



Government of Wales Act 2006

2006 CHAPTER 32

PART 6

MISCELLANEOUS AND SUPPLEMENTARY

Welsh public records

146 Status of Welsh public records

- (1) Welsh public records are not public records for the purposes of the Public Records Act 1958 (c. 51).
- (2) But that Act has effect in relation to Welsh public records (as if they were public records for the purpose of that Act) until an order under section 147 imposes a duty to preserve them on the Welsh Ministers (or a member of the staff of the Welsh Assembly Government).
- (3) Subsection (2) applies to Welsh public records whether or not, apart from subsection (1), they would be public records for the purposes of the Public Records Act 1958.

147 Transfer of responsibility

- (1) The Lord Chancellor may by order make provision—
 - (a) imposing or conferring on the Welsh Ministers (or a member of the staff of the Welsh Assembly Government) functions relating to Welsh public records (including, in particular, functions of preserving them and of making them available for inspection by the public), and
 - (b) imposing on persons responsible for Welsh public records duties relating to the selection of such records for permanent preservation, the safe-keeping of such records and their transfer to a place specified in, or appointed under, the order.

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- (2) An order under this section may (in particular) make in relation to Welsh public records provision analogous to that made by the Public Records Act 1958 (c. 51) in relation to records which are public records for the purposes of that Act.
- (3) An order under this section may make such modifications of—
 - (a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or
 - (b) any other instrument or document,
 as the Lord Chancellor considers appropriate in connection with the provision made by the order.
- (4) An order under this section which imposes on the Welsh Ministers (or a member of the staff of the Welsh Assembly Government) a duty to preserve Welsh public records, or Welsh public records of a particular description, must include provision for the Lord Chancellor to make such arrangements as appear appropriate for the transfer of Welsh public records, or Welsh public records of that description, which are in—
 - (a) the Public Record Office, or
 - (b) a place of deposit appointed under the Public Records Act 1958,
 to a place specified in, or appointed under, the order.
- (5) No order is to be made under this section unless the Lord Chancellor has consulted the Welsh Ministers.
- (6) No order under this section which contains provisions in the form of amendments or repeals of enactments contained in an Act is to be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.
- (7) A statutory instrument containing an order under this section is (unless a draft of the statutory instrument has been approved by a resolution of each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.

148 Meaning of “Welsh public records”

- (1) The following are Welsh public records—
 - (a) administrative and departmental records belonging to Her Majesty which are records of the Welsh Assembly Government,
 - (b) administrative and departmental records of the Auditor General,
 - (c) administrative and departmental records belonging to Her Majesty which are records of or held in any government department which is wholly or mainly concerned with Welsh affairs,
 - (d) administrative and departmental records belonging to Her Majesty which are records of any office, commission or other body or establishment under Her Majesty’s Government which is wholly or mainly concerned with Welsh affairs in a field or fields in which the Welsh Ministers have functions, or the First Minister or the Counsel General has functions,
 - (e) administrative and departmental records of the bodies and establishments specified in subsection (2) (but not records of health service hospitals in Wales which are of the descriptions excepted from being public records for the purposes of the Public Records Act 1958 (c. 51) in the case of health service hospitals in England), and

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- (f) any other description of records (other than records of the Assembly or the Assembly Commission or records of any court or tribunal or held in any department of the Senior Courts) which is specified by order made by the Lord Chancellor.
- (2) The bodies and establishments referred to in subsection (1)(e) are—
- (a) the Care Council for Wales,
 - (b) the Countryside Council for Wales,
 - (c) the Curriculum and Assessment Authority for Wales,
 - (d) Family Practitioner Committees for localities in Wales,
 - (e) the Further Education Funding Council for Wales,
 - (f) the General Teaching Council for Wales,
 - (g) health service hospitals, within the meaning of the National Health Service Act 1977 (c. 49), in Wales,
 - (h) the Higher Education Funding Council for Wales,
 - (i) the Local Government Boundary Commission for Wales,
 - (j) the National Council for Education and Training for Wales,
 - (k) National Health Service Authorities for districts or localities in Wales, or for areas in or consisting of Wales, including National Health Service trusts all of whose hospitals, establishments and facilities are situated in Wales,
 - (l) the Qualifications, Curriculum and Assessment Authority for Wales,
 - (m) the Wales Centre for Health, and
 - (n) the Welsh Board of Health.
- (3) An order under subsection (1)(f) may be made in relation to a description of records—
- (a) which (immediately before the order is made) are public records for the purposes of the Public Records Act 1958, or
 - (b) which (at that time) are not public records for those purposes.
- (4) No order under subsection (1)(f) may be made—
- (a) in relation to records within paragraph (a) of subsection (3), unless the Lord Chancellor has consulted the Welsh Ministers, and
 - (b) in relation to records within paragraph (b) of that subsection, without the agreement of the Welsh Ministers.
- (5) A statutory instrument containing an order under subsection (1)(f) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section “records” includes—
- (a) written records, and
 - (b) records conveying information by any other means.