
EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations, which come into force on 1st September 2013, make provision about the charging of a fee by a public authority in connection with making certain datasets which are relevant copyright works available for re-use in accordance with section 11A(2) of the Freedom of Information Act 2000 (c. 36) or a requirement imposed by virtue of section 19(2A)(c) of that Act. Subject to section 11A(1), section 11A(2) imposes a duty on a public authority releasing such a dataset to make the dataset available for re-use in accordance with the terms of a specified licence. Section 19(2A)(c) imposes an equivalent duty on a public authority publishing such a dataset in accordance with its publication scheme.

Regulation 2(1) and (8) confers a power on a public authority to charge a fee for such re-use except where the public authority has another statutory power to charge a fee for that re-use. Regulation 2(2) to (4) prescribes how any fee that may be charged under this regulation is to be determined, including how the maximum fee is to be determined. Regulation 2(5) to (7) makes provision relating to the establishment of standard fees, including a requirement on the public authority to specify the basis for calculating any fee or standard fee.

In making the above provision these Regulations implement, in part, [Directive 2003/98/EC](#) of the European Parliament and of the Council on the re-use of public sector information (O.J. No. L345, 31.12.2003, p.90). These Regulations make equivalent provision to, and have the same legal effect as, Regulation 15 of the Re-use of Public Sector Information Regulations 2005 ([SI 2005/1515](#)) for public authorities subject to the Freedom of Information Act 2000.