

2012 No. 3028

PUBLIC RECORDS

**The Public Records (Transfer to the Public Record Office)
(Transitional and Saving Provisions) Order 2012**

<i>Made</i> - - - -	<i>5th December 2012</i>
<i>Laid before Parliament</i>	<i>6th December 2012</i>
<i>Coming into force</i> - -	<i>1st January 2013</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 2012 and shall come into force on 1st January 2013.

(2) In this Order—

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

“relevant records” means records which, by virtue of the coming into force for some purposes on 1st January 2013 of section 45(1)(a) (transfer of records to Public Record Office) of the Constitutional Reform and Governance Act 2010(c) and but for this Order, must be transferred in accordance with section 3(4) (selection and preservation of public records) of the 1958 Act not later than 20 years after their creation.

Transitional provision

2.—(1) Notwithstanding the coming into force on 1st January 2013 of section 45(1)(a) of the Constitutional Reform and Governance Act 2010, for the period of 10 years beginning on that day the time within which relevant records must be transferred in accordance with section 3(4) of the 1958 Act is that provided for by paragraph (2).

(2) Relevant records created in a year specified in column 1 of the table in the Schedule 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.

(a) 2010 c. 25.

(b) 1958 c. 51.

(c) Article 3(1)(a) of the Constitutional Reform and Governance Act 2010 (Commencement No. 7) Order 2012 (S.I. 2012/3001) brings section 45(1) of the 2010 Act into force for all purposes except the transfer of records specified in the Schedule to that Order.

Saving provision

3. Section 3(4) of the 1958 Act continues to apply as it did immediately before 1st January 2013 in relation to relevant records created in 1983.

5th December 2012

McNally
Minister of State
Ministry of Justice

SCHEDULE

Article 2(2)

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

<i>Column 1</i>	<i>Column 2</i>
1984	2013
1985	2014
1986	2014
1987	2015
1988	2015
1989	2016
1990	2016
1991	2017
1992	2017
1993	2018
1994	2018
1995	2019
1996	2019
1997	2020
1998	2020
1999	2021
2000	2021
2001	2022

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 certain purposes of section 45(1)(a) of the Constitutional Reform and Governance Act 2010.

The commencement of that provision takes effect from 1st January 2013, by virtue of the Constitutional Reform and Governance Act 2010 (Commencement No. 7) Order 2012, for the purposes of all records except those specified in the Schedule to that Order. The result is that records not specified in the Schedule will be required to be transferred in accordance with section

3(4) of the Public Records Act 1958 no later than 20 years following the date of their creation, subject to transitional and saving provision made by this Order. By contrast, records specified in the Schedule will continue to be subject to that obligation 30 years from the date of their creation. Transfer of records under section 3(4) is either to the Public Record Office (which exercises its functions as part of The National Archives) or another place of deposit appointed for the purpose by the Lord Chancellor.

Article 1(2) of this Order defines records to which the commencement of section 45(1)(a) applies as “relevant records”.

Article 2(1) provides that, notwithstanding the commencement of section 45(1)(a), relevant records will, for a period of 10 years beginning on 1st January 2013, be subject to the transitional arrangements set out in article 2(2). Article 2(2) provides that a record created in a year specified in column 1 of the table in Schedule 1 must be transferred no later than the end of the year specified in the corresponding entry in column 2.

Article 3 makes saving provision so that relevant records created in 1983 continue, notwithstanding the commencement of section 45(1)(a), to be subject to an obligation to transfer records under section 3(4) when they are 30 years old.

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STATUTORY INSTRUMENTS

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