

# **FREEDOM OF INFORMATION ACT 2000**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part VIII: Miscellaneous and supplemental**

##### *Section 87: Commencement*

245. *Subsection (1)* provides for the immediate commencement on Royal Assent of:
- sections 3 to 8 (the definition of ‘public authority’, power to add bodies to Schedule 1, power to designate further public authorities, defining publicly-owned companies and public authorities to which the Act has limited application, definition of request for information) and Schedule 1;
  - sections 19 and 20 (allowing the approval of publication schemes by the Commissioner and the drafting of model publication schemes);
  - section 47(2) to (6) (empowering the Commissioner to carry out his general functions under the Act);
  - section 49 (requiring the Commissioner to lay reports before Parliament);
  - section 74 (power to make provision relating to environmental information);
  - section 75 (power to amend or repeal enactments prohibiting disclosure of information);
  - sections 78 to 85 (saving for existing powers, defamation, application to Scotland and to government departments, orders and regulations made under the Act, meaning of a "Welsh public authority", interpretation and expenses);
  - section 87 (commencement);
  - paragraph 4 of Schedule 5 (enabling bodies to be added to the Table in paragraph 3 of Schedule 1 of the Public Records Act 1958) and section 67 so far as it relates to that paragraph;
  - those parts of Schedule 6 relating to Schedule 14 of the Data Protection Act 1998 and section 73 so far as it relates to those parts and Part 1 of Schedule 8 (which repeals part of Schedule 14 to the Data Protection Act 1998) and section 86 so far as it relates to that Part.
246. The subsection also provides for the immediate commencement of certain paragraphs of Schedule 2 (with section 18(4) so far as relating to those paragraphs) and so much of any other provisions of the Act as confers power to make any order, regulation or code of practice.
247. *Subsection (2)* provides for the coming into force two months after Royal Assent (ie on 30<sup>th</sup> January 2001) of the provisions providing that the Data Protection Commissioner

*These notes refer to the Freedom of Information Act 2000  
(c.36) which received Royal Assent on 30th November 2000*

is to be known as the Information Commissioner and those that make consequential changes in related legislation.

248. *Subsections (3) and (4)* provide that all other provisions must come into force within five years after Royal Assent unless they have already been brought into force, provide flexibility to have different commencement dates for different purposes within the five year period, and allow for savings and transitional provision to be made, including provision capable of having effect after the five year period.
249. *Subsection (5)* requires the Secretary of State to lay before Parliament annual reports on his proposals for commencement of those parts of the Act not yet fully in force, until such time as the Act is fully commenced in accordance with subsection (3).