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STATUTORY INSTRUMENTS

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**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<sup>(1)</sup>, “subsidiary” has the same meaning as in section 258 of the Companies Act 1985<sup>(2)</sup> 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.

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(1) 2003 c. 21

(2) 1985 c. 6