



# Freedom of Information (Scotland) Act 2002

2002 asp 13

## PART 7

### MISCELLANEOUS AND SUPPLEMENTAL

#### **62 Power to make provision relating to environmental information**

- (1) In this section “the Aarhus Convention” means the Convention on Access to Information, Public Participation in Decision making and Access to Justice in Environmental Matters signed at Aarhus on 25th June 1998.
- (2) For the purposes of this section, “the information provisions” of the Aarhus Convention are Article 4, together with Articles 3 and 9 so far as relating to that Article.
- (3) The Scottish Ministers may, in relation to information held by or requested from any Scottish public authority, by regulations make such provision as they consider appropriate—
  - (a) for the purpose of implementing the information provisions of the Aarhus Convention or any amendment of those provisions made in accordance with Article 14 of the Convention; and
  - (b) for the purpose of dealing with matters arising out of, or related to, the implementation of those provisions or of any such amendment.
- (4) Regulations under subsection (3) may in particular—
  - (a) enable charges to be made for making information available in accordance with the regulations;
  - (b) provide that any obligation imposed by the regulations in relation to the disclosure of information is to have effect notwithstanding any enactment or rule of law;
  - (c) make provision for the issue by the Scottish Ministers of a code of practice;
  - (d) provide for sections 43 and 44 to apply in relation to such a code with such modifications as may be specified in the regulations;

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*Status: This is the original version (as it was originally enacted).*

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- (e) provide for all or any of the provisions of Part 4 to apply, with such modifications as may be so specified, in relation to compliance with any requirement of the regulations; and
- (f) contain such transitional or consequential provision (including provision modifying any enactment) as the Scottish Ministers consider appropriate.