

Status: Point in time view as at 10/03/2008.

Changes to legislation: There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Cross Heading: Public Records (Scotland) Act 1937 (c. 43). (See end of Document for details)

SCHEDULE MODIFICATION OF ENACTMENTS

Public Records (Scotland) Act 1937 (c. 43)

- 2 (1) After section 2 (sheriff court records) of the Public Records (Scotland) Act 1937 there is inserted—

“2A JP court records

- (1) A sheriff principal may, on the application of the Keeper, make an order directing that the JP court records of that sheriff principal's sheriffdom which are specified in the order shall be transmitted to the Keeper within 6 months of the date of the order.
 - (2) An order under subsection (1) above shall not apply to any record which is dated less than 10 years before the date of the order unless the sheriff principal is satisfied that adequate provision as regards care, indexing and availability for consultation cannot otherwise be made.
 - (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, 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 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.
 - (4) The sheriff principal of each sheriffdom shall be responsible for the proper care and preservation of the JP court records of that sheriffdom which have not been transferred to the Keeper under subsection (1) above and shall, in compliance with any request which the Keeper may from time to time make, cause a report to be prepared and sent by the sheriff clerk to the Keeper, giving the information which is 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—
 - (i) their care and preservation;
 - (ii) indexing them; and
 - (iii) rendering them available for inspection by the public; and
 - (d) any other matters connected with the care and preservation of such records.”.
- (2) In section 14 (interpretation) of that Act—
- (a) at the appropriate place there is inserted— “ the expression “JP court records” includes the registers, minute books, processes, writs or documents belonging to or in the custody of JP courts; ”,
 - (b) at the appropriate place there is inserted— “ the expression “JP court” means a justice of the peace court; ”.

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