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STATUTORY INSTRUMENTS

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**2018 No. 1212**

**FREEDOM OF INFORMATION**

**The Freedom of Information (Designation as Public Authority and Amendment) Order 2018**

*Made - - - - 21st November 2018*

*Coming into force in accordance with article 1(2)*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 5(1)(a) and (2) and 7(5) of the Freedom of Information Act 2000<sup>(1)</sup>.

In accordance with section 5(3) of that Act<sup>(2)</sup>, the Secretary of State has consulted persons appearing to the Secretary of State to represent the persons to whom the Order relates.

In accordance with section 82(2)(a) of that Act, a draft of this Order was laid before, and approved by a resolution of, each House of Parliament.

**Citation and commencement**

**1.**—(1) This Order may be cited as the Freedom of Information (Designation as Public Authority and Amendment) Order 2018.

(2) This Order comes into force on the day after the day on which it is made.

**Person designated as a public authority**

**2.**—(1) The National Police Chiefs' Council is designated as a public authority under section 5(1) (a) of the Freedom of Information Act 2000 with respect to the following of its functions—

- (a) the co-ordination of national operations;
- (b) the command of counter-terrorism operations and delivery of counter-terrorist policing through any collaboration agreement relating to counter-terrorism activities entered into under section 22A of the Police Act 1996<sup>(3)</sup>;
- (c) the co-ordination of the national police response to national emergencies and the co-ordination of the mobilisation of resources across force borders and internationally;

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(1) 2000 c. 36; section 5(1) was amended by S.I. 2001/3500, S.I. 2003/1887, S.I. 2015/1897 and S.I. 2016/997.

(2) Section 5(3) was amended by S.I. 2001/3500, S.I. 2003/1887, S.I. 2015/1897 and S.I. 2016/997.

(3) 1996 c. 16. Section 22A was inserted by the Police Reform and Social Responsibility Act 2011 (c. 13), section 89(2) and amended by the Policing and Crime Act 2017 (c. 3), section 157(2).

- (d) the national operational implementation of standards and policy as set by the College of Policing<sup>(4)</sup> or by any government department;
  - (e) the development, in collaboration with the College of Policing, of joint national approaches on criminal justice, value for money, service transformation, information management, performance management and technology; and
  - (f) the development, in collaboration with the College of Policing, of joint national approaches to staff and human resource issues, including misconduct and discipline.
- (2) In this article, “National Police Chiefs’ Council” has the meaning given by section 101 of the Police Act 1996.

### **Amendment of the Freedom of Information (Designation as Public Authorities) Order 2011**

**3.** In the Schedule to the Freedom of Information (Designation as Public Authorities) Order 2011<sup>(5)</sup>, in column 1 omit “The Association of Chief Police Officers of England, Wales and Northern Ireland”, and in column 2 omit the corresponding entry.

21st November 2018

*Nick Hurd*  
Minister of State  
Home Office

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<sup>(4)</sup> A company incorporated under the Companies Act 2006 (c. 46) with the registration number 08235199.  
<sup>(5)</sup> S.I. 2011/2598.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

The obligations under the Freedom of Information Act 2000 (c. 36) (“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 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 those specified functions.

This Order designates the National Police Chiefs’ Council as a public authority for the purposes of the Act. The functions with respect to which the designation takes effect are listed in article 2(1).

This Order also amends the Freedom of Information (Designation as Public Authorities) Order 2011 (S.I. 2011/2598) so as to remove that Order’s designation of the Association of Chief Police Officers of England, Wales and Northern Ireland as a public authority for the purposes of the Act.

An Impact Assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.