



# Public Records Act 1958

1958 CHAPTER 51 6 and 7 Eliz 2

## 1 General responsibility of the Lord Chancellor for public records.

- (1) The direction of the Public Record Office shall be transferred from the Master of the Rolls to the Lord Chancellor, and the Lord Chancellor shall be generally responsible for the execution of this Act and shall supervise the care and preservation of public records.
- (2) There shall be an Advisory Council on Public Records to advise the Lord Chancellor on matters concerning public records in general and, in particular, on those aspects of the work of the Public Record Office which affect members of the public who make use of the facilities provided by the Public Record Office.

The Master of the Rolls shall be chairman of the said Council and the remaining members of the Council shall be appointed by the Lord Chancellor on such terms as he may specify.

[<sup>F1</sup>(2A) The matters on which the Advisory Council on Public Records may advise the Lord Chancellor include matters relating to the application of the Freedom of Information Act 2000 to information contained in public records which are historical records within the meaning of Part VI of that Act.]

- (3) The Lord Chancellor shall in every year lay before both Houses of Parliament a report on the work of the Public Record Office, which shall include any report made to him by the Advisory Council on Public Records.

### Textual Amendments

**F1** S. 1(2A) inserted (30.11.2002) by 2000 c. 36, s. 67, Sch. 5 Pt. I para. 1 (with ss. 56, 78); S.I. 2002/2812, art. 2(j)

## 2 The Public Record Office.

- (1) The Lord Chancellor may appoint a Keeper of Public Records to take charge under his direction of the Public Record Office and of the records therein and may, with the

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concurrence of the Treasury as to numbers and conditions of service, appoint such other persons to serve in the Public Record Office as he may think fit.

- (2) The Keeper of Public Records and other persons appointed under this Act shall receive such salaries and remuneration as the Treasury may from time to time direct.
- (3) It shall be the duty of the Keeper of Public Records to take all practicable steps for the preservation of records under his charge.
- (4) The Keeper of Public Records shall have power to do all such things as appear to him necessary or expedient for maintaining the utility of the Public Record Office and may in particular—
  - (a) compile and make available indexes and guides to, and calendars and texts of, the records in the Public Record Office;
  - (b) prepare publications concerning the activities of and facilities provided by the Public Record Office;
  - (c) regulate the conditions under which members of the public may inspect public and other records or use the other facilities of the Public Record Office;
  - (d) provide for the making and authentication of copies of and extracts from records required as evidence in legal proceedings or for other purposes;
  - (e) accept responsibility for the safe keeping of records other than public records;
  - (f) make arrangements for the separate housing of films and other records which have to be kept under special conditions;
  - (g) lend records, in a case where the Lord Chancellor gives his approval, for display at commemorative exhibitions or for other special purposes;
  - (h) acquire records and accept gifts and loans.
- (5) The Lord Chancellor may by regulations made with the concurrence of the Treasury and contained in a statutory instrument prescribe the fees which may be charged for the inspection of records under the charge of the Keeper of Public Records, for authenticated copies or extracts from such records and for other services afforded by officers of the Public Record Office and authorise the remission of the fees in prescribed cases.
- (6) Fees received under the last foregoing subsection shall be paid into the Exchequer.

### **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 Lord Chancellor 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 [F20 years] after their creation either to the Public Record Office or to such other place of deposit appointed by the Lord Chancellor under this Act as the Lord Chancellor may direct:

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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 Lord Chancellor, the Lord Chancellor has been informed of the facts and given his approval.

[<sup>F3</sup>(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 Lord Chancellor 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, subject in the case of records for which some person other than the Lord Chancellor is responsible, to the approval of the Lord Chancellor, 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 Lord Chancellor 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

- F2** Words in s. 3(4) substituted (1.1.2013 for specified purposes) by [Constitutional Reform and Governance Act 2010 \(c. 25\), ss. 45\(1\)\(a\), 52; S.I. 2012/3001, art. 3\(1\)\(a\)\(2\), Sch.](#)
- F3** S. 3(4A) inserted (1.1.2013 for specified purposes) by [Constitutional Reform and Governance Act 2010 \(c. 25\), ss. 45\(1\)\(b\), 52; S.I. 2012/3001, art. 3\(1\)\(a\)\(2\), Sch.](#)

#### 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](#)

## 4 Place of deposit of public records.

- (1) If it appears to the Lord Chancellor that a place outside the Public Record Office affords suitable facilities for the safe-keeping and preservation of records and their inspection by the public he may, with the agreement of the authority who will be responsible for records deposited in that place, appoint it as a place of deposit as respects any class of public records selected for permanent preservation under this Act.
- (2) In choosing a place of deposit under this section for public records of—
  - (a) courts of quarter sessions or magistrates' courts, or
  - (b) courts of coroners of counties or boroughs,the Lord Chancellor shall have regard to any arrangements made by the person for the time being responsible for the records with respect to the place where those records

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are to be kept and, where he does not follow any such arrangements, shall, so far as practicable, proceed on the principle that the records of any such court ought to be kept in the area of the [<sup>F4</sup>county] or county borough comprising the area for which the court acts or where it sits, except in a case where the authorities or persons appearing to the Lord Chancellor to be mainly concerned consent to the choice of a place of deposit elsewhere.

- (3) The Lord Chancellor may at any time direct that public records shall be transferred from the Public Record Office to a place of deposit appointed under this section or from such a place of deposit to the Public Record Office or another place of deposit.
- (4) Before appointing a place of deposit under this section as respects public records of a class for which the Lord Chancellor is not himself responsible, he shall consult with the Minister or other person, if any, who appears to him to be primarily concerned and, where the records are records of a court of quarter sessions the records of which are, apart from the provisions of this Act, subject to the directions of a *custos rotulorum*, the Lord Chancellor shall consult him.
- (5) Public records in the Public Record Office shall be in the custody of the Keeper of Public Records and public records in a place of deposit appointed under this Act shall be in the custody of such officer as the Lord Chancellor may appoint.
- (6) Public records in the Public Record Office or other place of deposit appointed by the Lord Chancellor under this Act shall be temporarily returned at the request of the person by whom or department or office from which they were transferred.

**Textual Amendments**  
**F4** Words substituted by virtue of [Local Government Act 1972 \(c. 70\), s. 179\(2\)](#)

**5 Access to public records.**

<sup>F5</sup>(1) .....

<sup>F5</sup>(2) .....

[<sup>F6</sup>(3) It shall be the duty of the Keeper of Public Records to arrange that reasonable facilities are available to the public for inspecting and obtaining copies of those public records in the Public Record Office which fall to be disclosed in accordance with the Freedom of Information Act 2000.]

<sup>F7</sup>(4) .....

- (5) The Lord Chancellor shall, as respects all public records in places of deposit appointed by him under this Act outside the Public Record Office, require arrangements to be made for their inspection by the public comparable to those made for public records in the Public Record Office <sup>F8</sup>. . . .

**Textual Amendments**  
**F5** S. 5(1)(2) repealed (1.1.2005) by 2000 c. 36, ss. 67, 86, 87(3), Sch. 5 Pt. I para. 2(2), Sch. 8 Pt. III (with ss. 56, 78); S.I. 2004/3122, **art. 2**  
**F6** S. 5(3) substituted (1.1.2005) by 2000 c. 36, ss. 67, 87(3), Sch. 5 Pt. I para. 2(3) (with ss. 56, 78); S.I. 2004/3122, **art. 2**

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- F7** S. 5(4) repealed (1.1.2005) by 2000 c. 36, ss. 67, 86, 87(3), Sch. 5 Pt. I para. 2(4), Sch. 8 Pt. III (with ss. 56, 78); S.I. 2004/3122, **art. 2**
- F8** Words in s. 5(5) repealed (1.1.2005) by 2000 c. 36, ss. 67, 86, 87(3), Sch. 5 Pt. I para. 2(4), Sch. 8 Pt. III (with ss. 56, 78); S.I. 2004/3122, **art. 2**

## **6 Destruction of public records in Public Record Office or other place of deposit.**

If, as respects any public records in the Public Record Office or any place of deposit appointed under this Act, it appears to the Keeper of Public Records that they are duplicated by other public records which have been selected for permanent preservation or that there is some other special reason why they should not be permanently preserved, he may, with the approval of the Lord Chancellor and of the Minister or other person, if any, who appears to the Lord Chancellor to be primarily concerned with public records of the class in question, authorise the destruction of those records or, with that approval, their disposal in any other way.

## **7 Records for which Master of the Rolls remains responsible.**

- (1) Subject to the provisions of this section, the Master of the Rolls shall continue to be responsible for, and to have custody of, the records of the Chancery of England, including those created after the commencement of this Act, and shall have power to determine where the said records or any of them are for the time being to be deposited.
- (2) Section three and subsection (6) of section four of this Act shall not apply to any of the said records but if and so long as any of them are deposited in the Public Record Office those records shall be in the custody of the Keeper of Public Records and subject to the directions of the Lord Chancellor as in the case of any other records in the Public Record Office.
- (3) Subject to the foregoing provisions of this section, the Master of the Rolls shall not have charge and superintendence over, or custody of, any public records and any public records which at the commencement of this Act were in the custody of the Master of the Rolls (other than records of the Chancery of England) shall thereafter be in the custody of the Keeper of Public Records or such other officer as the Lord Chancellor may from time to time appoint.

## **8 Court records.**

- (1) The Lord Chancellor shall be responsible for the public records of every court of record or magistrates' court which are not in the Public Record Office or a place of deposit appointed by him under this Act and shall have power to determine in the case of any such records [<sup>F9</sup>other than records of the Supreme Court,] the officer in whose custody they are for the time being to be:

<sup>F10</sup> . . .

[<sup>F11</sup>(1A) Records of the Supreme Court for which the Lord Chancellor is responsible under subsection (1) shall be in the custody of the chief executive of that court.]

- (2) [<sup>F12</sup>The power of the President of the Probate Division of the High Court under section one hundred and seventy of the <sup>M1</sup>Supreme Court of Judicature (Consolidation) Act 1925, to direct where the wills and other documents mentioned in that section are to

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be deposited and preserved (exercisable with the consent of the Lord Chancellor) shall be transferred to the Lord Chancellor.]

<sup>F13</sup>(3) .....

- (4) Where any private documents have remained in the custody of a court in England or Wales for more than fifty years without being claimed, the Keeper of Public Records may, with the approval of the Master of the Rolls, require the documents to be transferred to the Public Record Office and thereupon the documents shall become public records for the purposes of this Act.
- (5) Section three of this Act shall not apply to such of the records of ecclesiastical courts described in paragraph (n) of sub-paragraph (1) of paragraph 4 of the First Schedule to this Act as are not held in any office of the [<sup>F14</sup>Senior Courts] or in the Public Record Office, but, if the Lord Chancellor after consulting the President of the [<sup>F15</sup>Family Division] so directs as respects any of those records, those records shall be transferred to such place of deposit as may be appointed by the Lord Chancellor and shall thereafter be in the custody of such officer as may be so appointed.
- (6) The public records which at the commencement of this Act are in the custody of the University of Oxford and which are included in the index a copy of which was transmitted to the principal probate registrar under section two of the <sup>M2</sup>Oxford University Act 1860, shall not be required to be transferred under the last foregoing subsection but the Lord Chancellor shall make arrangements with the University of Oxford as to the conditions under which those records may be inspected by the public.

#### Textual Amendments

- F9** Words in s. 8(1) inserted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), **ss. 56(2)(a)**, 148; S.I. 2009/1604, **art. 2**
- F10** S. 8(1) proviso repealed by [Courts Act 1971 \(c. 23\)](#), **Sch. 11 Pt. II**
- F11** S. 8(1A) inserted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), **ss. 56(2)(b)**, 148; S.I. 2009/1604, **art. 2**
- F12** S. 8(2) repealed (E.W) by [Supreme Court Act 1981 \(c.54, SIF 37\)](#),s. 152(4), Sch.7
- F13** s. 8(3) repealed by [Administration of Justice Act 1969\(c.58\)](#), Sch. 2
- F14** S. 8(5): for the words "Supreme Court" or "Supreme Court of Judicature" wherever they occur there is substituted (1.10.2009) the words "Senior Courts" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148(1), **Sch. 11 para. 4**; S.I. 2009/1604, **art. 2**
- F15** Words substituted by [Administration of Justice Act 1970 \(c. 31\)](#), **Sch. 2 para. 19**

#### Marginal Citations

- M1** 1925 c. 49.
- M2** 1860 c. 91.

## 9 Legal validity of public records and authenticated copies.

- (1) The legal validity of any record shall not be affected by its removal under the provisions of this Act, or of the Public Record Office Acts 1838 to 1898, or by any provisions in those Acts with respect to its legal custody.
- (2) A copy of or extract from a public record in the Public Record Office purporting to be examined and certified as true and authentic by the proper officer and to be sealed or stamped with the seal of the Public Record Office shall be admissible as evidence in

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any proceedings without any further or other proof thereof if the original record would have been admissible as evidence in those proceedings.

[<sup>F16</sup>(3) An electronic copy of or extract from a public record in the Public Record Office which—

- (a) purports to have been examined and certified as true and authentic by the proper officer; and
- (b) appears on a website purporting to be one maintained by or on behalf of the Public Record Office,;

shall, when viewed on that website, be admissible as evidence in any proceedings without further or other proof if the original record would have been admissible as evidence in those proceedings.]

[<sup>F17</sup>(4)] [<sup>F18</sup>In this section any reference] to the proper officer is a reference to the Keeper of Public Records or any other officer of the Public Record Office authorised in that behalf by the Keeper of Public Records, and, in the case of copies and extracts made before the commencement of this Act, the deputy keeper of the records or any assistant record keeper appointed under the <sup>M3</sup>Public Record Office Act 1838.

**Textual Amendments**

**F16** S. 9(3) inserted (4.2.2002) by S.I. 2001/4058, art. 2(3)

**F17** Words in s. 9(2) re-numbered as subsection (4) (4.2.2002) by S.I. 2001/4058, art. 2(2)

**F18** Words in s. 9(4) substituted (4.2.2002) by 2001/4058, art. 2(2)

**Marginal Citations**

**M3** 1838 c. 94.

**10 Interpretation.**

- (1) In this Act “public records” has the meaning assigned to it by the First Schedule to this Act and “records” includes not only written records but records conveying information by any other means whatsoever.
- (2) Where records created at different dates are for administrative purposes kept together in one file or other assembly all the records in that file or other assembly shall be treated for the purposes of this Act as having been created when the latest of those records was created.

**<sup>F19</sup>11 Public Record Office Acts to cease to have effect.**

.....

**Textual Amendments**

**F19** S. 11 repealed by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 303(2), Sch. 8

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**12 Northern Ireland.**

(1) It shall be lawful for any government department or other body or person having the custody of any public records relating exclusively or mainly to Northern Ireland to transmit those records to the Public Record Office of Northern Ireland.

<sup>F20</sup>(2) .....

**Textual Amendments**

**F20** S.12(2) repealed by Northern Ireland Constitution Act 1973 (c. 36), Sch. 6 Pt. I

**13 Short title, repeals and commencement.**

(1) This Act may be cited as the Public Records Act 1958.

<sup>F21</sup>(2) .....

(3) This Act shall come into force on the first day of January, nineteen hundred and fifty-nine.

**Textual Amendments**

**F21** S.13(2) repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI



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