
STATUTORY INSTRUMENTS

2004 No. 3363

The Freedom of Information (Removal and Relaxation of Statutory Prohibitions on Disclosure of Information) Order 2004

Audit Commission Act 1998

8.—(1) The Audit Commission Act 1998(1) is amended as follows.

(2) In section 49 (restriction on disclosure of information)—

(a) in subsection (1), omit paragraph (e);

(b) after subsection (1), insert—

“(1A) Subsection (1) does not apply in relation to disclosure by a person who is, or acts on behalf of a person who is, a public authority for the purposes of the Freedom of Information Act 2000.”.

(3) After section 49, insert—

“Disclosure of information by or on behalf of public authorities

49A.—(1) This section applies if information relating to a particular body or other person is obtained by the Commission or an auditor, or by a person acting on behalf of the Commission or an auditor—

(a) pursuant to a provision of this Act or of Part 1 of the Local Government Act 1999, or

(b) in the course of an audit or study under this Act or under Part 1 of the Local Government Act 1999.

(2) A person who is, or acts on behalf of a person who is, a public authority for the purposes of the Freedom of Information Act 2000, may disclose any such information—

(a) in the circumstances in which he would (but for section 49(1A)) be authorised to do so under section 49(1);

(b) in accordance with section 41(4); or

(c) in any other circumstances, except where such a disclosure would, or would be likely to, prejudice the effective performance by such a person of a function imposed or conferred on the person by or under an enactment.

(3) A person mentioned in subsection (2) who discloses any such information otherwise than as authorised by subsection (2) is guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum.”

(1) 1998 c. 18. Section 49 of the Audit Commission Act 1998 has been amended by section 22(3) and (5)(a) of the Local Government Act 1999 (c. 27). Subparagraphs (ba) and (bb) were inserted into subsection (1) by section 147 of, and paragraph 12(1) and (10)(a) of Schedule 9 to, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43). Subparagraph (c) of subsection (1) was amended by section 147 of, and paragraphs 12(1) and (10)(b) of Schedule 9 to, that Act. Subparagraph (da) of subsection (1) was inserted by section 66 of, and paragraphs 21 and 33 of Schedule 2 to, the Public Audit (Wales) Act 2004 (c. 23). The first subparagraph (dd) of subsection (1) was inserted by section 133 of, and paragraphs 1 and 11 of Schedule 8 to, the Greater London Authority Act 1999 (c. 29). The second subparagraph (dd) in subsection (1) was inserted by section 107 of, and paragraph 30 of Schedule 5 to, the Local Government Act 2000 (c. 22). The powers to disclose under subsection (1) were extended by section 17 of and paragraph 41 of Part I of Schedule 4 to, the Anti-Terrorism, Crime and Security Act 2001 (c. 24).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
