

*These notes relate to the Freedom of Information (Scotland)  
Act 2002 (asp 13) which received Royal Assent on 28 May 2002*

# **FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 1 – Access to information held by Scottish public authorities**

##### ***Section 9 – Fees***

42. This section provides the Scottish Ministers with powers to make regulations setting out the fee structure in accordance with which charges may be made for the provision of information under this Act. Such regulations will be subject to affirmative resolution. An authority will request payment for the provision of information by way of a “fees notice” and is not obliged to provide the information until payment is received. Payment must be received within 3 months of the issuing of the fees notice if the request is to be further actioned.
43. Under section 9(7), the charging structure set out in regulations under this section would not apply where the information was being disclosed by or under another enactment with its own charging scheme – in this situation, the existing scheme would continue to apply.