
CHAPTER 189**PUBLIC RECORDS****ARRANGEMENT OF SECTIONS**

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CHAPTER 189

PUBLIC RECORDS

An Act to provide for the preservation of the public records of The Bahamas; to establish a Public Records Office for The Bahamas; and for matters connected therewith or incidental thereto. *26 cf 1971
5 cf 1987*

*[Assent 19th August, 1971]
[Commencement 9th December, 1971]*

1. This Act may be cited as the Public Records Act. Short title
2. (1) In this Act, unless the context otherwise requires — Interpretation
 - “Archivist” means the Archivist appointed under the provisions of section 4;
 - “Government department” includes any office or any other body or establishment whatsoever existing by virtue of the Constitution or being under the Government of The Bahamas;
 - “Minister” means the Minister responsible for Archives;
 - “public records” or “records” means all public records, archives, documents and other historical matter of every kind, nature and description which are in the custody of any Government department or which may, after the commencement of this Act, be transferred to or acquired by The Bahamas Archives. *5 cf 1987, Sch*
- (2) Unless the contrary intention appears, references in this Act to a section are references to a section of this Act and references in a section to a subsection are references to a subsection of that section.
3. The Chief Justice shall be generally responsible for the execution of this Act and shall supervise the care and preservation of the public records in The Bahamas. General responsibility of Chief Justice for public records

Establishment of
Bahamas
Archives and
appointment of
Archivist
5 of 1987, Sch

4. (1) There shall be established an office to be called The Bahamas Archives with as many branches as may be deemed necessary or convenient, in which shall be preserved such public records of historical value as are transferred thereto under section 6 or acquired by the Archivist under section 7.

(2) There shall be an Archivist, who shall be a public officer and who, under the direction of the Chief Justice, shall be responsible for the custody, preservation, arrangement, repair and rehabilitation, and for such duplication and reproduction of records maintained at The Bahamas Archives as may be necessary or appropriate, including the preparation and publication of inventories, indexes, catalogues and other finding aids or guides facilitating the use of such records.

Examination of
records and
transfer of such
records to The
Bahamas
Archives

5. (1) The Archivist or any officer of The Bahamas Archives authorised by him shall have power to examine any records which are in the custody of any Government department, and shall advise such department as to the care, custody and control thereof:

Provided that nothing contained in this subsection shall empower the Archivist, or any other person authorised by him, to examine any records relating to matters which, by statute, are forbidden to be communicated to him.

(2) Records in the custody of any Government department shall be transferred periodically to The Bahamas Archives in accordance with regulations made under section 13.

Selection and
preservation of
public records
5 of 1987, Sch

6. (1) It shall be the duty of every person responsible for public records of any description which are not in The Bahamas Archives to make arrangements for the selection of those records which ought to be permanently preserved and for their safe-keeping.

(2) Every such person shall perform his duties under this section under the guidance of the Archivist and the Archivist shall be responsible for co-ordinating and supervising all action taken under this section.

(3) Public records selected for permanent preservation under this section shall be transferred not later than thirty years after their creation to The Bahamas Archives:

Provided that any such records shall not be so transferred but may be retained after the said period if, in the opinion of the person who is responsible for them, they ought to be so retained for any special reason.

7. The Archivist, with the approval of the Chief Justice, may by contract, testamentary bequest, or in any other manner acquire all such original records, documents and other historical material or copies or replicas thereof as he may deem necessary or desirable to secure for The Bahamas Archives and he may pay for them or for the transcribing, binding and repairing thereof out of such funds as are voted by Parliament for that purpose.

Acquisition of records by Archivist
5 cf 1987, Sch

8. (1) Public records in The Bahamas Archives shall not be available for public inspection until they have been in existence for thirty years or such other period, either longer or shorter, as the Chief Justice may, with the approval, or at the direction, of the Minister for the time being specify as respects any particular class of records.

Access to public records
5 cf 1987, Sch

(2) Without prejudice to the generality of subsection (1), if it appears to the person responsible for any public records which have been selected by him under section 6 for permanent preservation, that they contain information which was obtained from members of the public under such conditions that the opening of those records to the public after the period determined under subsection (1) would or might constitute a breach of good faith on the part of the Government of The Bahamas or on the part of the persons who obtained the information, he shall inform the Chief Justice accordingly and those records shall not be available in The Bahamas Archives for public inspection even after the expiration of the said period except in such circumstances and subject to such conditions, if any, as the Chief Justice and that person may approve or, if the Chief Justice and that person think fit, after the expiration of such further period as they may approve.

(3) Subject to the provisions of subsections (1) and (2) or of any other enactments (whether passed before or after the commencement of this Act) which prohibit the disclosure of information obtained from the public, and subject to any regulations made under section 13 it shall be the duty of the Archivist to arrange that reasonable facilities are available to the public for inspecting and obtaining copies of public records in The Bahamas Archives.

(4) Notwithstanding anything contained in this section, it shall be lawful for the Archivist to permit a person to inspect any records if he has obtained special authority in that behalf given by a public officer of a Government department being an officer accepted by the Chief Justice or the Minister as qualified to give such authority.

Legal validity of
public records
and
authenticated
copies
5 cf 1987, Sch

9. (1) The legal validity of any record shall not be affected by its removal under the provisions of this Act with respect to its legal custody.

(2) A copy of, or extract from, a public record in The Bahamas Archives purporting to be examined and certified as true and authentic by the Archivist or by an officer of The Bahamas Archives purporting to be authorised by him in that behalf and to be sealed or stamped with the seal of The Bahamas Archives shall be admissible as evidence in any proceedings without any further or other proof thereof if the original record would have been admissible as evidence in those proceedings.

Return of public
records to
Government
departments
5 cf 1987, Sch

10. Where the person in charge of any Government department notifies the Archivist in writing that any public record which was transferred from that department to The Bahamas Archives is required for use in that department, the Archivist shall, if he has the custody or control of that public record, return it to that person and such person shall return the public record to the Archivist as soon as it is no longer required by him for use.

Appointment
and functions of
the Advisory
Council

11. (1) There shall be an Advisory Council on Public Records, which shall consist of —

- (a) the Archivist; and
- (b) such other persons, not exceeding eight in number, as may be appointed by the Minister.

(2) The persons appointed under paragraph (b) of subsection (1) shall hold office for such period and on such terms as may be determined at the time of their respective appointments.

(3) The Minister shall appoint one of the members to be Chairman of the Council.

5 cf 1987, Sch

(4) It shall be the duty of the Council to advise the Chief Justice on all matters relating to public records in

general and, in particular, on those aspects of the work of The Bahamas Archives which affect members of the public who make use of the facilities provided by The Bahamas Archives.

12. (1) The exportation from The Bahamas of any public records which relate to The Bahamas and which have been certified by the Archivist to be of historical value is prohibited except in accordance with the terms of an export licence issued by the Minister.

Restriction on exportation of public records

(2) A licence issued under the provisions of subsection (1) shall specify each record to which the licence relates and may contain such conditions as the Minister thinks fit.

(3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars.

13. The Chief Justice may, with approval of the Minister, make regulations providing for —

Power of Chief Justice to make regulations
5 cf 1987, Sch

- (a) the admission of the public to The Bahamas Archives and the inspection by the public of the records;
- (b) the transfer of any records from the custody of any Government department having control thereof to The Bahamas Archives;
- (c) the examination, disposal or destruction of any records which are not of sufficient value to justify their preservation in The Bahamas Archives or elsewhere;
- (d) the fees to be paid in respect of services provided to the public by The Bahamas Archives;
- (e) generally the better carrying out of the objects and purposes of this Act.

14. Any expenses incurred in carrying this Act into effect shall be defrayed out of moneys provided by Parliament.

Expenses under this Act