
EXPLANATORY NOTE

(This note is not part of the Order)

This is the first Commencement Order of the Freedom of Information (Scotland) Act 2002 (“the Act”). It brings into force four categories of provisions which:

- (a) specify which bodies are to be subject to the Act including machinery to have bodies removed from or added to the list of those specified, and to have the Act apply with limited application (sections 3(1), 4, 5, 6, 7 and schedule 1);
- (b) establish the office of Scottish Information Commissioner and set out the Commissioner’s functions and conditions attached to the functions (sections 42, 43, 45, and schedule 2);
- (c) enable the Scottish Information Commissioner to make model publication schemes (section 24) and enable the Scottish Ministers to issue codes of practice (sections 60 and 61), to make regulations for the purpose of implementing the information provisions of the Aarhus Convention (section 62) and to replace or amend enactments prohibiting disclosure (section 64); and
- (d) amend the Public Records (Scotland) Act 1937 (sections 70(1) and (2)) and the Scottish Public Services Ombudsman Act 2002 (section 71).

The Order also commences the provisions on interpretation in the Act (section 73).