



Public Records (Scotland) Act 1937

1937 CHAPTER 43 1 Edw 8 and 1 Geo 6

PART I

COURT RECORDS

Modifications etc. (not altering text)

C1 Pt. I excluded by Law Reform (Miscellaneous Provisions)(Scotland) Act 1966 (c. 19), s. 8(4)

1 High Court and Court of Session records.

- (1) The records of the High Court of Justiciary and of the Court of Session shall be transmitted to the [^{F1}Keeper of the Records of Scotland] (hereinafter referred to as the Keeper) at such times, and subject to such conditions, as may respectively be prescribed by Act of Adjournal or Act of Sederunt.
- (2) An Act of Adjournal or an Act of Sederunt under the foregoing subsection may fix different times and conditions of transmission for different classes of records and may make provision for re-transmission of records to the Court when such re-transmission is necessary for the purpose of any proceedings before the Court, and for the return to the Keeper of records so re-transmitted as soon as may be after they have ceased to be required for such purpose.
- [^{F2}(3) Before making an Act of Adjournal or an 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.]

Textual Amendments

- F1** Words substituted by virtue of [Public Registers and Records \(Scotland\) Act 1948 \(c. 57\), s. 1\(3\)\(7\)](#)
- F2** S. 1(3) added (S.) (1.1.2013) by [Public Records \(Scotland\) Act 2011 \(asp 12\), ss. 15\(2\), 16\(1\)](#); S.S.I. 2012/247, art. 2

Status: Point in time view as at 01/04/2015.

Changes to legislation: There are currently no known outstanding effects for the Public Records (Scotland) Act 1937, Part I. (See end of Document for details)

[^{F3}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.]

Textual Amendments

F3 S. 1A inserted (S.) (1.4.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [Sch. 5 para. 11\(2\)](#); [S.S.I. 2015/77](#), art. 2(2)(3), Sch.

2 Sheriff court records.

- [^{F4}(1) A sheriff principal may, with the agreement of the Keeper, transmit any of the sheriff court records of the sheriff principal's sheriffdom to the Keeper.]
- (2) Where any record transmitted in pursuance of the foregoing subsection to the Keeper is required for the purpose of any proceedings in the High Court of Justiciary, the Court of Session [^{F5}, the Sheriff Appeal Court] or any sheriff court, the Keeper shall re-transmit such record to the clerk of such court on any order of a judge of the said High Court or Court of Session [^{F6}, of an Appeal Sheriff] or of the sheriff as the case may be, and any record so re-transmitted shall be returned by such clerk to the Keeper as soon as may be after it has ceased to be required for the said purpose.
- (3) [^{F7}The [^{F8}sheriff principal] of each sheriffdom shall be responsible for the proper care and preservation of the sheriff court records of that sheriffdom which have not been transmitted under subsection (1) of this section to the Keeper and shall, in compliance with any request which the Keeper, with the consent of the Lord President, may from time to time make, cause a report to be prepared and sent by the sheriff clerk to the Keeper, giving such information as may be specified in the request, regarding—
 - (a) the nature, situation and condition of all buildings in which any such records are kept;
 - (b) the age and condition of such records;
 - (c) the arrangements made for their care and preservation, and for indexing them and rendering them available for inspection by the public; and
 - (d) any other matters connected with the care and preservation of such records.]

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(4) In [F9subsections (1) and (3)][F9subsection (1)] of this section, the expression “sheriff principal” does not include “[F10sheriff]”.

Textual Amendments

- F4 S. 2(1) substituted (S.) (1.1.2013) by Public Records (Scotland) Act 2011 (asp 12), ss. 15(3)(a), 16(1); S.S.I. 2012/247, art. 2
- F5 Words in s. 2(2) inserted (1.4.2015) by Courts Reform (Scotland) Act 2014 (asp 18), s. 138(2), sch. 5 para. 11(3)(a); S.S.I. 2015/77, art. 2(2)(3), sch.
- F6 Words in s. 2(2) inserted (1.4.2015) by Courts Reform (Scotland) Act 2014 (asp 18), s. 138(2), sch. 5 para. 11(3)(b); S.S.I. 2015/77, art. 2(2)(3), sch.
- F7 S. 2(3) repealed (S.) (1.1.2013) by Public Records (Scotland) Act 2011 (asp 12), ss. 14(a), 16(1); S.S.I. 2012/247, art. 2
- F8 Words substituted by virtue of Sheriff Courts (Scotland) Act 1971 (c. 58), s. 4
- F9 Words in s. 2(4) substituted (S.) (1.1.2013) by Public Records (Scotland) Act 2011 (asp 12), ss. 15(3)(b), 16(1); S.S.I. 2012/247, art. 2
- F10 Word substituted by virtue of Sheriff Courts (Scotland) Act 1971 (c. 58), s. 4

[F112A JP court records

[F12(1) A sheriff principal may, with the agreement of the Keeper, transmit any of the JP court records of the sheriff principal's sheriffdom to the Keeper.]

F13(2)

(3) Where any record transmitted to the Keeper under subsection (1) above is required for the purpose of proceedings in the High Court of Justiciary, the Court of Session, [F14the Sheriff Appeal Court,] or any sheriff court or JP court, the Keeper shall re-transmit the record to the clerk of the relevant court on an order of a judge of the High Court or Court of Session[F15, of an Appeal Sheriff], of an Appeal Sheriff or of the sheriff or judge of a JP court (as the case may be), and a record so re-transmitted shall be returned by the clerk to the Keeper as soon as may be after it has ceased to be required for the purpose.

F16(4)]

Textual Amendments

- F11 S. 2A inserted (S.) (10.3.2008) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), ss. 80, 84, Sch. para. 2(1); S.S.I. 2008/42, art. 3, Sch.
- F12 S. 2A(1) substituted (1.1.2013) by Public Records (Scotland) Act 2011 (asp 12), ss. 15(4)(a), 16(1); S.S.I. 2012/247, art. 2
- F13 S. 2A(2) repealed (1.1.2013) by Public Records (Scotland) Act 2011 (asp 12), ss. 15(4)(b), 16(1); S.S.I. 2012/247, art. 2
- F14 Words in s. 2A(3) inserted (1.4.2015) by Courts Reform (Scotland) Act 2014 (asp 18), s. 138(2), sch. 5 para. 11(4)(a); S.S.I. 2015/77, art. 2(2)(3), sch.
- F15 Words in s. 2A(3) inserted (1.4.2015) by Courts Reform (Scotland) Act 2014 (asp 18), s. 138(2), sch. 5 para. 11(4)(b); S.S.I. 2015/77, art. 2(2)(3), sch.
- F16 S. 2A(4) repealed (1.1.2013) by Public Records (Scotland) Act 2011 (asp 12), ss. 14(a), 16(1); S.S.I. 2012/247, art. 2

Status: Point in time view as at 01/04/2015.

Changes to legislation: There are currently no known outstanding effects for the Public Records (Scotland) Act 1937, Part I. (See end of Document for details)

F17³

Textual Amendments

F17 S. 3 repealed by [District Courts \(Scotland\) Act 1975 \(c. 20\)](#), [Sch. 2](#)

Status:

Point in time view as at 01/04/2015.

Changes to legislation:

There are currently no known outstanding effects for the Public Records (Scotland) Act 1937, Part I.