



Public Records Act 1958

1958 CHAPTER 51 6 and 7 Eliz 2

3 Selection and preservation of public records.

- (1) It shall be the duty of every person responsible for public records of any description which are not in the Public Record Office or a place of deposit appointed by the [^{F1}Secretary of State] under this Act to make arrangements for the selection of those records which ought to be permanently preserved and for their safe-keeping.
- (2) Every person shall perform his duties under this section under the guidance of the Keeper of Public Records and the said Keeper shall be responsible for co-ordinating and supervising all action taken under this section.
- (3) All public records created before the year sixteen hundred and sixty shall be included among those selected for permanent preservation.
- (4) Public records selected for permanent preservation under this section shall be transferred not later than [^{F2}20 years] after their creation either to the Public Record Office or to such other place of deposit appointed by the [^{F3}Secretary of State] under this Act as the [^{F3}Secretary of State] may direct:

Provided that any records may be retained after the said period if, in the opinion of the person who is responsible for them, they are required for administrative purposes or ought to be retained for any other special reason and, where that person is not the [^{F3}Secretary of State], the [^{F3}Secretary of State] has been informed of the facts and given his approval.

- [^{F4}(4A) Until the end of the period of 10 years beginning with the commencement of section 45 of the Constitutional Reform and Governance Act 2010, subsection (4) has effect subject to any order made under subsection (2) of that section.]
- (5) The [^{F5}Secretary of State] may, if it appears to him in the interests of the proper administration of the Public Record Office, direct that the transfer of any class of records under this section shall be suspended until arrangements for their reception have been completed.
- (6) Public records which, following the arrangements made in pursuance of this section, have been rejected as not required for permanent preservation shall be destroyed or,

Changes to legislation: There are currently no known outstanding effects for the Public Records Act 1958, Section 3. (See end of Document for details)

subject in the case of records for which some person other than the [^{F6}Secretary of State] is responsible, to the approval of the [^{F6}Secretary of State], disposed of in any other way.

- (7) Any question as to the person whose duty it is to make arrangements under this section with respect to any class of public records shall be referred to the [^{F7}Secretary of State] for his decision.
- (8) The provisions of this section shall not make it unlawful for the person responsible for any public record to transmit it to the Keeper of the Records of Scotland or to the Public Record Office of Northern Ireland.

Textual Amendments

- F1** Words in s. 3(1) 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)(d)**
- F2** Words in s. 3(4) substituted (1.1.2013 for specified purposes, 1.1.2015 in so far as not already in force) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), **ss. 45(1)(a)**, 52; S.I. 2012/3001, art. 3(1)(a)(2), Sch.; S.I. 2014/3245, art. 2 (with transitional and saving provisions in S.I. 2014/3249, arts. 2, 3, Schs. 1, 2)
- F3** Words in s. 3(4) 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)(d)**
- F4** S. 3(4A) inserted (1.1.2013 for specified purposes, 1.1.2015 in so far as not already in force) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), **ss. 45(1)(b)**, 52; S.I. 2012/3001, art. 3(1)(a)(2), Sch.; S.I. 2014/3245, art. 2 (with transitional and saving provisions in S.I. 2014/3249, arts. 2, 3, Schs. 1, 2)
- F5** Words in s. 3(5) 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)(d)**
- F6** Words in s. 3(6) 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)(d)**
- F7** Words in s. 3(7) 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)(d)**

Modifications etc. (not altering text)

- C1** S. 3(4): savings for effect of 2012 c. 25, s. 45(1)(a) (1.1.2013) by [The Public Records \(Transfer to the Public Record Office\) \(Transitional and Saving Provisions\) Order 2012 \(S.I. 2012/3028\)](#), arts. 1(1), 2, 3
- C2** S. 3(4): 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)(c) (with art. 7)
- C3** S. 3(5)-(7): 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)(c) (with art. 7)

Changes to legislation:

There are currently no known outstanding effects for the Public Records Act 1958, Section 3.