



Freedom of Information (Scotland) Act 2002

2002 asp 13

PART 5

HISTORICAL RECORDS

57 The expression “historical record”

[^{F1}(1) For the purposes of this Part, a record becomes a “historical record” in accordance with subsections (1A) to (1C).]

[^{F1}(1A) A record becomes one at the end of the period of 15 years beginning with 1st January in the calendar year following the date on which the record is created.

(1B) A record containing information which would be exempt by virtue of section 36 becomes one at the end of the period of 30 years beginning with 1st January in the calendar year following the date on which the record is created.

(1C) A record containing information which would be exempt by virtue of section 41(a) becomes one at the end of the later-ending of—

- (a) the period of 20 years beginning with the date on which the record is created,
- (b) the period of 5 years beginning with—
 - (i) in relation to communications with Her Majesty, the date of the death of Her Majesty,
 - (ii) in relation to communications with another member of the Royal Family, the date of the death of that member,
 - (iii) in relation to communications with the Royal Household, the date of the death of the Sovereign reigning when the record is created.

(1D) In the application of subsections (1A) to (1C)—

- (a) the general rule in subsection (1A) is subject to the operation of subsections (1B) and (1C) so far as relevant,
- (b) a record to which both subsections (1B) and (1C) relate becomes a historical record at the end of the later-ending of—
 - (i) the period provided for in subsection (1B),

Changes to legislation: Freedom of Information (Scotland) Act 2002, Section 57 is up to date with all changes known to be in force on or before 14 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(ii) the period provided for in subsection (1C)(b).]

- (2) Where records created at different dates are for administrative purposes kept together in one file or other assemblage, all the records in that file or assemblage are to be treated for the purposes of this Part as created when the latest of those records is created.

Textual Amendments

F1 [S. 57\(1\)-\(1D\)](#) substituted for s. 57(1) (1.4.2014) by [The Freedom of Information \(Scotland\) Act 2002 \(Historical Periods\) Order 2013 \(S.S.I. 2013/365\)](#), arts. 1, 2

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. 1 para. 74A inserted by [2023 asp 6 sch. 2 para. 2\(2\)](#)