EXPLANATORY NOTE

(This note is not part of the Order)

This Order sets out the transitional arrangements that are to apply following the commencement of paragraph 4 of Schedule 7 to the Constitutional Reform and Governance Act 2010.

The commencement of that provision takes effect from 1st January 2013, by virtue of the Constitutional Reform and Governance Act 2010 (Commencement No. 7) Order 2012, subject to any transitional or saving provision made by Order. The result is that section 62(1) of the Freedom of Information Act 2000 is amended so that a record will become a "historical record" for the purposes of Part 6 of that Act at the end of the period of twenty years beginning with the year following that in which it was created. Once a record becomes a historical record certain exemptions from the requirement to disclose information under that Act cease to be available.

Article 1(2) of this Order defines records to which the commencement of paragraph 4 of Schedule 7 applies as a "relevant record".

Article 2(1) provides that, notwithstanding the commencement of paragraph 4 of Schedule 7 a relevant record will, for a period of 10 years beginning on 1st January 2013, be subject to the transitional arrangements set out in article 2(2). Article 2(2) provides that a relevant record created in a year specified in column 1 of the table contained in Schedule 1 becomes a historical record for the purposes of the Part 6 of the Freedom of Information Act 2000 at the end of the year specified in the corresponding entry in column 2. Following the end of the ten year period, under section 62(1) a relevant record will become a historical record at the end of the period of twenty years beginning with the year following that in which it was created.

Article 3 makes saving provision so that a relevant record created in 1983 continues, notwithstanding the commencement of paragraph 4 of Schedule 7, to become a historical record at the end of the period of thirty years beginning with the year following that in which it was created.