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**Changes to legislation:** Courts Reform (Scotland) Act 2014, Cross Heading: Public Records (Scotland) Act 1937 is up to date with all changes known to be in force on or before 26 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## 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;”.

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#### **Commencement Information**

**II** [Sch. 5 para. 11](#) in force at 1.4.2015 by [S.S.I. 2015/77](#), art. 2(2)(3), [Sch.](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. 1 para. 5A and cross-heading inserted by [2020 asp 9 s. 9](#)
- sch. 1 para. 2(g)(h) inserted by [2021 asp 16 s. 15\(8\)](#)