancing Practitioners Board.
The Biotechnology and Biological Sciences Research Council.
The Britain-Russia Centre and East-West Centre.
The British Association for Central and Eastern Europe.
The British Council.
The British Educational Communications and Technology Agency.
The British Hallmarking Council.
The British Library.
The British Museum.
The British Potato Council.
The British Tourist Authority.
The Broadcasting Standards Commission.
The Care Council for Wales(a).
The Central Rail Users' Consultative Committee(b).
The Certification Officer(a).
The Children and Family Court Advisory and Support Service.
The Civil Justice Council.
The Coal Authority.
The Commission for Health Improvement.
The Commission for Racial Equality.
The Commission for the New Towns.
The Commissioners of Northern Lighthouses(a).
The Committee for Monitoring Agreements on Tobacco Advertising and Sponsorship.
The Committee of Investigation for Great Britain.
The Committee on Standards in Public Life.
The Commonwealth Scholarship Commission in the United Kingdom.
The Community Development Foundation.

(a) This body was added to Part VI of Schedule 1 to the Act by S.I. 2002/2623.

(b) This body was renamed the Rail Passengers' Council by section 227(1) of the Transport Act 2000 (c. 38). By section 227(3) of that Act, references in instruments made under other Acts to the Central Rail Users' Consultative Committee have effect as references to the Rail Passengers' Council.

The Competition Commission, in relation to information held by it otherwise than as a tribunal.

The Construction Industry Training Board.

The Consumer Council for Postal Services(a).

The consumers' committee for Great Britain appointed under section 19 of the Agricultural Marketing Act 1958(b).

The Council for the Central Laboratory of the Research Councils.

The Countryside Agency.

The Countryside Council for Wales.

The Criminal Injuries Compensation Authority(a).

The Criminal Injuries Compensation Appeals Panel, in relation to information held by it otherwise than as a tribunal(a).

The Design Council.

The Disability Rights Commission.

The Economic and Social Research Council.

The Electoral Commission(a).

The Engineering Construction Industry Training Board.

The Engineering and Physical Sciences Research Council.

English Nature.

The English Sports Council.

The English Tourist Board.

The Environment Agency.

The Equal Opportunities Commission.

The Food Advisory Committee.

Food from Britain.

The Football Licensing Authority.

The Gaming Board for Great Britain.

The Gas and Electricity Consumer Council(a).

The Gene Therapy Advisory Committee.

The General Social Care Council(a).

The General Teaching Council for Wales(a).

The Great Britain-China Centre.

The Health and Safety Commission.

The Health and Safety Executive.

The Health Service Commissioner for England.

The Health Service Commissioner for Wales.

Her Majesty's Chief Inspector of Schools in Wales.

The Higher Education Funding Council for England.

The Higher Education Funding Council for Wales.

The Historic Buildings Council for Wales.

The Historic Buildings and Monuments Commission for England.

The Historic Royal Palaces Trust.

The Home-Grown Cereals Authority.

The Horserace Betting Levy Board.

The Horticultural Development Council.

The Housing Corporation.

(a) This body was added to Part VI of Schedule 1 to the Act by S.I. 2002/2623.
(b) 1958 c. 47.

The Human Fertilisation and Embryology Authority.
The Immigration Services Commissioner.
The Imperial War Museum.
The Information Commissioner.
Investors in People UK.
The Joint Nature Conservation Committee.
The Legal Services Commission.
The Library and Information Services Council (Wales).
The Local Government Boundary Commission for Wales.
The Marshall Aid Commemoration Commission.
The Meat and Livestock Commission.
The Medical Research Council.
The Milk Development Council.
The Millennium Commission.
The Museum of London.
The National Army Museum.
The National Biological Standards Board (UK).
The National Consumer Council.
The National Council for Education and Training for Wales(a).
The National Employers' Liaison Committee(b).
The National Endowment for Science, Technology and the Arts.
The National Gallery.
The National Heritage Memorial Fund.
The National Library of Wales.
The National Lottery Charities Board.
The National Lottery Commission.
The National Maritime Museum.
The National Museum of Science and Industry.
The National Museums and Galleries of Wales.
The National Museums and Galleries on Merseyside.
The National Portrait Gallery.
The National Radiological Protection Board.
The Natural Environment Research Council.
The Natural History Museum.
The New Opportunities Fund.
The Occupational Pensions Regulatory Authority.
The Oil and Pipelines Agency.
The Parliamentary Boundary Commission for England.
The Parliamentary Boundary Commission for Scotland.
The Parliamentary Boundary Commission for Wales.
The Parliamentary Commissioner for Administration.

(a) This body was added to Part VI of Schedule 1 to the Act by S.I. 2002/2623.

(b) This body was renamed the National Employer Advisory Board with effect from 23rd September 2002.

The Parole Board.
 The Particle Physics and Astronomy Research Council.
 The Pensions Compensation Board.
 The Qualifications, Curriculum and Assessment Authority for Wales.
 The Qualifications Curriculum Authority.
 Any Rail Passengers' Committee established under section 2(2) of the Railways Act 1993(a).
 Any regional development agency established under the Regional Development Agencies Act 1998(b), other than the London Development Agency.
 The Registrar of Public Lending Right.
 Remploy Ltd.
 Resource: The Council for Museums, Archives and Libraries.
 The Reviewing Committee on the Export of Works of Art.
 The Royal Air Force Museum.
 The Royal Armouries.
 The Royal Botanic Gardens, Kew.
 The Royal Commission on Ancient and Historical Monuments of Wales.
 The Royal Commission on Historical Manuscripts.
 The Scientific Committee on Tobacco and Health.
 The Sea Fish Industry Authority.
 Sir John Soane's Museum.
 The Sports Council for Wales.
 The Standing Dental Advisory Committee.
 The Standing Nursing and Midwifery Advisory Committee.
 The Standing Medical Advisory Committee.
 The Standing Pharmaceutical Advisory Committee.
 The Strategic Rail Authority(c).
 The Tate Gallery.
 The Teacher Training Agency.
 The Treasure Valuation Committee.
 The UK Sports Council.
 The United Kingdom Atomic Energy Authority.
 The United Kingdom Register of Organic Food Standards.
 The United Kingdom Xenotransplantation Interim Regulatory Authority.
 The Unrelated Live Transplant Regulatory Authority.
 The Urban Regeneration Agency.
 The Victoria and Albert Museum.
 The Wales New Deal Advisory Task Force.
 The Wales Tourist Board.
 The Wallace Collection.
 The War Pensions Committees.
 The Welsh Administration Ombudsman.
 The Welsh Committee for Professional Development of Pharmacy.

(a) 1993 c. 43. These bodies were formerly known as Rail Users' Consultative Committees, but were renamed by section 227(1) of the Transport Act 2000 (c. 38), and section 2(2) of the Railways Act 1993 was amended accordingly. They were added to Part VI of Schedule 1 to the Act by S.I. 2002/2623.

(b) 1998 c. 45.

(c) This body was added to Part VI of Schedule 1 to the Act by paragraph 30 of Schedule 14 to the Transport Act 2000 (c. 38).

The Welsh Dental Committee.
The Welsh Development Agency.
The Welsh Industrial Development Advisory Board.
The Welsh Language Board.
The Welsh Medical Committee.
The Welsh Nursing and Midwifery Committee.
The Welsh Optometric Committee.
The Welsh Pharmaceutical Committee.
The Welsh Scientific Advisory Committee.
The Westminster Foundation for Democracy.
The Wine Standards Board of the Vintners' Company(a).
The Women's National Commission.
The Youth Justice Board for England and Wales.

PART II

OTHER PUBLIC BODIES AND OFFICES: NORTHERN IRELAND

The Agricultural Research Institute of Northern Ireland.
The Arts Council of Northern Ireland.
The Board of Trustees of National Museums and Galleries of Northern Ireland.
The Boundary Commission for Northern Ireland.
The Certification Officer for Northern Ireland(b).
The Construction Industry Training Board.
The Council for Catholic Maintained Schools.
An Education and Library Board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986(c).
Enterprise Ulster.
The Fisheries Conservancy Board for Northern Ireland.
The General Consumer Council for Northern Ireland.
The Health and Safety Agency for Northern Ireland(d).
The Labour Relations Agency.
The Laganside Corporation.
The Livestock & Meat Commission for Northern Ireland.
The Local Government Staff Commission.
The Mental Health Commission for Northern Ireland.
The Northern Ireland Community Relations Council.
The Northern Ireland Council for the Curriculum, Examinations and Assessment.
The Northern Ireland Fishery Harbour Authority.

(a) This body was renamed the Wine Standards Board with effect from 1st April 2002.

(b) This body was added to Part VII of Schedule 1 to the Act by S.I. 2002/2623.

(c) S.I. 1986/594 (N.I. 3).

(d) This body was renamed the Health and Safety Executive for Northern Ireland by the Health and Safety at Work (Amendment) (Northern Ireland) Order 1998 (S.I. 1998/2795 (N.I. 18)).

The Northern Ireland Human Rights Commission.
The Northern Ireland Local Government Officers' Superannuation Committee.
The Northern Ireland Museums Council.
The Northern Ireland Tourist Board.
The Probation Board for Northern Ireland.
The Rural Development Council for Northern Ireland.
The Sports Council for Northern Ireland.
The Staff Commission for Education and Library Boards.
Ulster Supported Employment Ltd.
The Youth Council for Northern Ireland.

SCHEDULE 2

Article 4

COMMENCEMENT ON 28th FEBRUARY 2003

PART I

OTHER PUBLIC BODIES AND OFFICES: GENERAL

The Adjudication Panel for Wales(a).
The All-Wales Medicines Strategy Group(a).
The Children's Commissioner for Wales(a).
The National Care Standards Commission(a).
The Standards Board for England(a).

PART II

OTHER PUBLIC BODIES AND OFFICES: NORTHERN IRELAND

The Assembly Ombudsman for Northern Ireland.
The Belfast Harbour Commissioners(b).
The Fire Authority for Northern Ireland.
The Londonderry Port and Harbour Commissioners(b).
The Northern Ireland Commissioner for Complaints.
The Northern Ireland Housing Executive.
The Warrenpoint Harbour Authority(b).

(a) This body was added to Part VI of Schedule 1 to the Act by S.I. 2002/2623.
(b) This body was added to Part VII of Schedule 1 to the Act by S.I. 2002/2623.

SCHEDULE 3

Article 5

COMMENCEMENT ON 30th JUNE 2003

OTHER PUBLIC BODIES AND OFFICES: GENERAL

The Central Police Training and Development Authority^(a).

The National Crime Squad.

The Police Information Technology Organisation.

The Service Authority for the National Crime Squad.

^(a) This body was added to Part VI of Schedule 1 to the Act by paragraph 8 of Schedule 4 to the Criminal Justice and Police Act 2001 (c. 16).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force further provisions of the Freedom of Information Act 2000 (“the Act”). Certain provisions have already been brought into force by section 87(1) and (2) of the Act and by an earlier commencement order (S.I. 2001/1637).

Article 2 of this Order brings into force on 30th November 2002 various provisions of the Act, in particular:

- (i) a requirement on the Lord Chancellor to issue codes of practice relating to the discharge of public authorities’ functions under the Act and records management;
- (ii) a duty on the Information Commissioner to promote the following of good practice by public authorities;
- (iii) provisions relating to the issue by the Commissioner of practice recommendations promoting conformity with the Lord Chancellor’s code of practice insofar as it relates to the exercise of public authorities’ functions in relation to publication schemes;
- (iv) provisions relating to the enforcement by the Commissioner of publication scheme obligations, and appeals by public authorities against any enforcement action taken; and
- (v) minor amendments to the Public Records Act 1958 and the Data Protection Act 1998.

Section 19(1) to (4) of the Act places obligations on public authorities in relation to publication schemes. Articles 3, 4 and 5 of this Order bring these obligations into force on 30th November 2002, 28th February 2003 and 30th June 2003 respectively for the public authorities specified in those Articles.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s 18 (in part)	14.05.2001	2001/1637
s 61 (in part)	14.05.2001	2001/1637
s 73 (in part)	14.05.2001	2001/1637
Schedule 2 (in part)	14.05.2001	2001/1637
Schedule 4 (in part)	14.05.2001	2001/1637
Schedule 6 (in part)	14.05.2001	2001/1637

2002 No. 2812 (C. 86)

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The Freedom of Information Act 2000 (Commencement
No. 2) Order 2002

£2.50

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E1609 11/2002 121609 19585

ISBN 0-11-042990-7



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