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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 365**

**The Freedom of Information (Scotland)  
Act 2002 (Historical Periods) Order 2013**

**Meaning of “historical record”**

**2.** In section 57 of the Freedom of Information (Scotland) Act 2002, for subsection (1) substitute—

“(1) For the purposes of this Part, a record becomes a “historical record” in accordance with subsections (1A) to (1C).

(1A) A record becomes one at the end of the period of 15 years beginning with 1st January in the calendar year following the date on which the record is created.

(1B) A record containing information which would be exempt by virtue of section 36 becomes one at the end of the period of 30 years beginning with 1st January in the calendar year following the date on which the record is created.

(1C) A record containing information which would be exempt by virtue of section 41(a) becomes one at the end of the later-ending of—

- (a) the period of 20 years beginning with the date on which the record is created,
- (b) the period of 5 years beginning with—
  - (i) in relation to communications with Her Majesty, the date of the death of Her Majesty,
  - (ii) in relation to communications with another member of the Royal Family, the date of the death of that member,
  - (iii) in relation to communications with the Royal Household, the date of the death of the Sovereign reigning when the record is created.

(1D) In the application of subsections (1A) to (1C)—

- (a) the general rule in subsection (1A) is subject to the operation of subsections (1B) and (1C) so far as relevant,
- (b) a record to which both subsections (1B) and (1C) relate becomes a historical record at the end of the later-ending of—
  - (i) the period provided for in subsection (1B),
  - (ii) the period provided for in subsection (1C)(b).”.