

Changes to legislation: There are currently no known outstanding effects for the Public Records Act 1958, Cross
Heading: Power to add further categories of records and to determine cases of doubt. (See end of Document for details)

SCHEDULES

FIRST SCHEDULE

DEFINITION OF PUBLIC RECORDS

Modifications etc. (not altering text)

- C1** Sch. 1 excluded by [Transport Act 1968 \(c. 73\), s. 144\(9\)](#)
Sch. 1 excluded (E.W.S.) (1.4.1994) by [1993 c. 43, s. 125\(6\)](#); S.I. 1994/571, [art. 5](#) (with [art. 7](#)) (which exclusion was repealed (18.7.1996) by [1996 c. 42, s. 8\(2\)\(3\)](#))
Sch. 1 excluded (E.W.S.) (18.9.1996) by [1996 c. 42, ss. 5\(3\)](#), 8(3)
- C1** Sch. 1: power to amend conferred (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 84](#); S.I. 2011/2329, [art. 3](#)

Power to add further categories of records and to determine cases of doubt

- 7 (1) Without prejudice to the Lord Chancellor's power of making orders under paragraph 4 of this Schedule, Her Majesty may by Order in Council direct that any description of records not falling within the foregoing provisions of this Schedule [^{F1}and not being Welsh public records (as defined in [^{F2}the Government of Wales Act 2006])] shall be treated as public records for the purposes of this Act but no recommendation shall be made to Her Majesty in Council to make an Order under this sub-paragraph unless a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament.
- (2) A question whether any records or description of records are public records for the purposes of this Act shall be referred to and determined by the [^{F3}Secretary of State] and the [^{F3}Secretary of State] shall include his decisions on such questions in his annual report to Parliament and shall from time to time compile and publish lists of the departments, bodies, establishments, courts and tribunals comprised in paragraphs 2, 3 and 4 of this Schedule and lists describing more particularly the categories of records which are, or are not, public records as defined in this Schedule.

Textual Amendments

- F1** Words in Sch. 1 para. 7(1) inserted (1.4.1999) by [1998 c. 38, s. 125](#), [Sch. 12 para. 3\(6\)](#) (with [ss. 139\(2\), 141\(1\)](#)); S.I. 1999/782, [art. 2](#)
- F2** Words in Sch. 1 para. 7(1) substituted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), {Sch. 10 para. 7(d)}, the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.
- F3** Words in Sch. 1 para. 7(2) substituted (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), [art. 1\(2\)](#), [Sch. para. 1\(3\)\(j\)](#)

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- C1** Sch. 1 para. 7(2): transfer of functions (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), arts. 1(2), **6(1)(a)**, (2)(g) (with art. 7)

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