

## SCHEDULE 2

### Public bodies

#### SECTION 1

##### *Interpretation*

### **Public bodies**

1. In this Order, “public body” means a public body described in this section.

### **Public authorities and the National Assembly for Wales Commission**

- 2.—(1) A public authority is a public body.

- (2) In sub-paragraph (1), a “public authority” means—

- (a) a public authority within the meaning of section 3(1)(a) of the 2000 Act; and
- (b) a Scottish public authority within the meaning of section 3(1)(a) of the Freedom of Information (Scotland) Act 2002(1) (“the 2002 Act”),

but not any such authority listed in sub-paragraph (4) or paragraph 4.

- (3) Where a public authority is included within the 2000 Act or the 2002 Act subject to a limitation, that limitation does not apply in respect of this Order.

- (4) The public authorities referred to in sub-paragraph (2) are—

- (a) the House of Commons;
- (b) the House of Lords;
- (c) the force or any unit described in sub-paragraph (a) or (b) of paragraph 6 (the armed forces of the Crown) of Schedule 1 to the 2000 Act;
- (d) a person described in paragraph 64 (persons nominating special constables) of Schedule 1 to the 2000 Act;
- (e) the National Assembly for Wales.

- (5) The National Assembly for Wales Commission is a public body(2).

### **Public bodies: bodies corporate**

- 3.—(1) A body corporate is a public body where it is a body in which a public body under paragraph 2 is a majority member.

- (2) A public body is a majority member of a body (“body A”) under sub-paragraph (1) where—

- (a) the member;
- (b) a person acting on behalf of the member; or
- (c) a body corporate in which the member or person acting on its behalf is a majority member,

(any of whom is “person B”) satisfies the provisions in sub-paragraph (3).

- (3) The provisions referred to in sub-paragraph (2) are—

- (a) person B holds a majority of the voting rights in body A;

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(1) 2002 asp 13.

(2) The Commission was established under section 27 of the Government of Wales Act 2006 (c. 32).

- (b) person B is a member of body A and has the right to appoint or remove a majority of its board of directors; or
- (c) person B is a member of body A and controls alone, pursuant to an agreement with other members, a majority of the voting rights in body A.

**Public bodies: proprietors of Academies and colleges**

4.—(1) The proprietor of—

- (a) an Academy;
- (b) a city technology college or city college for the technology of the arts,

is a public body.

(2) Where—

- (a) a proprietor described in sub-paragraph (1) is the proprietor of more than one Academy or college; and
- (b) those Academies or colleges are situated in more than one local authority area,

the proprietor is a separate public body in respect of those Academies or colleges in different local authority areas.

(3) Where a proprietor would be required to register as a participant under Part 2—

- (a) if it were not a public body under sub-paragraph (1); and
- (b) excluding the scheme activities in respect of which it is such a public body,

the proprietor is, as applicable, a separate public body or undertaking in respect of its other scheme activities.

**Public bodies: one public body part of another**

5.—(1) Except where paragraph 4(2) or (3) applies, where a public body (“A”) is part of another public body (“B”)—

- (a) A is not a public body; and
- (b) B including A is a public body.

(2) A government department is not part of another government department.