

# CONSTITUTIONAL REFORM AND GOVERNANCE ACT 2010

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 6: Public Records and Freedom of Information**

##### ***Section 45: Transfer of records to Public Record Office***

307. *Section (1)(a)* amends subsection 3(4) of the Public Records Act 1958 (“PRA 1958”) to reduce the time within which any public record selected for permanent preservation, and not required for an administrative purpose or other special reason, must be transferred to the Public Record Office or other place of deposit. The period is reduced from 30 years after the creation of the record to 20 years.
308. The remaining provisions of *section 45* allow transitional provisions to be made in connection with the reduction of that period from 30 to 20 years. *Subsection (1)(b)* inserts a new section 3(4A) of the PRA 1958 which provides that, during the 10 years after the commencement of *section 45*, the amended section 3(4) of the PRA 1958 is to be read subject to any transitional provisions made by order under *subsection (2)*.
309. *Subsection (2)* allows the Lord Chancellor, by order, to make transitional arrangements relating to the reduction from 30 to 20 years. *Subsection (3)* enables any such order to make provision about the time within which particular records must be transferred and to make different provision for records of different descriptions.
310. *Subsections (4)* and *(5)* provide that a statutory instrument containing such an order is subject to the negative resolution procedure.

##### ***Section 46: Freedom of information***

311. *Subsection (1)* gives effect to Schedule 7, which amends the Freedom of Information Act 2000 (“FOIA 2000”).
312. The remaining provisions of *section 46* allow transitional provisions to be made in connection with the amendments to the FOIA 2000 that reduce from 30 to 20 years the period within which certain exemptions from disclosure apply. *Subsection (2)* gives the Secretary of State power, by order, to make transitional arrangements relating to those amendments. *Subsection (3)* enables any such order to make provision about the time when the exemptions cease to apply, and to make different provision for records of different descriptions. *Subsections (4)* and *(5)* provide that a statutory instrument containing such an order is subject to the negative resolution procedure.