



Department
for Environment
Food & Rural Affairs

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Our ref: RFI 6146
Date: 3 February 2014

Dear Mr Jones

INTERNAL REVIEW: List of byelaws confirmed by the Secretary of State

I am writing in response to your e-mail of 7 January 2014 in which you asked for an internal review of the response to your request for a list of byelaws or other local legislative instruments which were:

- (a) confirmed by or on behalf of the Secretary of State during 2013,
- (b) submitted for confirmation during 2013 but which the Secretary of state declined to confirm

In accordance with Defra's internal review procedures, your case has been reviewed by the Information Standards Team in discussion with colleagues who handled your original request. I have considered your appeal and have found that Defra's handling of this case was correct in that no information was held in relation to the core department. However, in the interests of providing helpful advice and assistance, we are now able to provide you with some relevant information. An explanation for this decision is set out below.

Your initial request was responded to on 6 January 2014 stating that "there are no records of byelaws being confirmed or submitted for confirmation by the Secretary of State during 2013". However, you considered this to be incorrect as you had found two references online to Byelaws which have been confirmed by the Secretary of State during 2013 (relating to the Marine Management Organisation (MMO) and the Ouse and Humber Internal Drainage Board). You thought it likely therefore that there were other byelaws which were confirmed in 2013, and which are not otherwise available online, which the search failed to identify. You asked us to re-check our records and provide you with the information you requested.

The initial search returned no records of byelaws being confirmed or submitted for confirmation by the Secretary of State during 2013 as Defra does not actually hold this information anywhere centrally. Other public bodies have their own FOI teams and Non Departmental Public Bodies, such as the MMO to which you found a reference, are legally separate and therefore we do not hold information on their byelaws. However, following your request for an internal review, colleagues from the relevant business area expanded



this search to other public bodies by coordinating with Regulators and Policy Teams. As a result we have located:

- (A) 26 byelaws confirmed by or on behalf of the Secretary of State during 2013.
- (B) No byelaws submitted for confirmation during 2013 but which the Secretary of state declined to confirm.

All of the 26 byelaws confirmed are hosted on external websites – the Marine Management Organisation Website, the relevant Inshore Fisheries and Conservation Authorities (IFCA) websites, Internal Drainage Board Websites etc. Although the information is all available in the public domain, and this work has taken considerable time and coordination, as part of our commitment to openness and transparency we are able to provide the attached list with the relevant documents / site pages embedded where possible.

Unfortunately, as there is no central repository we are unable to confirm that this list 100% complete. We do however accept that ideally Defra would like to have sight of these byelaws. We therefore hope to include this in the work we are completing on a web based portal of Defra's entire regulatory stock hosted by the National Archives, so that in the future such information is held by us and be easily retrieved

I hope this reply satisfactorily answers your concerns. However, if you remain dissatisfied, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

<http://www.ico.gov.uk/complaints.aspx>

Yours sincerely,

By e-mail

Mike Kaye

Head of Information Standards