
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 520

The Environmental Information (Scotland) Regulations 2004

Records transferred to the Keeper

15.—(1) This regulation applies to environmental information, other than open information, which is contained in a record transferred to the Keeper of the Records of Scotland (“the Keeper”) by a Scottish public authority.

(2) Where environmental information is contained in a record—

(a) to which this regulation applies; and

(b) a request has been made for that information to be made available by the Keeper under regulation 5(1),

the Keeper shall, as soon as practicable after receiving the request, send a copy of it to the authority which transferred the information.

(3) That authority, instead of the Keeper, shall come to a decision as to whether the information is subject to an exception under regulation 10(1)(a) and determine any question then arising under regulation 10(1)(b).

(4) After receiving the copy, that authority shall, within such time as will make it practicable for the Keeper to comply with these Regulations as respects the request, inform the Keeper of the decision and of any determination required by virtue of that decision as mentioned in paragraph (3).

(5) The Keeper shall, as soon as practicable after receiving representations in accordance with regulation 16, send a copy of those representations to the authority and the authority, instead of the Keeper, shall review the decision and do anything which is to be done under that regulation.

(6) After receiving the copy representations, the authority must, within such time as will make it practicable for the Keeper to comply with these Regulations, inform the Keeper of its decision and provide a statement of its reasons for so doing and it is that decision and statement which the Keeper shall notify to the applicant.

(7) Paragraphs (2) to (6) also apply to information which is contained in a record transferred to the Keeper, before 1st July 1999, by the Secretary of State for Scotland; but for that purpose references in those paragraphs to “the Scottish public authority” and “the authority” are to be construed as references to the Scottish Ministers.

(8) In this regulation, “open information” means environmental information which is transferred to the Keeper and which the transferor has authorised the Keeper to make available in the event of a request being made in accordance with regulation 5(1).