

Draft Order laid before Parliament under section 82(2)(a) of the Freedom of Information Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No. 0000

FREEDOM OF INFORMATION

The Freedom of Information (Parliament) Order 2009

Made - - - - *******
Coming into force - - *******

The Secretary of State makes the following Order in exercise of the powers conferred by section 7(3) (a) and (b) of the Freedom of Information Act 2000(1).

A draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament in accordance with section 82(2)(a) of that Act.

Citation and commencement

- 1.—(1) This Order may be cited as the Freedom of Information (Parliament) Order 2009.
- (2) This Order comes into force on the day after the day on which it is made.

Amendment of Schedule 1

- 2.—(1) Part 1 of Schedule 1 to the Freedom of Information Act 2000(2) is amended as follows.
- (2) In paragraph 2, for paragraph (d) and all the words following it substitute—
 - “(d) information relating to any expenditure in respect of which—
 - (i) a claim has been made to either House of Parliament by a member of either House, or
 - (ii) a payment has been made by either House of Parliament to or on behalf of a member of either House.

Paragraphs (b) and (d) do not except information relating to the total amount of expenditure incurred in respect of a member during any year, other than expenditure on security arrangements.”.

- (3) In paragraph 3, for paragraph (d) and all the words following it substitute—

(1) [2000 c.36](#). The functions of the Lord Chancellor under section 7 were transferred to the Secretary of State by the Secretary of State for Constitutional Affairs Order 2003 ([S.I. 2003/1887](#)). Those functions had previously been transferred to the Lord Chancellor by the Transfer of Functions (Miscellaneous) Order 2001 ([S.I. 2001/3500](#)), which Order amended that section accordingly.

(2) Part 1 of Schedule 1 was previously amended by the Freedom of Information (Parliament and National Assembly for Wales) Order 2008 ([S.I. 2008/1967](#)).

- “(d) information relating to any expenditure in respect of which—
- (i) a claim has been made to either House of Parliament by a member of either House, or
 - (ii) a payment has been made by either House of Parliament to or on behalf of a member of either House.

Paragraphs (b) and (d) do not except information relating to the total amount of expenditure incurred in respect of a member during any year, other than expenditure on security arrangements.”.

XX January 2009

Name
Minister

EXPLANATORY NOTE

(This note is not part of the Order)

The obligations under the Freedom of Information Act 2000 (“the Act”) apply to public authorities. For the purposes of the Act, a “public authority” means a body or office which is listed in Schedule 1 to the Act or designated by an order under section 5 of the Act, or a publicly-owned company as defined by section 6 of the Act.

Schedule 1 to the Act may be amended by an order made by the Secretary of State under section 7(3) (a) limiting an entry relating to a public authority to information of a specified description, and under section 7(3)(b) amending any existing limitation.

The Freedom of Information (Parliament and National Assembly for Wales) Order 2008 ([S.I. 2008/1967](#)) limited the Schedule 1 entries of the House of Commons and House of Lords. It amended the Act so that information held by either House on forthcoming or regular travel arrangements of a member of either House (except as to the total amount of expenditure incurred on travel during any month) is not held by either House for the purposes of the Act.

This Order further limits and amends the Schedule 1 entries of the House of Commons and the House of Lords. In particular, the effect of this Order is that information held by the House of Commons or the House of Lords relating to expenditure in respect of which—

- a claim has been made to either House of Parliament by a member of either House, or
- a payment has been made to or on behalf of a member of either House of Parliament by either House

is not held by either House for the purposes of section 3 of the Act.

Information relating to the total amount of such expenditure (except expenditure on security arrangements) incurred during any year is not excepted and is within the scope of the Act.

This Order also amends Schedule 1 so that only annual, rather than monthly, expenditure information relating to certain travel arrangements of members of either House of Parliament which is held by either House of Parliament is held for the purposes of section 3 of the Act.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.