

SCHEDULE 5 MODIFICATIONS OF ENACTMENTS

PART 2

SHERIFF APPEAL COURT

Public Records (Scotland) Act 1937

- 11 (1) The Public Records (Scotland) Act 1937 is amended in accordance with this paragraph.
- (2) After section 1, insert—

“1A Sheriff Appeal Court records

- (1) The records of the Sheriff Appeal Court are to be transmitted to the Keeper at such times, and subject to such conditions as may be prescribed—
- (a) in relation to records relating to criminal proceedings, by act of adjournal,
 - (b) in relation to other records, by act of sederunt.
- (2) An act of adjournal or act of sederunt under subsection (1) may—
- (a) fix different times and conditions of transmission for different descriptions or records,
 - (b) make provision for—
 - (i) re-transmission of records to the High Court of Justiciary, the Court of Session or the Sheriff Appeal Court when such re-transmission is necessary for the purposes of proceedings in any of the Courts, and
 - (ii) the return to the Keeper of any records so re-transmitted as soon as they have ceased to be required for such a purpose.
- (3) Before making an act of adjournal or act of sederunt under subsection (1), the High Court of Justiciary or, as the case may be, the Court of Session must consult the Keeper.”.
- (3) In section 2(2) (re-transmission of sheriff court records from the Keeper to the courts) —
- (a) after “Session” in the first place it occurs insert “, the Sheriff Appeal Court”,
 - (b) after “Session” in the second place it occurs insert “, of an Appeal Sheriff”.
- (4) In section 2A(3) (re-transmission of JP court records from the Keeper to the courts)—
- (a) after “Session,” in the first place it occurs insert “the Sheriff Appeal Court,”,
 - (b) after “Session” in the second place it occurs insert “, of an Appeal Sheriff”.
- (5) In section 14(1) (interpretation), after the definition of “records of the Court of Session” and “records of the High Court of Justiciary” insert—
- “the expression “records of the Sheriff Appeal Court” includes the registers, minute books, processes, writs or documents belonging to or in the custody of the Sheriff Appeal Court;”.