

## SCHEDULE

Article 9

### CONSEQUENTIAL AMENDMENTS

#### **Public Records Act 1958 (c. 51)**

1.—(1) The Public Records Act 1958 is amended as follows.

(2) In section 1(1) (provision transferring direction of Public Record Office to Lord Chancellor), for the words from the beginning to “, and the” substitute “The”.

(3) In the following provisions, for “Lord Chancellor” substitute “Secretary of State”—

- (a) section 1(1) (in the second place), (2) (in each place), (2A)(1) and (3) (general responsibility for execution of Act and for public records),
- (b) the heading of section 1,
- (c) section 2(1), (4)(g) and (5) (appointment of Keeper of Public Records and other persons, and regulations about fees for inspection of records etc),
- (d) section 3(1), (4) (in each place), (5), (6) (in each place) and (7) (selection and preservation of public records),
- (e) section 4(1), (2) (in each place), (3), (4) (in each place), (5) and (6) (appointment of places of deposit of public records),
- (f) section 5(5) (arrangements for inspection of public records in appointed places of deposit),
- (g) section 6 (in each place) (approval of destruction or other disposal of public records in certain circumstances),
- (h) section 7(2) and (3) (Chancery records and other records previously in custody of Master of the Rolls),
- (i) section 8(5) (in the second place) (responsibility for court records), and
- (j) paragraph 7(2) of Schedule 1 (in each place) (determining whether records are public records for purposes of the Act).

(4) In section 8(1) (responsibility for court records), for “him” substitute “the Secretary of State”.

#### **Freedom of Information Act 2000 (c. 36)**

2.—(1) The Freedom of Information Act 2000(2) is amended as follows.

(2) In the following provisions after “Secretary of State” in each place insert “or the Chancellor of the Duchy”—

- (a) section 4(1), (5) and (7) (amendment of Schedule 1),
- (b) section 5(1) and (3) (further power to designate public authorities),
- (c) section 7(3), (4) and (8) (public authorities to which the Act has limited application),
- (d) section 75(1) and (3) (power to amend or repeal enactments prohibiting disclosure of information),
- (e) section 82(1)(3) (power to make regulations or order under Act exercisable by statutory instrument),

(1) Subsection (2A) was inserted by Schedule 5 to the Freedom of Information Act 2000 (c. 36).

(2) The whole Act is applied with modifications by S.I. 2012/2734, regs. 3 to 6 and Sch.

(3) Section 82 was amended by S.I. 2001/3500, Sch.2, by SI 2003/1887, Sch. 2 and by section 107(4) of the Protection of Freedoms Act 2012 (c. 9).

*Status: This is the original version (as it was originally made).*

- (f) section 83(2) and (3) (designation of public authorities as excluded from definition of Welsh public authority), and
  - (g) section 85(b) (expenses payable out of money provided by Parliament).
- (3) In the following provisions for “Secretary of State” in each place substitute “Chancellor of the Duchy”—
- (a) section 9(3) (power to make regulations about fees for requests for information),
  - (b) section 10(4) (power to make regulations amending time for compliance with request),
  - (c) section 11A(8) (in the definition of “the specified licence”) (power, in code of practice issued under section 45, to specify different licences for different purposes),
  - (d) section 11B(1) (regulations about fees for making relevant copyright works available for re-use),
  - (e) section 12(4) and (5) (regulations about costs of complying with requests),
  - (f) section 13(1) (regulations about fees for disclosing information where cost of compliance with request exceeds appropriate limit),
  - (g) section 45(1), (4) and (5) (code of practice giving public authorities guidance in connection with discharge of functions under Part 1 of Act),
  - (h) section 46(5)(a) (requirement to be consulted in relation to code of practice issued under section 46),
  - (i) section 47(4B) to (4D) (amendment of list of services for which Information Commissioner may charge),
  - (j) section 53(1)(a)(iii) and (5) (power to designate public authorities for purposes of exemption from duty to comply with decision notice or enforcement notice), and
  - (k) section 84(4) (in the definition of “prescribed”) (interpretation of Act).
- (4) In section 84, at the appropriate place insert—
- ““the Chancellor of the Duchy” means the Chancellor of the Duchy of Lancaster;”.
- (5) In the following provisions, for “Lord Chancellor” in each place substitute “Secretary of State”—
- (a) section 15(4)(b) and (5) (in each place) (definitions relating to public records transferred to Public Record Office),
  - (b) section 46(1), (3), (5) and (6) (code of practice providing guidance in connection with keeping, management and destruction of records),
  - (c) the heading of section 46,
  - (d) section 65(1)(a) (requirement to be consulted about proposal to refuse request for information contained in a historical record), and
  - (e) section 66(5)(a) (requirement to be consulted about whether public interest exemption applies to information contained in a transferred public record).
- (6) In the heading of Part 3, for “Lord Chancellor” substitute “Chancellor of the Duchy, Secretary of State”.
- (7) In the heading of section 45, after “code of practice” insert “by Chancellor of the Duchy”.

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(4) Section 84 was amended by [S.I. 2003/1887](#), Sch. 2. Other amendments have been made to section 84 which are not relevant to this Order.

**Environmental Information Regulations 2004 (S.I. 2004/3391)**

3. In regulation 17(1)(a) and (4)(a) of the Environmental Information Regulations 2004 (requirements to be consulted about disclosure of public records), for “Lord Chancellor” substitute “Secretary of State”.

**Government of Wales Act 2006 (c. 32)**

4. In the following provisions of the Government of Wales Act 2006, for “Lord Chancellor” substitute “Secretary of State”—

- (a) section 147(1) and (3) to (5) (functions in connection with responsibility for Welsh public records), and
- (b) section 148(1)(f) and (4)(a) (specification of descriptions of records as Welsh public records).