

FREEDOM OF INFORMATION (AMENDMENT) (SCOTLAND) ACT 2013

EXPLANATORY NOTES

THE ACT – SECTIONS

Section 5 - Time limit for proceedings

18. Section 65 of the 2002 Act sets out that a person who, with the intention of preventing disclosure of information subject to a request, alters, defaces, blocks, erases, destroys or conceals the information is guilty of an offence. An offence under section 65 is a summary only offence with a fine not exceeding, at current levels, £5,000. As a summary only offence, any prosecution must be brought within six months of the commission of the offence, in accordance with section 136 of the Criminal Procedure (Scotland) Act 1995.
19. The Act amends the 2002 Act by specifying that the time period within which a prosecution must be brought is six months from the date on which evidence, sufficient in the opinion of the prosecutor to justify proceedings, comes to his or her knowledge. No proceedings can be commenced more than three years after the commission of the offence.