Draft Regulations laid before Parliament under section 82(2)(b) of the Freedom of Information Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No. XXXX

FREEDOM OF INFORMATION

The Freedom of Information (Time for Compliance with Request) Regulations 2009

Made - - - -	*XXX*
Coming into force - -	*26th June 2009*

The Secretary of State makes the following Regulations in exercise of the power conferred by section 10(4) of the Freedom of Information Act 2000(**a**).

A draft of these Regulations was laid before Parliament and approved by a resolution of each House of Parliament in accordance with section 82(2)(b) of that Act.

Citation and commencement

1.—(1) These Regulations may be cited as the Freedom of Information (Time for Compliance with Request) Regulations 2009.

(2) These Regulations come into force on 26th June 2009.

Managers of a controlled school, voluntary school, grant-maintained integrated school or pupil referral unit

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

(a) a controlled school, voluntary school or grant-maintained integrated school within the meaning of Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986(**b**), or

(b) a pupil referral unit as defined by Article 87(1) of the Education (Northern Ireland) Order 1998(**c**).

(2) Where this regulation applies, subsections (1) and (2) of section 10 of the Freedom of Information Act 2000 have effect as if any reference to the twentieth working day following the date of receipt were a reference to either—

(**a**) 2000 c.36. The functions of the Lord Chancellor under section 10 were transferred to the Secretary of State by the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887). Those functions had previously been transferred to the Lord Chancellor by the Transfer of Functions (Miscellaneous) Order 2001 (S.I. 2001/3500), which Order amended that section accordingly.

(**b**) S.I. 1986/594 (N.I.3). The definition of voluntary school in Article 2(2) was amended, and the definition of grant-maintained integrated school was inserted, by Schedule 9 to the Education Reform (Northern Ireland) Order 1989 (S.I. 1989/2406, N.I.20).

(**c**) S.I. 1998/1759 (N.I.13), to which there are amendments not relevant to these Regulations.

(a) the twentieth working day following the date of receipt, disregarding any working day which, in relation to the school or unit referred to in paragraph (1), is not a school day, or

(b) the sixtieth working day following the date of receipt,

whichever occurs first.

(3) "School day", for the purposes of this regulation, means any day on which, at the school or unit referred to in paragraph (1) above, there is a session.

Name
Ministry of Justice

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Freedom of Information Act 2000 ("the Act") provides for the right to make a request for information to a public authority and entitles a person ("the applicant") making such a request: (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and (b) if that is the case, to have that information communicated to him (section 1(1)).

Section 10(1) of the Act requires a public authority to comply with a request promptly, and in any event, not later than twenty working days following the date of receipt. Where the authority gives the applicant a fees notice, the working days in the period beginning with the day on which the fees notice is given to the applicant and ending with the day on which the fee is received by the authority are to be disregarded for the purpose of calculating the twentieth working day following the date of receipt referred to in section 10(1) (section 10(2)).

These Regulations are made under section 10(4) of the Act. They allow certain public authorities a longer maximum period of time than is provided under section 10(2) to comply with section 1(1) of the Act, provided that this longer period expires on a date not later than the sixtieth working day following the receipt of the request for information and subject to the obligation on the public authority to comply "promptly".

Regulation 3 provides that where a request for information is received by the managers of a controlled school, voluntary school, grant-maintained integrated school or pupil referral unit, for the purposes of section 10(1) or (2) of the Act, working days which are not school days are not to be taken into account in calculating the twentieth working day following the date of receipt. The public authority must comply with the request within twenty working days of the date of receipt, disregarding any working day which, in relation to the school, is not a school day, or within sixty working days following the date of receipt, whichever is the sooner.

The managers of a controlled school, voluntary school, grant-maintained integrated school or pupil referral unit are a public authority, as defined by section 3 of the Act. A body, person or office holder can be a public authority either by: 1) being listed in Schedule 1 to the Act; 2) being designated by order under section 5 of the Act; or 3) being a publicly-owned company as defined by section 6 of the Act. The managers of a controlled school, voluntary school, grant-maintained integrated school or pupil referral unit are listed in paragraph 54 in Part 4 of Schedule 1 to the Act.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

© Crown copyright 2009

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

Draft Regulations laid before Parliament under section 82(2)(b) of the Freedom of Information Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No. XXXX

FREEDOM OF INFORMATION

The Freedom of Information (Time for Compliance with Request) Regulations 2009

£4.00

E4084 4/2009 194084T 19585