

1972 No. 227 (S.18)

**REGISTERS AND RECORDS, SCOTLAND**

**Act of Adjournal (Records of High Court of Justiciary) 1972**

*Made* - - - 16th February 1972

*Coming into Operation* 1st March 1972

The Lord Justice-General, Lord Justice-Clerk and Lords Commissioners of Justiciary, under and by virtue of the powers conferred on them by section 1 of the Public Records (Scotland) Act 1937(a), and of all other powers vested in them in that behalf, and after consultation with the Keeper of the Records of Scotland (hereinafter referred to as "The Keeper"), Do hereby Enact and Declare as follows:

1. That the records of the High Court of Justiciary specified in Column (1) of the Schedule attached hereto for the periods specified in Column (2) of said Schedule shall, after the Keeper and the Clerk of Justiciary have consulted as to what records or parts thereof may first be destroyed as not being considered to have a value for legal purposes or for historical or other research, be transmitted to the Keeper under arrangements to be agreed between him and the Clerk of Justiciary.

2. That upon completion of the transmission authorised by the foregoing paragraph the Clerk of Justiciary and the Keeper shall, at intervals of not less than five years nor more than ten years from the date of the immediately preceding transmission, and after similar consultation arrange for further transmissions of records falling within the categories specified in the said column (1) for such periods as may be deemed by them to be appropriate.

3. That without prejudice to the provisions of the foregoing paragraphs the Lord Justice-General may by Order direct that any record comprised in the said categories which might otherwise fall to be transmitted to the Keeper in terms of the said arrangements be retained in the custody of the Clerk of Justiciary.

4. That all other records, papers and productions presently in the custody of the Clerk of Justiciary not specified in the said Column (1) of the said Schedule shall be retained by him subject to such directions as to disposal, transmission or destruction as may from time to time be issued by the Lord Justice-General or Lord Justice-Clerk.

5. That all productions lodged in connection with proceedings in the High Court of Justiciary shall be returned by the Clerk of Justiciary to the party on whose behalf they were lodged at the following times or as soon thereafter as may be convenient:

- (a) In any case in which a verdict of acquittal is returned—at the conclusion of the proceedings.
- (b) In any case in which no appeal under the provisions of the Criminal Appeal (Scotland) Act 1926(a) is taken—after the lapse of ten clear days from the conclusion of the proceedings, and
- (c) In any other case—upon the determination of any matters which may have been referred to the Court under the provisions of section 1 of the Criminal Appeal (Scotland) Act 1926.

6. Without prejudice to the provisions of the foregoing paragraph 5, the Lord Justice-General or the Lord Justice-Clerk or the presiding Judge at the trial may by Order direct that any production or other document relating to any case indicted in the High Court of Justiciary remain in the custody of the Clerk of Justiciary.

7. This Act of Adjournal may be cited as the Act of Adjournal (Records of the High Court of Justiciary) 1972 and shall come into force on 1st March 1972.

And the Lords direct this Act of Adjournal to be recorded in the Books of Adjournal, and to be published in the *Edinburgh Gazette*.

J. L. Clyde,  
I.P.D.

Edinburgh,  
16th February 1972.

## SCHEDULE

Nature of Record	Period for Transmission
(1)	(2)
1. Books of Adjournal	1800—1920
2. Circuit Books of Adjournal	1890—1920
3. High Court Minute Books	1799—1920
4. Circuit Minute Books	
North	1800—1920
South	1800—1885
West	1800—1920
Glasgow Second Court	1850—1920
5. Circuit Indictments	1821—1836
6. Remissions of Sentence	1894—1920
7. Appeal Registers	1864—1920
8. Miscellaneous Registers	19th Century
9. Small Papers (Edinburgh and Circuit)	1800—1920
10. Bills of Suspension and relevant processes	1800—1920
11. Stated cases and relevant processes	1908—1920
12. Papers Under Criminal Appeal (Scotland) Act 1926	No transmission meantime
13. Petitions for Liberation	1800—1840
14. Correspondence	1800—1830
15. Miscellaneous Papers	16th—19th Century
16. Transcripts of Evidence	No transmission meantime
17. Bills for Criminal Letters and Papers relative thereto	No transmission meantime

## EXPLANATORY NOTE

*(This Note is not part of the Act of Adjournal.)*

This Act of Adjournal makes provision for the transfer of certain records of the High Court of Justiciary to the custody of the Keeper of the Records of Scotland under the provisions of the Public Records (Scotland) Act 1937.

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