
DRAFT STATUTORY INSTRUMENTS

2004 No.

The Environmental Information Regulations 2004

PART 3

Exceptions to the duty to disclose environmental information

Ministerial certificates

15.—(1) A Minister of the Crown may certify that a refusal to disclose information under regulation 12(1) is because the disclosure—

- (a) would adversely affect national security; and
- (b) would not be in the public interest under regulation 12(1)(b).

(2) For the purposes of paragraph (1)—

- (a) a Minister of the Crown may designate a person to certify the matters in that paragraph on his behalf; and
- (b) a refusal to disclose information under regulation 12(1) includes a response under regulation 12(6).

(3) A certificate issued in accordance with paragraph (1)—

- (a) shall be conclusive evidence of the matters in that paragraph; and
- (b) may identify the information to which it relates in general terms.

(4) A document purporting to be a certificate under paragraph (1) shall be received in evidence and deemed to be such a certificate unless the contrary is proved.

(5) A document which purports to be certified by or on behalf of a Minister of the Crown as a true copy of a certificate issued by that Minister under paragraph (1) shall in any legal proceedings be evidence (or, in Scotland, sufficient evidence) of that certificate.

(6) In paragraphs (1), (2) and (5), a “Minister of the Crown” has the same meaning as in section 25(3) of the Act.