
STATUTORY INSTRUMENTS

2012 No. 3029

FREEDOM OF INFORMATION

The Freedom of Information (Definition of Historical Records) (Transitional and Saving Provisions) Order 2012

<i>Made</i>	- - - -	<i>5th December 2012</i>
<i>Laid before Parliament</i>		<i>6th December 2012</i>
<i>Coming into force</i>	- -	<i>1st January 2013</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 46(2) and (3) of the Constitutional Reform and Governance Act 2010⁽¹⁾:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Freedom of Information (Definition of Historical Records) (Transitional and Saving Provisions) Order 2012 and shall come into force on 1st January 2013.

(2) In this Order—

“the 2000 Act” means the Freedom of Information Act 2000⁽²⁾;

“relevant record” means a record which, by virtue of the coming into force on 1st January 2013 of paragraph 4 of Schedule 7 (amendments of Freedom of Information Act 2000: meaning of historical record) to the Constitutional Reform and Governance Act 2010⁽³⁾ and but for this Order, becomes a historical record for the purposes of Part 6 (historical records and records in Public Record Office or Public Record Office of Northern Ireland) of the 2000 Act at the end of the period of twenty years beginning with the year following that in which it was created.

Transitional provision

2.—(1) Notwithstanding the coming into force on 1st January 2013 of paragraph 4 of Schedule 7 to the Constitutional Reform and Governance Act 2010, for the period of 10 years beginning on that day the time when a relevant record becomes a historical record for the purposes of Part 6 of the 2000 Act is that provided for by paragraph (2).

(1) 2010 c. 25.

(2) 2000 c. 36.

(3) Paragraph 4 of Schedule 7 was brought into force by the Constitutional Reform and Governance Act 2010 (Commencement No. 7) Order 2012 (S.I. 2012/3001), Article 3(1)(b).

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(2) A relevant record created in a year specified in column 1 of the table in the Schedule to this Order shall become a historical record from the end of the year specified in the corresponding entry in column 2 of that table.

Saving provision

3. Section 62(1) (meaning of historical record for purposes of Part 6 of Freedom of Information Act 2000) of the 2000 Act continues to apply as it did immediately before 1st January 2013 in relation to a relevant record created in 1983.

5th December 2012

McNally
Minister of State
Ministry of Justice

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SCHEDULE

Article 2(2)

Transitional arrangements for relevant records becoming historical records in accordance with the Freedom of Information Act 2000

<i>Column 1</i>	<i>Column 2</i>
1984	2013
1985	2014
1986	2014
1987	2015
1988	2015
1989	2016
1990	2016
1991	2017
1992	2017
1993	2018
1994	2018
1995	2019
1996	2019
1997	2020
1998	2020
1999	2021
2000	2021
2001	2022

EXPLANATORY NOTE

(This note is not part of the Order)

This Order sets out the transitional arrangements that are to apply following the commencement of paragraph 4 of Schedule 7 to the Constitutional Reform and Governance Act 2010.

The commencement of that provision takes effect from 1st January 2013, by virtue of the Constitutional Reform and Governance Act 2010 (Commencement No. 7) Order 2012, subject to any transitional or saving provision made by Order. The result is that section 62(1) of the Freedom of Information Act 2000 is amended so that a record will become a “historical record” for the purposes of Part 6 of that Act at the end of the period of twenty years beginning with the year following

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that in which it was created. Once a record becomes a historical record certain exemptions from the requirement to disclose information under that Act cease to be available.

Article 1(2) of this Order defines records to which the commencement of paragraph 4 of Schedule 7 applies as a “relevant record”.

Article 2(1) provides that, notwithstanding the commencement of paragraph 4 of Schedule 7 a relevant record will, for a period of 10 years beginning on 1st January 2013, be subject to the transitional arrangements set out in article 2(2). Article 2(2) provides that a relevant record created in a year specified in column 1 of the table contained in Schedule 1 becomes a historical record for the purposes of the Part 6 of the Freedom of Information Act 2000 at the end of the year specified in the corresponding entry in column 2. Following the end of the ten year period, under section 62(1) a relevant record will become a historical record at the end of the period of twenty years beginning with the year following that in which it was created.

Article 3 makes saving provision so that a relevant record created in 1983 continues, notwithstanding the commencement of paragraph 4 of Schedule 7, to become a historical record at the end of the period of thirty years beginning with the year following that in which it was created.