Draft Regulations laid before the Scottish Parliament under section 72(2)(b) of the Freedom of Information (Scotland) Act 2002, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2016 No.

FREEDOM OF INFORMATION

The Freedom of Information (Scotland) Act 2002 (Time for Compliance) Regulations 2016

Made - - - -	*2016*
Coming into force - -	*1st December 2016*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 10(4), 10(5), 21(6) and 21(7) of the Freedom of Information (Scotland) Act 2002(**a**) and all other powers enabling them to do so.

In accordance with section 72(2)(b) of that Act a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Freedom of Information (Scotland) Act 2002 (Time for Compliance) Regulations 2016 and come into force on 1st December 2016.

Grant-aided schools and independent special schools

2.—(1) This regulation applies to a request for information that is received by—

(a) a grant-aided school as defined in section 135(1) of the Education (Scotland) Act 1980(**b**); or

(b) an independent special school listed in the Register of Independent Schools kept pursuant to section 98 of the Education (Scotland) Act 1980 and which falls within paragraph (a) of the definition of "special school" in section 29(1) of the Education (Additional Support for Learning) (Scotland) Act 2004(**c**).

(**a**) 2002 asp 13.
(**b**) 1980 c.44. The definition of "grant-aided school" was amended by the Education (Scotland) Act 1981 (c.58), section 5(2); the Self-Governing Schools etc. (Scotland) Act 1989 (c.39), schedule 10, paragraph 8 and the Standards in Scotland's Schools etc. Act 2000 (asp 6), schedule 3.
(**c**) 2004 asp 4.

(2) Where regulation 2(1) applies, subsections (1) and (3) of section 10 and section 21(1) of the Freedom of Information (Scotland) Act 2002 have effect as if references to the twentieth working day were references to either—

(a) the twentieth working day disregarding any working day which, in relation to the school referred to in paragraph 1, is not a school day; or

(b) the sixtieth working day,

whichever occurs first.

(3) For the purposes of this regulation, "school day" means in relation to a particular school a day on which the school is ordinarily open to its pupils for the purpose of their school education.

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify the period within which independent special schools and grant aided schools are required to respond to requests for information (and requests for reviews of responses to such requests for information) under the Freedom of Information (Scotland) Act 2002. Independent special schools and grant aided schools must comply with requests under that Act within twenty working days not including any working day which is not also a school day, or within sixty working days, whichever is the earlier.

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