



Freedom of Information (Amendment) (Scotland) Act 2013

2013 asp 2

Amendments

4 Historical periods

- (1) In section 59 (power to vary periods mentioned in sections 57 and 58) of the FOI Act—
- (a) in subsection (1), the words “subsection (1) of section 57 or” are repealed,
 - (b) after subsection (1) there is inserted—

“(1A) The Scottish Ministers may by order—

- (a) make provision modifying any enactment in accordance with which a record becomes a “historical record” for the purposes of this Part, and
- (b) do so by amending this Part or otherwise.

(1B) Provision by virtue of subsection (1A) may (in particular) state that a record becomes such a “historical record”—

- (a) in relation to the exemption under section 41(a), at the end of—
 - (i) a specified period (not exceeding 30 years) beginning with the date on which the record is created or a particular date in the calendar year following that date, or
 - (ii) a specified period (not exceeding 30 years) beginning with the occurrence of an event apart from the creation of the record,
- (b) in relation to any other exemption under Part 2, at the end of a specified period (not exceeding 30 years) beginning with the date on which the record is created or a particular date in the calendar year following that date.

(1C) An order under subsection (1) or (1A) may make different provision for—

- (a) records of different descriptions,

Status: This is the original version (as it was originally enacted).

- (b) exemptions of different kinds,
 - (c) different purposes in other respects.”,
 - (c) in subsection (2)—
 - (i) after the words “subsection (1)” there is inserted “or (1A)”,
 - (ii) for the words “transitional provisions and savings” there is substituted “supplemental, incidental, consequential, transitional, transitory or saving provision”.
- (2) In section 72 (orders and regulations) of the FOI Act, after the words “59(1)” in subsection (2)(b) there is inserted “or (1A)”.