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## SCHEDULES

### FIRST SCHEDULE

Section 10.

#### DEFINITION OF PUBLIC RECORDS

##### **Modifications etc. (not altering text)**

- C1** Sch. 1 excluded by [Transport Act 1968 \(c. 73\), s. 144\(9\)](#)  
Sch. 1 excluded (E.W.S.) (1.4.1994) by [1993 c. 43, s. 125\(6\)](#); [S.I. 1994/571, art. 5](#) (with [art. 7](#)) (which exclusion was repealed (18.7.1996) by [1996 c. 42, s. 8\(2\)\(3\)](#))  
Sch. 1 excluded (E.W.S.) (18.9.1996) by [1996 c. 42, ss. 5\(3\), 8\(3\)](#)

- 1 The provisions of this Schedule shall have effect for determining what are public records for the purposes of this Act.

##### *Departmental records*

- 2 (1) Subject to the provisions of this paragraph, administrative and departmental records belonging to Her Majesty, whether in the United Kingdom or elsewhere, in right of Her Majesty's Government in the United Kingdom and, in particular,—
- (a) records of, or held in, any department of Her Majesty's Government in the United Kingdom, or
  - (b) records of any office, commission or other body or establishment whatsoever under Her Majesty's Government in the United Kingdom,
- shall be public records.
- (2) Sub-paragraph (1) of this paragraph shall not apply—
- (a) to records of any government department or body which is wholly or mainly concerned with Scottish affairs, or which carries on its activities wholly or mainly in Scotland, or
  - (b) to registers or certified copies of entries in registers being registers or certified copies kept or deposited in the General Register Office under or in pursuance of any enactment, whether past or future, which provides for the registration of births, deaths, marriages or adoptions, or
  - (c) except so far as provided by paragraph 4 of this Schedule, to records of the Duchy of Lancaster, or
  - (d) to records of the office of the Public Trustee relating to individual trusts.
- 3 (1) Without prejudice to the generality of sub-paragraph (1) of the last foregoing paragraph, the administrative and departmental records of bodies and establishments set out in the Table at the end of this paragraph shall be public records, whether or not they are records belonging to Her Majesty.

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- (2) The provisions of this paragraph shall not be taken as applying to records in any museum or gallery mentioned in the said Table which form part of its permanent collections (that is to say records which the museum or gallery has acquired otherwise than by transfer from or arrangements with a government department).

### **OTHER ESTABLISHMENTS AND ORGANISATIONS**

- (PART II) Anglo-Egyptian Resettlement Board.  
 [F23 Armouries]  
 [F24 The Board of Trustees of the National Museums and Galleries on Merseyside.]  
 [F25 British Coal Corporation]  
 British Museum (including the Natural History Museum).  
 Catering Wages Commission.  
 Coal Industry Social Welfare Organisation.  
 [F26 Commission on Industrial Relations]  
 [F27 Crown Agents for Overseas Governments and Administrations (before and after their reconstitution as a body corporate)] except when acting for governments or authorities outside Her Majesty's dominions.  
 [F28 Crown Agents Holding and Realisation Board.]  
 [F29 the Data Protection Registrar]  
 Development Commission.  
 F30  
 .....  
 [F31 Historic Buildings and Monuments Commission for England]  
 Imperial War Museum.  
 Irish Sailors' and Soldiers' Land Trust.  
 London Museum.  
 F32  
 .....  
 [F33 Monopolies and Mergers Commission.]  
 [F34 National Audit Office]  
 F35  
 .....  
 National Gallery.  
 National Maritime Museum.  
 National Parks Commission.  
 National Portrait Gallery.  
 National Savings Committee.  
 Office of [F36 the Director General of Fair Trading.]  
 [F37 Post Office].  
 Remploy Limited.  
 [F38 Royal Botanic Gardens, Kew]  
 Royal Greenwich Observatory.  
 [F39 Science Museum]  
 Tate Gallery.  
 F40  
 .....

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Trustee Savings Banks Inspection Committee.  
United Kingdom Atomic Energy Authority.  
University Grants Committee.  
[<sup>F41</sup>Victoria and Albert Museum]  
Wallace Collection.  
War Works Commission.  
Any body established for the purpose of determining the boundaries of constituencies of the Parliament of the United Kingdom, or of local authorities in England or Wales.

TABLE

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PART I

**BODIES AND ESTABLISHMENTS  
UNDER GOVERNMENT DEPARTMENTS**

**Responsible Government Department**

<i>Ministry of Agriculture, Fisheries and Food.</i>	Agricultural Wages Board. Agricultural Wages Committees. Organisation known as the “National Farm Survey”. Official seed testing station for England and Wales.
[ <sup>F1</sup> Ministry of Defence]	Meteorological Office.
<sup>F2</sup>	<sup>F3</sup>
. . .	. . .
[ <sup>F4</sup> Department of Health]	National Health Service Authorities [ <sup>F5</sup> including National Health Service Trusts] other than local health authorities. [ <sup>F6</sup> Family Practitioner Committees] [ <sup>F7</sup> National health service hospitals][ <sup>F8</sup> health service hospitals, within the meaning of the National Health Service Act 1977] except— records of endowments passing to Boards of Governors under section seven of the National Health Service Act 1946. records relating to funds held by Hospital Boards and Committees under sections fifty-nine and sixty of the said Act, and records of private patients admitted under section five of the said Act. [ <sup>F9</sup> records of property passing to [ <sup>F10</sup> Regional, Area or District] Health Authorities or special health

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	authorities under sections 23 to 26 of the <sup>M1</sup> National Health Service Reorganisation Act 1973 [ <sup>F11</sup> or section 92 of the <sup>M2</sup> National Health Service Act 1977] records of property held by a [ <sup>F12</sup> Regional, Area or District] Health Authority or special health authority under section 21 or 22 of the said Act 1973][ <sup>F13</sup> or section 90 or 91 of the National Health Service Act 1977] Welsh Board of Health.
<i>Home Office</i>	Office of Commissioner of Police of the Metropolis. Office of Receiver for the Metropolitan Police District.
<i>[<sup>F14</sup>Department of Employment]</i>	National Dock Labour Board. National Institute of Houseworkers Limited. Wages Boards and Wages Councils.
<i>[<sup>F15</sup>Department of Social Security]</i>	National Insurance Advisory Committee. Industrial Injuries Advisory Council. [ <sup>F16</sup> Attendance Allowance Board.] National Insurance and Industrial Injuries Joint Authorities. Workmen’s Compensation Supplementation Board. Pneumoconiosis and Byssinosis Benefit Board. [ <sup>F17</sup> Occupational Pensions Board] <sup>F18</sup> . . .
<i>[<sup>F19</sup>Department of Transport]</i>	Air Transport Advisory Council. Air Registration Board. [ <sup>F20</sup> Airworthiness Requirements Board, Civil Aviation Authority.]
<i>[<sup>F21</sup>Lord Chancellor’s Department]</i>	[ <sup>F22</sup> Legal Aid Board]

#### Textual Amendments

- F1** Words substituted by [Defence \(Transfer of Functions\) Act 1964 \(c. 15\), ss. 1, 3\(2\)](#)
- F2** [Sch. 1 para. 3 Table Pt.I](#) entries repealed by [National Heritage Act 1983 \(c.47, SIF 78\)](#), s.40, [Sch. 6](#)
- F3** [Sch. 1 para. 3 Table Pt.I](#) entries repealed by [National Heritage Act 1983 \(c.47, SIF 78\)](#), s.40, [Sch. 6](#)
- F4** [Sch. 1 para. 3 Table Pt. I](#) words substituted by virtue of [S.I. 1988/1843, art. 2](#)
- F5** [Sch. 1 para. 3 Table Pt. I](#) Words inserted (E.W.S) by [National Health Service and Community care Act 1990 \(c.19, SIF 113:2\)](#), s. 66(1), [Sch.9 para.6\(a\)](#)
- F6** [Sch. 1 para. 3 Table Pt. I](#) entry inserted (E.W.) by [S.I.1985/39, art.4](#)

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- F7** Sch. 1 para. 3 Table Pt. I: for the words "National health service hospitals" there are substituted (E.W.S) the words "health service hospitals, within the meaning of the National Health Service Act 1977" by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 6(b)**
- F8** Sch. 1 para. 3 Table Pt. I: for the words "National health service hospitals" there are substituted (E.W.S) the words "health service hospitals, within the meaning of the National Health Service Act 1977" by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 6(b)**
- F9** Words inserted by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 4 para. 82**
- F10** Sch. 1 para. 3 Table Pt. I words substituted by Health Services Act 1980 (c.53,SIF 113:2), **Sch. 1 Pt. I para. 12**
- F11** Words added (E.W.) (N.I.) by National Health Service Act 1977 (c. 49), **Sch. 15 para. 22**
- F12** Sch. 1 para. 3 Table Pt. I words substituted by Health Services Act 1980 (c.53,SIF 113:2), **Sch. 1 Pt. I para. 12**
- F13** Words added (E.W.) (N.I.) by National Health Service Act 1977 (c. 49), **Sch. 15 para. 22**
- F14** Words substituted by virtue of S.I. 1959/1769 (1959 I, p. 1795), art. 2(1), 1968/729 art. 3(2) and 1970/1537 art. 3
- F15** Sch. 1 para. 3 Table Pt. I words substituted by virtue of S.I.1988/1843, **art. 3**
- F16** Words inserted by National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970 (c. 51), **Sch. 2 para. 2** and by Social Security Act 1973 (c. 38), **Sch. 27 para. 19(b)**
- F17** Words inserted by Social Security Act 1973 (c. 38), **Sch. 27 para. 19(a)**
- F18** Words repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5**
- F19** Sch. 1 para. 3 Table Pt. I Words substituted by virtue of S.I. 1959/1768 (1959 I, p.1793), arts. 2(1), 4(1), 1966/741, arts. 2(1), 3(1), 1966/1015, arts.2(1), 3, 1970/1537, arts. 2(1), 7(4), 1974/692, arts. 2(3), 5(3) and 1983/1127, art.2
- F20** Sch. 1 para. 3 Table Pt.I words included by virtue of Civil Aviation Act 1982 c.16,SIF 9), Sch. 15 para.3
- F21** Sch. 1 para. 3 Table Pt. I Words inserted by Legal Aid Act 1988 (c. 34,SIF 77:1), s. 45, **Sch. 5 para. 1**
- F22** Sch. 1 para. 3 Table Pt. I Words inserted by Legal Aid Act 1988 (c. 34,SIF 77:1), s. 45, **Sch. 5 para. 1**
- F23** Table Pt. II entry inserted by National Heritage Act 1983 (c. 47, SIF 78), s. 40(1), **Sch. 5 para. 3**
- F24** Table Pt. II entry inserted by S.I.1990/1765, **art.3(2)**
- F25** Table Pt. II entry inserted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(2), **Sch.1 para. 6**
- F26** Entry inserted (E.W.S.) by Employment Protection Act 1975 (c. 71), **Sch. 16 Pt. IV para. 6**
- F27** Words substituted by Crown Agents Act 1979 (c. 43), s. 32(1), **Sch. 6 Pt. I**
- F28** Entry inserted by Crown Agents Act 1979 (c. 43), s. 32(1), **Sch. 6 Pt. I**
- F29** Table Pt. II entry inserted by Data Protection Act 1984 (c. 35, SIF 106:1),s.3(6),Sch. 2 para. 14
- F30** Entry repealed (E.W.S.) by Employment Protection Act 1975 (c. 71), **Sch. 18**
- F31** Table Pt. II entry inserted by National Heritage Act 1983 (c. 47, SIF 78), s. 40(1), **Sch. 5 para. 3**
- F32** Entry repealed (E.W.S.) by Employment Protection Act 1975 (c. 71), **Sch. 18**
- F33** Words substituted by virtue of Fair Trading Act 1973 (c. 41), **s. 4(1)**
- F34** Table Pt. II entry inserted by National audit Act 1983 (c.44, SIF 99:1),s. 3(1), Sch.2 para.4
- F35** Table Pt. II: words repealed by Coal Industry Act 1987 (c. 3,SIF 86), s. 10(3), **Sch. 3 Pt.II**
- F36** Words substituted by Fair Trading Act 1973 (c. 41), **Sch. 12**
- F37** Words added by Post Office Act 1969 (c. 48), **s. 75(1)**
- F38** Table Pt. II entry inserted by National Heritage Act 1983 (c. 47, SIF 78), s. 40(1), **Sch. 5 para. 3**
- F39** Table Pt. II entry inserted by National Heritage Act 1983 (c. 47, SIF 78), s. 40(1), **Sch. 5 para. 3**
- F40** Entry repealed (E.W.S.) by Employment Protection Act 1975 (c. 71), **Sch. 18**
- F41** Table Pt. II entry inserted by National Heritage Act 1983 (c. 47, SIF 78), s. 40(1), **Sch. 5 para. 3**

#### Modifications etc. (not altering text)

- C2** Sch. 1 Table Pt. I: reference to Ministry of Agriculture, Fisheries and Food extended by S.I. 1978/272, **art. 11(6)**
- C3** Sch. 1 para. 3 Table Pt. II: Public Records Act 1958 shall, as from the appointed day, have effect as if British Telecommunications were included amongst the bodies and establishments set out in Part II of the Table at the end of paragraph 3 of Schedule 1 to that Act by virtue of British Telecommunications Act 1981 (c. 38, SIF 96), **ss. 1(2), 56(1)** (which amending provisions were repealed by Telecommunications

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Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. II (with saving relating to the operation of s. 56 of the 1981 Act in Sch. 5 para. 44))

#### Marginal Citations

**M1** 1973 c. 32.

**M2** 1977 c. 49.

VALID FROM 30/11/2000

- [<sup>F42</sup>3A (1) Her Majesty may by Order in Council amend the Table at the end of paragraph 3 of this Schedule by adding to either Part of the Table an entry relating to any body or establishment—
- (a) which, at the time when the Order is made, is specified in Schedule 2 to the Parliamentary Commissioner Act 1967 (departments, etc. subject to investigation), or
  - (b) in respect of which an entry could, at that time, be added to Schedule 2 to that Act by an Order in Council under section 4 of that Act (which confers power to amend that Schedule).
- (2) An Order in Council under this paragraph may relate to a specified body or establishment or to bodies or establishments falling within a specified description.
- (3) An Order in Council under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F42** Sch. 1 para. 3A inserted (30.11.2000) by 2000 c. 36, ss. 67, 87(1)(j), Sch. 5 Pt. I para. 4 (with ss. 56, 78)

#### *Records of courts and tribunals*

- 4 (1) Subject to the provisions of this paragraph, records of the following descriptions shall be public records for the purposes of this Act:—
- (a) records of, or held in any department of, the Supreme Court (including any court held under a commission of assize);
  - (b) records of county courts and of any other superior or inferior court of record established since the passing of the <sup>M3</sup>County Courts Act 1846;
  - <sup>F43</sup>(c) . . . . .
  - (d) records of courts of quarter sessions;
  - (e) records of magistrates' courts;
  - (f) records of coroners' courts;
  - (g) records of courts-martial held whether within or outside the United Kingdom by any of Her Majesty's forces raised in the United Kingdom;
  - (h) records of naval courts held whether within or outside the United Kingdom under the enactments relating to merchant shipping;
  - (i) records of any court exercising jurisdiction held by Her Majesty within a country outside Her dominions;

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- (j) records of any tribunal (by whatever name called)—
    - (i) which has jurisdiction connected with any functions of a department of Her Majesty’s Government in the United Kingdom; or
    - (ii) which has jurisdiction in proceedings to which such a government department is a party or to hear appeals from decisions of such a government department;
  - (k) records of the Lands Tribunal or of any Rent Tribunal or Local Valuation Court;
  - (l) records of the Industrial Court, of the Industrial Disputes Tribunal, and of the National Arbitration Tribunal (which was replaced by the Industrial Disputes Tribunal);
  - (m) records of umpires and deputy-umpires appointed under the <sup>M4</sup>National Service Act 1948, or the <sup>M5</sup>Reinstatement in Civil Employment Act 1944;
  - (n) records of ecclesiastical courts when exercising the testamentary and matrimonial jurisdiction removed from them by the <sup>M6</sup>Court of Probate Act 1857, and the <sup>M7</sup>Matrimonial Causes Act 1857, respectively;
  - (o) records of such other courts or tribunals (by whatever name called) as the Lord Chancellor may by order contained in a statutory instrument specify.
- (2) This paragraph shall not apply to any court or tribunal whose jurisdiction extends only to Scotland or Northern Ireland.
- (3) In this paragraph “records” includes records of any proceedings in the court or tribunal in question and includes rolls, writs, books, decrees, bills, warrants and accounts of, or in the custody of, the court or tribunal in question.

#### Textual Amendments

**F43** Sch. 1 para. 4(1)(c) repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. II](#)

#### Marginal Citations

**M3** 1846 c. 95.  
**M4** 1948 c. 64.  
**M5** 1944 c. 15.  
**M6** 1857 c. 77.  
**M7** 1857 c. 85.

### *Records of the Chancery of England*

- 5 The records of the Chancery of England shall be public records for the purposes of this Act.

### *Records in Public Record Office*

- 6 Without prejudice to the foregoing provisions of this Schedule, public records for the purposes of this Act shall include—

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- (a) all records within the meaning of the <sup>M8</sup>Public Record Office Act 1838, or to which that Act was applied, which at the commencement of this Act are in the custody of the Master of the Rolls in pursuance of that Act, and
- (b) all records (within the meaning of the said Act or to which that Act was applied) which at the commencement of this Act are in the Public Record Office and, in pursuance of the said Act, under the charge and superintendence of the Master of the Rolls, and
- (c) all records forming part of the same series as any series of documents falling under sub-paragraph (a) or sub-paragraph (b) of this paragraph.

#### Marginal Citations

**M8** 1838 c. 94.

#### *Power to add further categories of records and to determine cases of doubt*

- 7 (1) Without prejudice to the Lord Chancellor's power of making orders under paragraph 4 of this Schedule, Her Majesty may by Order in Council direct that any description of records not falling within the foregoing provisions of this Schedule shall be treated as public records for the purposes of this Act but no recommendation shall be made to Her Majesty in Council to make an Order under this sub-paragraph unless a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament.
- (2) A question whether any records or description of records are public records for the purposes of this Act shall be referred to and determined by the Lord Chancellor and the Lord Chancellor shall include his decisions on such questions in his annual report to Parliament and shall from time to time compile and publish lists of the departments, bodies, establishments, courts and tribunals comprised in paragraphs 2, 3 and 4 of this Schedule and lists describing more particularly the categories of records which are, or are not, public records as defined in this Schedule.

#### *Interpretation*

- 8 It is hereby declared that any description of government department, court, tribunal or other body or establishment in this Schedule by reference to which a class of public records is framed extends to a government department, court, tribunal or other body or establishment, as the case may be, which has ceased to exist, whether before or after the passing of this Act.



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