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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 1 of the Freedom of Information (Scotland) Act 2002 (“the 2002 Act”) confers a general right of access to information held by Scottish public authorities. Section 26(a) provides that information is exempt from disclosure under section 1 if its disclosure, otherwise than under the 2002 Act, is prohibited by or under an enactment.

Section 64 of the 2002 Act gives Scottish Ministers the power to make an order to repeal or amend an enactment, in so far as it relates to any Scottish public authority, so as to remove or relax a prohibition that, by virtue of section 26(a) of the Act, is capable of preventing disclosure under section 1 of the Act.

This Order amends certain legislation to relax the statutory prohibitions on disclosure where the person making the disclosure is, or is acting on behalf of, a Scottish public authority for the purposes of the 2002 Act.

Articles 2 to 6 respectively amend section 154A(a) of the Factories Act 1961, section 59A(a) of the Office, Shops and Railway Premises Act 1963, section 118(1A)(a) of the Medicines Act 1968, sections 28(3)(f)(i) and 28(9A)(a) of the Health and Safety at Work etc. Act 1974 and section 9(1) of the Diseases of Fish Act 1983 so that offences of disclosure of information do not apply where the disclosure is for the purposes of the 2002 Act.