



Government of Wales Act 1998

1998 CHAPTER 38

PART V

OTHER PROVISIONS ABOUT THE ASSEMBLY

Welsh public records

116 Status of Welsh public records.

- (1) Welsh public records shall not be public records for the purposes of the ^{M1}Public Records Act 1958.
- (2) But that Act shall have effect in relation to Welsh public records (as if they were public records for the purposes of that Act) until an order under section 117 imposes a duty to preserve them on the Assembly (or a member of the Assembly's staff); and this subsection applies to Welsh public records whether or not, apart from subsection (1), they would be public records for those purposes.

Marginal Citations

M1 1958 c. 51.

117 Transfer of responsibility.

- (1) The Lord Chancellor may by order make provision—
 - (a) imposing or conferring on the Assembly (or a member of the Assembly's staff) functions relating to Welsh public records (including, in particular, functions of preserving them and of making them available for inspection by the public), and
 - (b) imposing on persons responsible for Welsh public records duties relating to the selection of such records for permanent preservation, the safe-keeping of

Status: Point in time view as at 01/04/2004.

Changes to legislation: Government of Wales Act 1998, Cross Heading: Welsh public records is up to date with all changes known to be in force on or before 08 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

such records and their transfer to a place specified in, or appointed under, the order.

- (2) An order under this section may (in particular)—
- (a) make in relation to Welsh public records provision analogous to that made by the ^{M2}Public Records Act 1958 in relation to records which are public records for the purposes of that Act, and
 - (b) contain any appropriate consequential, incidental, supplementary or transitional provisions or savings (including provisions in the form of amendments or repeals of enactments).
- (3) An order under this section—
- (a) may make provision in relation to all Welsh public records or any description of Welsh public records (or all Welsh public records apart from those of a particular description), and
 - (b) may make different provision in relation to different descriptions of Welsh public records.
- (4) An order under this section which imposes on the Assembly (or a member of the Assembly’s staff) a duty to preserve Welsh public records, or Welsh public records of any description, must include provision for the Lord Chancellor to make such arrangements as appear appropriate for the transfer of Welsh public records, or Welsh public records of that description, which are in—
- (a) the Public Record Office, or
 - (b) a place of deposit appointed under the ^{M3}Public Records Act 1958, to a place specified in, or appointed under, the order.
- (5) No order shall be made under this section unless the Lord Chancellor has consulted the Assembly.

Marginal Citations

M2 1958 c. 51.

M3 1958 c. 51.

118 Meaning of “Welsh public records”.

- (1) The following are Welsh public records—
- (a) records of the Assembly,
 - (b) administrative and departmental records of the Auditor General for Wales,
 - (c) administrative and departmental records belonging to Her Majesty which are records of or held in any government department which is wholly or mainly concerned with Welsh affairs,
 - (d) administrative and departmental records belonging to Her Majesty which are records of any office, commission or other body or establishment under Her Majesty’s Government which is wholly or mainly concerned with Welsh affairs in a field or fields in which the Assembly has functions,
 - (e) administrative and departmental records of the bodies and establishments specified in subsection (2) (but not records of health service hospitals in Wales which are of the descriptions excepted from being public records for

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- the purposes of the ^{M4}Public Records Act 1958 in the case of health service hospitals in England), and
- (f) any other description of records (other than records of any court or tribunal or held in any department of the Supreme Court) which is specified by order made by the Lord Chancellor.
- (2) The bodies and establishments referred to in subsection (1)(e) are—
- (a) the Countryside Council for Wales,
- [^{F1}(aa) the Care Council for Wales;]
- (b) the Curriculum and Assessment Authority for Wales,
- (c) Family Practitioner Committees for localities in Wales,
- (d) the Further Education Funding Council for Wales,
- (e) the General Teaching Council for Wales,
- (f) health service hospitals, within the meaning of the ^{M5}National Health Service Act 1977, in Wales,
- (g) the Higher Education Funding Council for Wales,
- (h) the Local Government Boundary Commission for Wales,
- [^{F2}(ha) the National Council for Education and Training for Wales,]
- (i) National Health Service Authorities 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,
- (j) the Qualifications, Curriculum and Assessment Authority for Wales, and
- (k) the Welsh Board of Health.
- (3) An order under subsection (1)(f) may be made in relation to a description of records—
- (a) which (immediately before the order is made) are public records for the purposes of the ^{M6}Public Records Act 1958, or
- (b) which (at that time) are not public records for those purposes.
- (4) No order under subsection (1)(f) may be made in relation to records within subsection (3)(a) unless the Lord Chancellor has consulted the Assembly; and no such order may be made in relation to records within subsection (3)(b) unless the Assembly has resolved that the Lord Chancellor be requested to make the order.
- (5) In this section “records” includes not only written records but records conveying information by any other means whatsoever.

Textual Amendments

- F1** S. 118(2)(aa) inserted (1.4.2001) by 2000 c. 14, ss. 6, 54, 66, **Sch. 1 para. 27(a)**; S.I. 2000/2992, art. 2(2), **Sch. 2**
- F2** S. 118(2)(ha) inserted (19.9.2000 for W.) by 2000 c. 21, s. 149, **Sch. 9 para. 93** (with s. 150); S.I. 2000/2540, art. 2, **Sch.**

Marginal Citations

- M4** 1958 c. 51.
- M5** 1977 c. 49.
- M6** 1958 c. 51.

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