

SCHEDULES

SCHEDULE 7

Section 46

AMENDMENTS OF FREEDOM OF INFORMATION ACT 2000

- 1 The [Freedom of Information Act 2000](#) is amended as follows.
- 2 In section 2(3) (exemptions not subject to public interest test) after paragraph (e) insert—
 - “(ea) in section 37, paragraphs (a) to (ab) of subsection (1), and subsection (2) so far as relating to those paragraphs.”.
- 3 In section 37(1) (communications with Her Majesty, etc.), for paragraph (a) substitute—
 - “(a) communications with the Sovereign,
 - (aa) communications with the heir to, or the person who is for the time being second in line of succession to, the Throne,
 - (ab) communications with a person who has subsequently acceded to the Throne or become heir to, or second in line to, the Throne,
 - (ac) communications with other members of the Royal Family (other than communications which fall within any of paragraphs (a) to (ab) because they are made or received on behalf of a person falling within any of those paragraphs), and
 - (ad) communications with the Royal Household (other than communications which fall within any of paragraphs (a) to (ac) because they are made or received on behalf of a person falling within any of those paragraphs), or”.
- 4 (1) Section 62 (interpretation of Part 6) is amended as follows.
 - (2) In subsection (1) (meaning of “historical record”), for “thirty years” substitute “twenty years”.
 - (3) After subsection (2) insert—
 - “(2A) Until the end of the period of 10 years beginning with the commencement of paragraph 4 of Schedule 7 to the Constitutional Reform and Governance Act 2010, subsection (1) has effect subject to any order made under section 46(2) of that Act.”
- 5 (1) Section 63 (removal of exemptions: historical records generally) is amended as follows.
 - (2) In subsection (1)—
 - (a) omit “28,” and
 - (b) for “36, 37(1)(a), 42 or 43” substitute “or 42”.
 - (3) In subsection (2)—
 - (a) omit “28(3),” and

Status: This is the original version (as it was originally enacted).

(b) for “36(3), 42(2) or 43(3)” substitute “or 42(2)”.

(4) After subsection (2) insert—

“(2A) Information contained in a historical record cannot be exempt information by virtue of section 36 except—

- (a) in a case falling within subsection (2)(a)(ii) of that section, or
- (b) in a case falling within subsection (2)(c) of that section where the prejudice or likely prejudice relates to the effective conduct of public affairs in Northern Ireland.

(2B) Compliance with section 1(1)(a) in relation to a historical record is not to be taken to have any of the effects referred to in subsection (3) of section 36, except where the effect—

- (a) falls within subsection (2)(a)(ii) of that section, or
- (b) falls within subsection (2)(c) of that section and relates to the effective conduct of public affairs in Northern Ireland.

(2C) Information cannot be exempt information—

- (a) by virtue of section 28 or 43, or
- (b) by virtue of section 36 in the excepted cases mentioned in subsection (2A),

after the end of the period of thirty years beginning with the year following that in which the record containing the information was created.

(2D) Compliance with section 1(1)(a) in relation to any record is not to be taken, at any time after the end of the period of thirty years beginning with the year following that in which the record was created, to be capable—

- (a) of prejudicing any of the matters referred to in section 28(1) or 43(2), or
- (b) of having any of the effects referred to in section 36(3) in the excepted cases mentioned in subsection (2B).

(2E) Information cannot be exempt information by virtue of any of paragraphs (a) to (ad) of section 37(1) after whichever is the later of—

- (a) the end of the period of five years beginning with the date of the relevant death, and
- (b) the end of the period of twenty years beginning with the date on which the record containing the information was created.

(2F) In subsection (2E)(a) “the relevant death” means—

- (a) for the purposes of any of paragraphs (a) to (ac) of section 37(1), the death of the person referred to in the paragraph concerned, or
- (b) for the purposes of section 37(1)(ad), the death of the Sovereign reigning when the record containing the information was created.”

6 After section 80 insert—

“80A Information held by Northern Ireland bodies

(1) This section applies to information held by—

- (a) the Northern Ireland Assembly,
- (b) a Northern Ireland department, or

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

- (c) a Northern Ireland public authority.
- (2) In their application to information to which this section applies, the provisions of this Act have effect subject to the following modifications.
- (3) Section 2(3) (exemptions not subject to public interest test) is to be read as if paragraph (ea) were omitted.
- (4) Section 37(1) (communications with Her Majesty, etc) is to be read as if for paragraphs (a) to (ad) there were substituted—
 - “(a) communications with the Sovereign, with other members of the Royal Family or with the Royal Household, or”.
- (5) Section 62(1) (meaning of “historical record”) is to be read as if the reference to twenty years were a reference to thirty years.
- (6) Section 63 (removal of exemptions: historical records generally) is to be read as if—
 - (a) in subsection (1), for the words from “section” to the end there were substituted “section 28, 30(1), 32, 33, 35, 36, 37(1)(a), 42 or 43”,
 - (b) in subsection (2), for the words from “section” to the end there were substituted “section 28(3), 33(3), 36(3), 42(2) or 43(3)”, and
 - (c) subsections (2A) to (2F) were omitted.”