



# Freedom of Information (Amendment) (Scotland) Act 2013

2013 asp 2

## *Amendments*

### **1 Designation of authorities**

- (1) In section 5 (further power to designate Scottish public authorities) of the FOI Act, for subsection (5) there is substituted—

“(5) Before making an order under subsection (1), the Scottish Ministers must—

- (a) consult—
  - (i) every person to whom the order relates, or
  - (ii) persons appearing to them to represent such persons, and
- (b) also consult such other persons as they consider appropriate.”.

- (2) After section 7 of the FOI Act there is inserted—

#### **“7A Reports on section 5 power**

- (1) In accordance with this section, the Scottish Ministers must lay before the Parliament reports about the exercise of the section 5 power.
- (2) The first report is to be laid on or before 31 October 2015.
- (3) Each subsequent report is to be laid no later than 2 years after the date on which the previous report is laid.
- (4) A report must—
  - (a) state whether the section 5 power has been exercised during the reporting period, and
  - (b) as the case may be—
    - (i) explain how the power has been exercised during the reporting period (and why), or
    - (ii) give the reason for leaving the power unexercised during the reporting period.

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*Status: This is the original version (as it was originally enacted).*

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- (5) A report may—
- (a) summarise any response to a consultation carried out during the reporting period as regards the exercise of the section 5 power,
  - (b) indicate any intention to exercise the power in the future,
  - (c) include such additional information as the Scottish Ministers consider appropriate.
- (6) In this section—
- “reporting period” means—
- (a) in the case of the first report, period of time from the date on which section 1 of the Freedom of Information (Amendment) (Scotland) Act 2013 comes into force until the date on which the first report is laid,
  - (b) in the case of a subsequent report, period of time from the date on which the previous report is laid until the date on which the subsequent report is laid,
- “section 5 power” means order-making power conferred by section 5(1).”.