



# Freedom of Information (Scotland) Act 2002

2002 asp 13

## PART 4

### ENFORCEMENT

#### 51 Enforcement notices

- (1) If the Commissioner is satisfied that a Scottish public authority has failed to comply with a provision of Part 1 of this Act, the Commissioner may give the authority a notice (referred to in this Act as “an enforcement notice”) requiring the authority to take, within such time as is specified in the notice, such steps as are so specified for so complying.
- (2) An enforcement notice must contain—
  - (a) a statement of the provision with which the Commissioner is satisfied that the authority has failed to comply and the respect in which it has not done so; and
  - (b) particulars of the right of appeal conferred by section 56.
- (3) The time specified under subsection (1) must not expire before the end of the period within which an appeal may be brought under section 56 against the notice and, if such an appeal is brought, the notice need not be complied with before the cause is finally determined.
- (4) The Commissioner may cancel an enforcement notice by notice in writing given to the authority.
- (5) This section is subject to section 52.

#### Modifications etc. (not altering text)

- C1 S. 51 applied (with modifications) (31.12.2009) by [The INSPIRE \(Scotland\) Regulations 2009 \(S.S.I. 2009/440\)](#), [reg. 12\(2\)\(e\)](#), Sch.

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**Changes to legislation:** Freedom of Information (Scotland) Act 2002, Section 51 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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#### Commencement Information

- II** S. 51 wholly in force at 30.4.2004; s. 51 not in force at Royal Assent see s. 75(1); s. 51 in force for certain purposes at 31.10.2003 by S.S.I. 2003/477, **art. 3(4)**; s. 51 wholly in force at 30.4.2004 by S.S.I. 2004/203, **art. 3(1)**, Sch.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. 1 para. 74A inserted by [2023 asp 6 sch. 2 para. 2\(2\)](#)