
STATUTORY INSTRUMENTS

2004 No. 3363

The Freedom of Information (Removal and Relaxation of Statutory Prohibitions on Disclosure of Information) Order 2004

Health and Safety At Work Act 1974

5.—(1) Section 28 of the Health and Safety At Work Act 1974(1) (restrictions on disclosure of information) is amended as follows.

(2) In subsection (3), after paragraph (e), insert—

- “(f) any other disclosure of information by the recipient, if—
- (i) the recipient is, or is acting on behalf of a person who is, a public authority for the purposes of the Freedom of Information Act 2000, and
 - (ii) the information is not held by the authority on behalf of another person.”

(3) In subsection (5), after “disclosed in pursuance of”, insert “any of paragraphs (a) to (e) of”.

(4) After subsection (9) insert—

- “(9A) Subsection (7) above does not apply if—
- (a) the person who has obtained any such information as is referred to in that subsection is, or is acting on behalf of a person who is, a public authority for the purposes of the Freedom of Information Act 2000, and
 - (b) the information is not held by the authority on behalf of another person.”

(1) 1974 c. 37. Subsection (1) of section 28 was amended by section 36 of, and Schedule 3 to, the Consumer Protection Act 1987 and section 105(2) of the Railways and Transport Safety Act 2003 (c. 20). Subsection (3)(a) was amended by section 120 of, and paragraph 30(6)(a) of Schedule 22 to, the Environment Act 1995 (c. 25). Subsection (3)(c) was amended by section 120 of, and paragraph 30(6)(b) of Schedule 22, and Schedule 24 to, the Environment Act 1995. Subsection (3)(c)(ii) was amended, in relation to England and Wales, by section 190 of, and paragraph 46 of Schedule 25 to, the Water Act 1989 (c. 15), and in relation to Scotland, by section 120 of, and paragraph 30(6)(c) of Schedule 22 to, the Environment Act 1995 and by article 2 of, and paragraph 8(a) of the Schedule to, S.I.2004/1822. Subsection (3)(c)(iii) was repealed by section 120 of, and paragraph 30(6)(d) of Schedule 22, and Schedule 24 to, the Environment Act 1995. Subsection (5)(a) was amended by section 120 of, and paragraph 30(6)(f)(i) of Schedule 22 to, the Environment Act 1995. Subsection (5)(b) was amended, in relation to Scotland, by article 2 of, and paragraph 8(b) of the Schedule to, S.I. 2004/1822 and by section 120 of, and paragraph 30(6)(f)(ii) and (iii) of Schedule 22, and Schedule 24 to, the Environment Act 1995, and in relation to England and Wales, by section 190 of, and paragraph 46 of Schedule 25 to, the Water Act 1989.