

2014 No. 3249

PUBLIC RECORDS

**The Public Records (Transfer to the Public Record Office)
(Transitional and Saving Provisions) Order 2014**

<i>Made</i>	- - - -	<i>8th December 2014</i>
<i>Laid before Parliament</i>		<i>10th December 2014</i>
<i>Coming into force</i>	- -	<i>1st January 2015</i>

The Lord Chancellor makes the following Order in exercise of the powers conferred by section 45(2) and (3) of the Constitutional Reform and Governance Act 2010(a):

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Public Records (Transfer to the Public Record Office) (Transitional and Saving Provisions) Order 2014 and shall come into force on 1st January 2015.

(2) In this Order—

“the 1958 Act” means the Public Records Act 1958(b);

“relevant records” means records of a description listed in Schedule 1 to this Order.

Transitional provision

2.—(1) For the period of 10 years beginning on 1st January 2015 the time within which relevant records must be transferred in accordance with section 3(4)(c) (selection and preservation of public records) of the 1958 Act is that provided for by paragraph (3).

(2) Paragraph (1) applies notwithstanding the coming into force on that date for all remaining purposes of section 45(1)(a) (transfer of records to Public Records Office) of the Constitutional Reform and Governance Act 2010(d).

(3) Relevant records created in a year specified in column 1 of the table in Schedule 2 to this Order shall be transferred not later than the end of the year specified in the corresponding entry in column 2 of that table.

Saving provision

3. Section 3(4) of the 1958 Act continues to apply as it did immediately before 1st January 2015 in relation to relevant records created in 1985.

(a) 2010 c. 25.

(b) 1958 c. 51.

(c) Section 3(4) was amended by section 45(1)(a) of the Constitutional Reform and Governance Act 2010.

(d) Article 2 of the Constitutional Reform and Governance Act 2010 (Commencement No. 9) Order 2014 brings section 45(1) of the 2010 Act into force in the manner described.

8th December 2014

Simon Hughes
Minister of State
Ministry of Justice

SCHEDULE 1

Article 1(2)

Relevant Records

Records of a prison, remand centre, secure training centre or young offender institution.

Records of a coroner's court.

Records of the Environment Agency, except board minutes or records which relate to the formulation or development of policy governing the work of the Environment Agency.

Records of a Family Practitioner Committee for localities in England.

Records of a Family Practitioner Committee for localities in Wales.

Records of the Forestry Commission, except board minutes or records which relate to the formulation or development of policy governing the work of the Forestry Commission.

Records of a health service hospital within the meaning of the National Health Service Act 1977(a), in England.

Records of a health service hospital within the meaning of the National Health Service (Wales) Act 2006(b).

Records of the Homes and Communities Agency that were formerly records of the Commission for New Towns or the Urban Regeneration Agency, except board minutes or records which relate to the formulation or development of policy governing the work of the Commission for New Towns or the Urban Regeneration Agency.

Records of a magistrates' court.

Records of the Maritime and Coastguard Agency.

Records of a National Health Authority including a Primary Care Trust, a National Health Service trust and a NHS foundation trust other than an authority within the next paragraph.

Records of a National Health Authority for districts or localities in Wales, or for areas in or consisting of Wales, including National Health Service trusts all of whose hospitals, establishments and facilities are situated in Wales.

Records of Natural England, except board minutes or records which relate to the formulation or development of policy governing the work of Natural England.

Records of any Rent Tribunal or Local Valuation Court.

(a) 1977 c. 49.

(b) 2006 c. 42.

SCHEDULE 2

Article 2(3)

Transitional arrangements for transferring relevant records in accordance with the Public Records Act 1958

<i>Column 1</i>	<i>Column 2</i>
1986	2015
1987	2016
1988	2016
1989	2017
1990	2017
1991	2018
1992	2018
1993	2019
1994	2019
1995	2020
1996	2020
1997	2021
1998	2021
1999	2022
2000	2022
2001	2023
2002	2023
2003	2024

EXPLANATORY NOTE

(This note is not part of the Order)

This Order sets out the transitional arrangements that are to apply following the commencement for all remaining purposes of section 45(1) of the Constitutional Reform and Governance Act 2010.

Section 45(1)(a) of the 2010 Act reduces the period by the end of which public records are required by section 3(4) of the Public Records Act 1958 (c. 51) (“the 1958 Act”) to be transferred to the Public Record Office (which exercises its functions as part of The National Archives) or other place of deposit. In future, transfer will generally be required no later than the end of 20 years from the date on which the record was created, as opposed to 30 years. Section 45(1)(b) provides that, for a period of 10 years from the date of its commencement, this reduction takes effect subject to any transitional, transitory or saving provision made by order by the Lord Chancellor under section 45(2) to (5).

The commencement of section 45(1) took effect from 1st January 2013, by virtue of the Constitutional Reform and Governance Act 2010 (Commencement No. 7) Order 2012 (SI 2012/3001), for the purposes of all records except those specified in the Schedule to that Order. The Public Records (Transfer to the Public Record Office) (Transitional and Saving Provisions) Order 2012 (SI 2012/3028) sets out the transitional arrangements that apply, for a period of 10 years starting on 1st January 2013, to those records in respect of which section 45(1) was commenced.

The Constitutional Reform and Governance Act 2010 (Commencement No. 9) Order 2014 brings into force section 45(1) for all remaining purposes on 1st January 2015, subject to the transitional arrangements set out in this Order.

Article 2(1) provides that for a period of 10 years beginning on 1st January 2015 the transitional arrangements set out in article 2(3) will apply to relevant records. Article 2(3) provides that a relevant record created in a year specified in column 1 of the table in Schedule 2 must be transferred no later than the end of the year specified in the corresponding entry in column 2. Article 2(2) clarifies that the transitional arrangements apply to relevant records notwithstanding the commencement in full of section 45(1)(a) from 1st January 2015.

Article 1(2) defines “relevant records” as records of a description set out in Schedule 1 to this Order.

Article 3 makes saving provision in respect of section 3(4), so that the requirement to transfer relevant records created in 1985 when they are 30 years old remains unaffected, notwithstanding the full commencement of section 45(1)(a).

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available at <http://www.nationalarchives.gov.uk/archives-sector/20-year-rule-and-records-of-local-interest.html>.

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