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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 477 (C. 27)**

**FREEDOM OF INFORMATION**

**The Freedom of Information (Scotland) Act  
2002 (Commencement No. 2) Order 2003**

*Made - - - - 2nd October 2003*

The Scottish Ministers in exercise of the powers conferred by section 75(1) of the Freedom of Information (Scotland) Act 2002<sup>(1)</sup>, hereby make the following Order:

**Citation**

1. This Order may be cited as the Freedom of Information (Scotland) Act 2002 (Commencement No. 2) Order 2003.

**Interpretation**

2. In this Order “the Act” shall mean the Freedom of Information (Scotland) Act 2002.

**Commencement**

3.—(1) Sections 55, 56, 63, 66 and 68 of the Act shall come into force on 31st October 2003.

(2) Section 9 of the Act shall come into force on 31st October 2003 but only for the purpose of the making of regulations by the Scottish Ministers under section 9(4) of that Act.

(3) Section 23 of the Act shall come into force on 31st October 2003 except that the duties on public authorities imposed by section 23(1) to (4) shall not apply—

(a) to those public authorities listed in Parts 4 and 5 of schedule 1 to that Act, until 1st December 2003; and

(b) to those public authorities listed in Part 7 of schedule 1 to that Act, until 1st March 2004.

(4) Sections 50, 51, 53 and 54 of the Act shall come into force on 31st October 2003 but only for the purpose of the processing of publication schemes required under section 23 of that Act.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Victoria Quay, Edinburgh  
2nd October 2003

*ANDREW P KERR*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force further provisions of the Freedom of Information (Scotland) Act 2002 (“the Act”). Certain provisions have already been brought into force by section 75(1) of the Act and by an earlier commencement order ([S.S.I. 2002/437](#)).

Article 3 of this Order commences provisions for the preparation of publication schemes by public authorities for submission to and approval by the Scottish Information Commissioner.

The Order will also commence provisions which allow for–

- (a) fees regulations to be made;
- (b) the Scottish Information Commissioner to lay reports before the Scottish Parliament;
- (c) the Scottish Information Commissioner to share information with the Scottish Public Services Ombudsman and the Information Commissioner;
- (d) exemption of the Scottish Parliament and the Scottish Administration from prosecution under the Act; and
- (e) public authorities to be immune from civil liability in respect of any failure to comply with any duty imposed under the Act.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

<i>Provision of the Act</i>	<i>Date of commencement</i>	<i>S.S.I. No.</i>
Sections 3(1), 4, 5, 6, 7, 24, 42, 43, 45, 60, 61, 62, 64, 70(1) and (2), 71, 73 and schedules 1 and 2	30.09.02	<a href="#">2002/437</a>