
STATUTORY INSTRUMENTS

2005 No. 1515

The Re-use of Public Sector Information Regulations 2005

Exclusions

- 5.—(1) These Regulations do not apply to a document where—
- (a) the activity of supplying the document is one which falls outside the public task of the public sector body; or
 - (b) a third party owns relevant intellectual property rights in the document.
- (2) These Regulations do not apply to a document unless it—
- (a) has been identified by the public sector body as being available for re-use;
 - (b) has been provided to the applicant; or
 - (c) is otherwise accessible by means other than by making a request for it within the meaning of the 1998 Act, the 2000 Act (or where appropriate the 2002 Act) or the 2004 Regulations (or where appropriate the 2004 Scottish Regulations).
- (3) These Regulations do not apply to documents held by—
- (a) public service broadcasters and their subsidiaries, and other bodies and their subsidiaries for the purposes of the provision of programme services or the conduct of any activities which a public service broadcaster is required or empowered to provide or to engage in by or under any enactment or other public instrument;
 - (b) educational and research establishments, such as schools, universities, archives, libraries, and research facilities including organisations established for the transfer of research results; or
 - (c) cultural establishments, such as museums, libraries, archives, orchestras, and opera, ballet and theatre establishments.
- (4) For the purposes of paragraph (3), “public service broadcaster” has the same meaning as in section 264(12) of the Communications Act 2003⁽¹⁾, “subsidiary” has the same meaning as in section 258 of the Companies Act 1985⁽²⁾ and “programme services” has the same meaning as in section 405(1) of the Communications Act 2003.
- (5) These Regulations do not apply in any situation in which a person is under a legal obligation to prove an interest in order to gain access to documents.

(1) 2003 c. 21
(2) 1985 c. 6