



# Freedom of Information (Scotland) Act 2002

2002 asp 13

## PART 5

### HISTORICAL RECORDS

#### **59 Power to vary periods mentioned in sections 57 and 58**

(1) The Scottish Ministers may by order amend <sup>F1</sup>... paragraph (a) or (b) of subsection (2) of section 58 so as to substitute for the number of years for the time being mentioned in the provision in question such other number of years (not being a number which exceeds that mentioned in the provision as originally enacted) as may be specified in the order.

[<sup>F2</sup>(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,
- (b) exemptions of different kinds,
- (c) different purposes in other respects.]

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*Changes to legislation: Freedom of Information (Scotland) Act 2002, Section 59 is up to date with all changes known to be in force on or before 24 April 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*

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- (2) An order under subsection (1) [<sup>F3</sup> or ] may contain such [<sup>F4</sup> supplemental, incidental, consequential, transitional, transitory or saving provision ] as the Scottish Ministers think fit.

#### Textual Amendments

- F1** Words in s. 59(1) repealed (31.5.2013) by [Freedom of Information \(Amendment\) \(Scotland\) Act 2013 \(asp 2\)](#), [ss. 4\(1\)\(a\)](#), 7; S.S.I. 2013/136, art. 2
- F2** S. 59(1A)-(1C) inserted (31.5.2013) by [Freedom of Information \(Amendment\) \(Scotland\) Act 2013 \(asp 2\)](#), [ss. 4\(1\)\(b\)](#), 7; S.S.I. 2013/136, art. 2
- F3** Words in s. 59(2) inserted (31.5.2013) by [Freedom of Information \(Amendment\) \(Scotland\) Act 2013 \(asp 2\)](#), [ss. 4\(1\)\(c\)\(i\)](#), 7; S.S.I. 2013/136, art. 2
- F4** Words in s. 59(2) substituted (31.5.2013) by [Freedom of Information \(Amendment\) \(Scotland\) Act 2013 \(asp 2\)](#), [ss. 4\(1\)\(c\)\(ii\)](#), 7; S.S.I. 2013/136, art. 2

**Changes to legislation:**

Freedom of Information (Scotland) Act 2002, Section 59 is up to date with all changes known to be in force on or before 24 April 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.

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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\(2\)](#)