



Department
for Environment
Food & Rural Affairs

**Public Requests for
Information –**

Advice Service (*PRIAS*)

Area 1B, Ergon House,
Horseferry Road,
London, SW1P 2AL

www.defra.gov.uk

Paul Staples
request-142846-cf182a47@whatdotheyknow.com

Our ref: RFI 5208

21 January 2013

Dear Mr Staples,

REQUEST FOR INFORMATION: AUTHORISATIONS UNDER S36(5)(O) OF THE FOI ACT

Thank you for your request for information about authorisations under Section 36(5)(o) under the FOI Act, which we received on 19 December. We have handled your request under the Freedom of Information Act 2000 (FOIA). Your request was as follows:

Under s36(5)(o) of the Freedom of Information Act 2000 a Minister of the Crown may authorise a public authority, or nominated officers or employees thereof to be a qualified person for the purposes of s36(2).

Could you confirm whether the Minister(s) within your department (or departments to which you are a successor) have made any authorisations under s36(5)(o)(ii) or s36(5)(o)(iii) and in each such case provide:

1. The date on which the authorisation was made
2. The identity of the minister
3. The identity of the public authority and
4. The text of the authorisation.



The information that you requested is as follows:

For the nominations of several public authorities in 2005

- 1) Date of authorisation: 2 February 2005.
- 2) Minister: Alun Michael.
- 3) Please see the attached list of public authorities (Annex A).
- 4) Text of authorisation - Defra should authorise the most senior level within each specified body, as set out in the attached list (Annex A). Letters should be issued at official level, notifying individual public authorities of the qualified person – in each case the most senior person – within their organisation for the purpose of Section 36 of the Act. A list of the authorised qualified persons should then be sent to the Department for Constitutional Affairs.

For the Gangmasters Licensing Authority nominations in 2006

- 1) Date of authorisation: December 2006 - a letter from Defra dated 11 December 2006 was sent to the GLA informing the GLA of the nomination.
- 2) Minister: Jeff Rooker.
- 3) The public authority: Gangmasters Licensing Authority
- 4) Text of authorisation: The authorisation of the Chairman (Paul Whitehouse) and Chief Executive (Mike Wilson) of the Gangmasters Licensing Authority (GLA) as 'qualified persons' under section 36(5)(o)(iii) of the Freedom of Information Act 2000 (FOIA). This would enable either of them to withhold information held by the GLA under section 36(2) of the FOIA .

For the Court of Verderers of the New Forest in 2007

- 1) Date of authorisation: October 2007. The authorisation email from the Minister's office is no longer held and so the actual date of the authorisation is not known.
- 2) Minister : Jeff Rooker
- 3) The public authority: the Court of Verderers of the New Forest

4) Text of authorisation: –The authorisation of the Official Verderer of the Verderers of the New Forest as a ‘qualified person’ under section 36(5)(o)(iii) of the Freedom of Information Act 2000 (FOIA). To authorise the Official Verderer as a qualified person for the purposes of sections 36(2) and (3) of the FOIA.

For the National Park Authorities and the Broads Authority in 2009

1) Date of authorisation: December 2009. The authorisation email from the Minister’s office is no longer held and so the actual date of the authorisation is not known.

2) Minister: Lord Davies

3) The public authority: the National Park Authorities and the Broads Authority.

4) Text of authorisation: –The authorisation of named offices within the National Park and Broads Authority as ‘qualified persons’ under section 36(5)(o)(iii) of the Freedom of Information Act 2000 (FOIA). The attached list (Annex B) of named offices to be authorised as qualified persons for the purposes of sections 36(2) and (3) of the FOIA.

In keeping with the spirit and effect of the FOIA, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you may now be published on our website together with any related information that will provide a key to its wider context.

I attach Annex C, which explains the copyright that applies to the information being released to you.

I also attach Annex D giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact me.

Yours sincerely

(Via email)

Marie Taylor

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