

2011 No. 46 (C. 3)

FREEDOM OF INFORMATION

**The Constitutional Reform and Governance Act 2010
(Commencement No. 4 and Saving Provision) Order 2011**

Made - - - -

16th January 2011

The Secretary of State makes the following Order in exercise of the powers conferred by section 52(2) and (4) of the Constitutional Reform and Governance Act 2010(a):

Citation

1. This Order may be cited as the Constitutional Reform and Governance Act 2010 (Commencement No. 4 and Saving Provision) Order 2011.

Interpretation

2. In this Order—

- (a) “the 2000 Act” means the Freedom of Information Act 2000(b);
- (b) “public authority” has the meaning given in section 3 of the 2000 Act; and
- (c) “request for information” has the meaning given in section 8 of the 2000 Act.

Commencement

3. The following provisions of the Constitutional Reform and Governance Act 2010 come into force on 19th January 2011—

- (a) section 46(1) (freedom of information) in so far as it relates to the provisions in paragraph (b);
- (b) in Schedule 7 (amendments of Freedom of Information Act 2000)—
 - (i) paragraphs 1 to 3;
 - (ii) paragraph 5(2)(b) in so far as it omits “37(1)(a),” from section 63(1) of the 2000 Act;
 - (iii) paragraph 5(4) only to the extent that it inserts section 63(2E) and (2F) of the 2000 Act; and
 - (iv) paragraph 6 save that—
 - (aa) section 80A(5) of the 2000 Act is not inserted;
 - (bb) section 80A(6)(b) of the 2000 Act is not inserted; and
 - (cc) in section 80A(6)(c) of the 2000 Act references to subsections (2A) to (2D) of section 63 of that Act are not inserted.

(a) 2010 c. 25.
(b) 2000 c. 36.

Saving

4. The 2000 Act continues to apply as it applied immediately before 19th January 2011 in respect of any request for information received by a public authority before that date.

16th January 2011

Kenneth Clarke
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Constitutional Reform and Governance Act 2010 which amend provisions of the Freedom of Information Act 2000 (“the 2000 Act”) concerning information which relates to communications with the Sovereign, the Royal Family and the Royal Household. All the provisions brought into force by this Order come into force on 19th January 2011.

The commenced provisions—

- (a) amend the 2000 Act so that information relating to communications with the Sovereign, the heir to the Throne or the second in line to the Throne (and communications made or received on their behalf) is subject to an absolute exemption from disclosure, and information relating to communications with other members of the Royal Family (and communications made or received on their behalf) or the Royal Household is subject to a qualified exemption from disclosure (Schedule 7, paragraphs 2 and 3);
- (b) provide for new time limits after which the exemption no longer applies (Schedule 7, paragraph 5(4)); and
- (c) provide for the 2000 Act to apply in Northern Ireland as if these amendments had not been made (Schedule 7, paragraph 6).

The 2000 Act will apply to requests for information received by public authorities before 19th January 2011 as it did before these provisions were commenced.

A regulatory impact assessment has not been prepared for this Order as no impact on the private or voluntary sectors is foreseen.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Constitutional Reform and Governance Act 2010 have been brought into force by a commencement order made before the date of this order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 26	19th April 2010	2010/1277
Section 27	7th May 2010	2010/1277
Section 28(1) to (3)	7th May 2010	2010/1277
Section 30	7th May 2010	2010/1277
Section 31(6)	7th May 2010	2010/1277
Section 32	7th May 2010	2010/1277
Section 36	7th May 2010	2010/1277

Section 37	7th May 2010	2010/1277
Section 38 (in part)	19th April 2010	2010/1277
	7th May 2010	2010/1277
Schedule 3	19th April 2010	2010/1277
Schedule 5: paragraphs 1, 2(b), 4(1) and (2)(a), 5(1) and (3), 7(1); and 7(4) (in part)	19th April 2010	2010/1277
Schedule 5: paragraphs 2(a), 3, 4(2)(b), 5(2), 6, and 7(2), (3)(c) and (4)(c)	7th May 2010	2010/1277
Section 28(4)	27th July 2010	2010/1931
Section 31(1) to (5)	27th July 2010	2010/1931
Section 33	27th July 2010	2010/1931
Section 34	27th July 2010	2010/1931
Section 35	27th July 2010	2010/1931
Section 38 (in part)	27th July 2010	2010/1931
Schedule 4	27th July 2010	2010/1931
Schedule 5: paragraph 4(3) and paragraph 7(3)(b), (4)(b), and (4)(d) so far as not already in force, and (5)	27th July 2010	2010/1931
Part 1 (the civil service)	11th November 2010	2010/2703
Part 2 (ratification of treaties)	11th November 2010	2010/2703
Part 5 (transparency of government financial reporting to parliament)	11th November 2010	2010/2703

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STATUTORY INSTRUMENTS

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