



# Constitutional Reform and Governance Act 2010

## 2010 CHAPTER 25

### PART 6

#### PUBLIC RECORDS AND FREEDOM OF INFORMATION

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

- (1) In section 3 of the Public Records Act 1958 (selection and preservation of public records)—
- (a) in subsection (4) (transfer to Public Record Office or to other appointed place of deposit of public records selected for permanent preservation), for “thirty years” substitute “ 20 years ”, and
  - (b) after that subsection insert—

“(4A) Until the end of the period of 10 years beginning with the commencement of section 45 of the Constitutional Reform and Governance Act 2010, subsection (4) has effect subject to any order made under subsection (2) of that section.”
- (2) The Lord Chancellor may by order make transitional, transitory or saving provision in connection with the coming into force of subsection (1)(a).
- (3) An order under subsection (2) may in particular—
- (a) provide for the time within which any records are to be transferred to the Public Record Office or other place of deposit referred to in section 3(4) of the Public Records Act 1958, and
  - (b) make different provision in relation to records of different descriptions.
- (4) An order under this section is to be made by statutory instrument.
- (5) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

*Changes to legislation: There are currently no known outstanding effects for the  
 Constitutional Reform and Governance Act 2010, Part 6. (See end of Document for details)*

#### Commencement Information

- I1** S. 45(1) in force at 1.1.2013 for specified purposes by [S.I. 2012/3001](#), [art. 3\(1\)\(a\)](#), [Sch.](#)
- I2** S. 45(1) in force at 1.1.2015 in so far as not already in force by [S.I. 2014/3245](#), [art. 2](#) (with transitional and saving provisions in [S.I. 2014/3249](#), arts. 2, 3, Schs. 1, 2)
- I3** S. 45(2)-(5) in force at 30.11.2012 by [S.I. 2012/3001](#), [art. 2\(a\)](#)

## 46 Freedom of information

- (1) Schedule 7 (which makes amendments of the Freedom of Information Act 2000) has effect.
- (2) The Secretary of State may by order make transitional, transitory or saving provision in connection with the coming into force of paragraph 4 of Schedule 7 (which reduces from 30 years to 20 years the period at the end of which a record becomes a historical record for the purposes of Part 6 of the Freedom of Information Act 2000).
- (3) An order under subsection (2) may in particular—
  - (a) make provision about the time when any records are to become historical records for the purposes of Part 6 of the Freedom of Information Act 2000, and
  - (b) make different provision in relation to records of different descriptions.
- (4) An order under subsection (2) is to be made by statutory instrument.
- (5) A statutory instrument containing an order under subsection (2) is subject to annulment in pursuance of a resolution of either House of Parliament.

#### Modifications etc. (not altering text)

- C1** [S. 46\(2\)-\(5\)](#) power modified (1.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), [ss. 104\(2\)](#), 120 (with [s. 97](#)); [S.I. 2012/1205](#), [art. 3\(x\)](#)

#### Commencement Information

- I4** [S. 46\(1\)](#) in force at 19.1.2011 for specified purposes by [S.I. 2011/46](#), [art. 3\(a\)](#) (with [art. 4](#))
- I5** [S. 46\(1\)](#) in force at 1.1.2013 in so far as not already in force by [S.I. 2012/3001](#), [art. 3\(1\)\(b\)](#)
- I6** [S. 46\(2\)-\(5\)](#) in force at 30.11.2012 by [S.I. 2012/3001](#), [art. 2\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, Part 6.