
EXPLANATORY NOTE

(This note is not part of the Order)

The obligations under the Freedom of Information Act 2000 (“the Act”) apply to public authorities. For the purposes of the Act, a “public authority” includes a body or office which is designated by an order under section 5 of the Act. Section 5(1)(a) of the Act provides that the Secretary of State may, subject to certain limitations, by order designate as a public authority for the purposes of the Act a person who appears to the Secretary of State to exercise functions of a public nature.

Section 7(5) of the Act provides that such an order must specify the functions of the public authority designated by the order with respect to which the designation is to have effect, and limits the application of the Act to information held by the authority relating to the specified functions.

This Order designates as public authorities Network Rail Limited, Network Rail Infrastructure Limited and Network Rail Holdco Limited (article 2(1) and column 1 of the Schedule). The functions with respect to which the designation takes effect are listed in column 2 of the Schedule. Article 2(2) provides that the functions listed in column 2 do not include any function in connection with which a person listed in column 1 makes a charge or obtains consideration of any kind, unless the purpose of exercising the function is to enable an operator to use or operate a railway asset.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available at www.legislation.gov.uk and is annexed to the Explanatory Memorandum which is available on the OPSI website.