



Public Registers and Records (Scotland) Act 1948

1948 CHAPTER 57

An Act to provide for the appointment of a Keeper of the Registers of Scotland and of a Keeper of the Records of Scotland, the transference to such Keepers of the powers and duties of the Keeper of the Registers and Records of Scotland and the discontinuance of that office ; to amend the law and procedure regarding registration in the General Register of Sasines and for purposes connected with the aforesaid purposes. [30th July 1948]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same; as follows :—

- 1 Substitution of a Keeper of the Registers and a Keeper of the Records for the Keeper of the Registers and Records of Scotland.**
- (1) It shall be lawful for the Secretary of State with the consent of the Lord President of the Court of Session to, appoint (a) a Keeper of the Registers of Scotland, and (b) a Keeper of the Records of Scotland, and on such appointments being made the office of Keeper of the Registers and Records of Scotland shall cease to exist.
 - (2) There shall be transferred to and vested in the Keeper of the Registers of Scotland the whole functions of the Keeper of the Registers and Records of Scotland with regard to the framing of the General Register of Sasines, the Register of Hornings, the Register of Inhibitions and Adjudications, the Register of Entails and the Register of Deeds, together with the powers and duties transferred to the said Keeper from the Director of Chancery under section seven of the Reorganisation of Offices (Scotland) Act, 1928.
 - (3) There shall be transferred to and vested in the Keeper of the Records of Scotland, the whole functions of the Keeper of the Registers and Records of Scotland with regard to the preservation of the public registers, records and rolls of Scotland.

- (4) The Secretary of State may, to such number as the Treasury may sanction, appoint such officers and servants as he may deem necessary to enable each of the Keepers appointed under this section to perform the functions vested in him, and the persons employed at the date when this section comes into operation in the office of the Keeper of the Registers and Records of Scotland shall, subject to any direction of the Secretary of State, be transferred and attached—
- (a) in the case where they were employed at the said date in connection with functions transferred under subsection (2) of this section, to the Keeper of the Registers of Scotland ; and
 - (b) in any other case, to the Keeper of the Records of Scotland,
- and the persons so transferred and attached shall perform such, duties in relation to the functions transferred to the said Keepers as the Secretary of State may direct.
- (5) There shall be paid out of moneys provided by Parliament to each of the Keepers appointed under this section, and to the officers and servants appointed or transferred under subsection (4) of this section, such remuneration as the Treasury may, on the application of the Secretary of State, from time to time determine.
- (6) In the event of a vacancy in the office of either of the Keepers appointed under this section or in the absence of either of them from any cause his functions shall be performed by such member of his staff or such other person as may be authorised by the Secretary of State.
- (7) Any reference in any enactment to the Keeper of the General Register of Sasines shall be construed as a reference to the Keeper of the Registers of Scotland, and any reference in any enactment to the Keeper of the Registers and Records of Scotland shall be construed as a reference to the Keeper of the Registers of Scotland or to the Keeper of the Records of Scotland according as the enactment relates to the functions specified in subsection (2) or in subsection (3) of this section.
- (8) This section shall come into operation on the first day of the month next succeeding the expiry of three months from the passing of this Act.

2 Provisions as to recording in Register of Sasines.

The following provisions shall have effect with regard to the recording of writs in the General Register of Sasines—

- (a) the names and designations of the presenters of writs shall not be entered in the minute book ;
- (b) each page of the minute book shall be signed by the Keeper of the Registers of Scotland or by a deputy duly authorised by him in that behalf, and no further signature shall be necessary for the authentication of the minute book ; and in particular it shall not be necessary that the minute book be signed by the presenter of a writ or in the case of a writ transmitted to the Register by post by a clerk in the office of the said Keeper ;
- (c) the transmission in accordance with section ten of the Land Registers (Scotland) Act, 1868, of copies of printed abridgments or minutes and indexes to sheriff clerks shall be discontinued and that section shall cease to have effect.

3 Amendment of 31 & 32 Vict. c. 64. s. 6.

Section six of the Land Registers (Scotland) Act, 1868, shall be amended by the substitution for the words from " attach to his signature " to " and thereafter" of the words " stamp the words ' by post ' in the presentment book and thereafter enter."

4 Power to make Acts of Sederunt regarding the Register of Sasines.

The Court of Session may, by Act of Sederunt, make provision with regard to the General Register of Sasines,—

- (a) prescribing the forms to be used for the purposes of entries in the presentment books, minute books and relative indexes, prescribing the forms of rubrics and preambles in the register volumes, of certificates of recording to be endorsed on writs, of extracts to be issued, and generally of any documents required for the purposes of the Register, and the persons by whom any such documents shall be signed ;
- (b) requiring that in such cases and subject to such conditions as may be prescribed, where reference is made in a writ presented for recording in the Register to a writ previously recorded therein, the reference shall specify, as well as the date of such previous recording, the register volume and folio in which the writ is so recorded ;
- (c) for the transmission, at such time or times as may be prescribed, to the Keeper of the Records of Scotland, of the register volumes, presentment books, abstracts, indexes or copies thereof, and any other documents (or copies) prepared or kept for the purposes of the register.

5 Disposal of records which might have been transmitted to Keeper.

Any regulations made under section twelve of the Public Records (Scotland) Act, 1937 with regard to the disposal of records transmitted to the Keeper of the Records of Scotland, shall apply to records which could competently have been transmitted to the said Keeper under section five of the said Act or otherwise if the Keeper and the body or person having the custody of the records so agree.

6 Interpretation.

In this Act, unless the context otherwise requires—

- the expression " functions " includes powers and duties ;
- the expressions " minute book " " presentment book " and " register volume " have the like meanings as in the Land Registers (Scotland) Act, 1868.

7 Short title and repeal.

- (1) This Act may be cited as the Public Registers and Records (Scotland) Act, 1948.
- (2) The enactments set forth in Parts I and II of the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Status: This is the original version (as it was originally enacted).

SCHEDULE

Section 7.

ENACTMENTS REPEALED

PART I

ACT OF THE PARLIAMENT OF SCOTLAND

Year and Chapter.	Subject matter or Title.	Extent of Repeal.
1693 c. 23	Registers of Sasines Reversions, etc.	The words " and the names and designations of the persons by whom " and the words " immediately signed by the presenter of the writ and also by the Keeper, and " so far as relating to the Register of Sasines.

PART II

ACTS OF THE UNITED KINGDOM PARLIAMENT

Session and Chapter.	Short Title.	Extent of Repeal.
31 & 32 Vict. c. 64.	The Land Registers (Scotland) Act, 1868.	Sections ten, twenty and twenty-four.
42 & 43 Vict. c. 44.	The Lord Clerk Register Act, 1879.	Section eight (except the proviso thereto).
18 & 19 Geo. 5. c. 34.	The Reorganisation of Offices (Scotland) Act, 1928.	Section five.