
STATUTORY INSTRUMENTS

2018 No. 1353

**EXITING THE EUROPEAN UNION
FREEDOM OF INFORMATION**

**The Freedom of Information Act 2000
(Amendment) (EU Exit) Regulations 2018**

Sift requirements satisfied 5th September 2018

Made - - - - 13th December 2018

Laid before Parliament 13th December 2018

Coming into force in accordance with regulation 1

The Minister for the Cabinet Office, in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018⁽¹⁾, makes the following Regulations.

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

Citation and commencement

1. These Regulations may be cited as the Freedom of Information Act 2000 (Amendment) (EU Exit) Regulations 2018 and come into force on exit day⁽²⁾.

Amendment of the Freedom of Information Act 2000

2. In section 44(1)(b) of the Freedom of Information Act 2000⁽³⁾ (prohibitions on disclosure), for “EU obligation” substitute “retained EU obligation”.

13th December 2018

Chloe Smith
Parliamentary Secretary
Cabinet Office

⁽¹⁾ 2018 c. 16.

⁽²⁾ For the definition of “exit day”, see section 20 of the European Union (Withdrawal) Act 2018.

⁽³⁾ 2000 c. 36. Section 44(1)(b) was amended by S.I. 2011/1043.

Status: This is the original version (as it was originally made).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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address a failure of retained EU law to operate effectively and other deficiencies (in particular under paragraphs (a) and (g) of section 8(2) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

Section 44(1)(b) of the Freedom of Information Act 2000 (c. 36) provides an absolute exemption to disclosure of information under section 1 of that Act where such disclosure would be “incompatible with any EU obligation”. Regulation 2 amends section 44(1)(b) to substitute the term “retained EU obligation” for “EU obligation”.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.