



Freedom of Information (Scotland) Act 2002 2002 asp 13

PART 1

ACCESS TO INFORMATION HELD BY SCOTTISH PUBLIC AUTHORITIES

Right to information

9 Fees

- (1) A Scottish public authority receiving a request which requires it to comply with section 1(1) may, within the time allowed by section 10 for so complying, give the applicant a notice in writing (in this Act referred to as a “fees notice”) stating that a fee of an amount specified in the notice is to be charged by the authority for so complying.
- (2) Subsection (1) is subject to section 19.
- (3) If a fees notice is given to the applicant, the authority is not obliged to give the requested information unless the fee is duly paid; and for the purposes of this subsection and section 10(2) due payment is payment within the period of three months beginning with the day on which the notice is given.
- (4) Subject to subsection (7), a fee charged under subsection (1) is to be determined by the authority in accordance with regulations made by the Scottish Ministers.
- (5) Without prejudice to the generality of subsection (4), the regulations may in particular provide that—
 - (a) a fee is not to exceed such amount as may be specified in, or determined in accordance with, the regulations;
 - (b) a fee is to be calculated in such manner as may be so specified; and
 - (c) no fee is payable in a case so specified.
- (6) Before making the regulations, the Scottish Ministers are to consult the Commissioner.
- (7) Subsection (4) does not apply where provision is made, by or under any enactment, as to the fee that may be charged by the authority for the disclosure of the information.

Status: Point in time view as at 27/05/2020.

Changes to legislation: Freedom of Information (Scotland) Act 2002, Section 9 is up to date with all changes known to be in force on or before 06 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- II** S. 9 wholly in force at 1.1.2005; s. 9 not in force at Royal Assent, see s. 75(1); s. 9 in force for certain purposes at 31.10.2003 by [S.S.I. 2003/477](#), [art 3\(2\)](#); s. 9 wholly in force at 1.1.2005 by [S.S.I. 2004/203](#), [art. 3\(2\)](#)

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