



# Public Records (Scotland) Act 1937

## 1937 CHAPTER 43

### PART I

#### COURT RECORDS

#### **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 Keeper of the Registers and 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.

#### **2 Sheriff court records**

- (1) It shall be lawful for the Lord President of the Court of Session (hereinafter referred to as the Lord President) on the application of the Keeper and after consultation with the sheriff of any sheriffdom, to make an order directing that such of the sheriff court records of that sheriffdom as may be specified in the order shall be transmitted to the Keeper on or before a date specified therein not being earlier than three months from the date of the order :

Provided that no such order shall apply to any record which is of more recent date than twenty-five years before the date of the order, unless the Lord President is satisfied that adequate provision as regards care, indexing, and availability for consultation cannot otherwise be made.

- (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

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*Status: This is the original version (as it was originally enacted).*

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Court of Session 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 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) The sheriff 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.
- (4) In subsections (1) and (3) of this section, the expression " sheriff " does not include " sheriff substitute."

### **3 Justice of the peace records**

- (1) It shall be lawful for the Lord President, on the application of the Keeper, to make an order directing that such of the justice of the peace records of any county as may be specified in the order shall be transmitted to the Keeper on or before a date specified therein not being earlier than three months from the date of the order ;

Provided that no such order shall apply to any record which is of more recent date than twenty-five years before the date of the order, unless the Lord President is satisfied that adequate provision as regards care, indexing, and availability for consultation cannot otherwise be made.

- (2) The clerk of the peace for any county shall have the custody, and be responsible for the proper care and preservation, of the justice of the peace records of that county 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, prepare and send to the Keeper a report 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.