



# Public Records (Scotland) Act 1809

## 1809 CHAPTER 42

An Act for better regulating the Publick Records of Scotland.

[12th May 1809]

WHEREAS Irregularities and Inconveniencies have arisen or may arise from the unnecessary Multiplicity of Registers in Scotland in which Deeds and other Writings may be competently recorded, either for Execution or for Preservation: And whereas the Laws heretofore devised for regulating the Formation and Custody of the Public Records, and more especially of those in the Local Registries throughout Scotland, have not been found effectual; and it is of high Importance that the Whole of the Public Records within that Part of the United Kingdom should be placed under one general and effectual Plan of Management and Controul: And whereas by an Act of the Parliament of Scotland, passed on the Thirteenth Day of June in the Year One thousand six hundred and eighty-five, intituled, Ail concerning the Registration of Writs in the Books of Session, it is inter alia statuted and ordained, " That no Clerk of inferior " Court for the future presume to registrate any Writs in his Books, " either for Conservation or where Execution is to pass against any Party " that dwells without the Jurisdiction, under the Pain of Deprivation and " of Five hundred Merks of Penalty, the one Half to his Majesty, and "the other Half to the Party pursuer," which Provisions of the aforesaid Act it has become necessary to renew, modify, and enlarge ; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's moil 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, That from and after the Expiration of Six Months after the palling of this Act, but with .and under the Exceptions and Reservations herein, after mentioned, if shall not lie lawful for the Clerks of Royal Burghs, or of Burghs of Regality or Barony within Scotland, to receive any Deeds or other Writings for the Purpose of being recorded by them in the Books or Registers of their respective Courts, either, in virtue of an Act of the Parliament of Scotland palled on-the Thirtieth Day of August in the Year One thousand six hundred and ninety-eight, intituled, Act concerning Registration of Probative Writs, or in virtue of any Clause contained in such Deeds and Writings, consenting that the same mould be recorded either for Preservation thereof, or for Execution : Provided always, that this Act shall not extend to or affect the Right of the Clerks of Royal Burghs to receive Instruments of Protest on Bills of Exchange, Inland Bills and Promissory Notes, and to record the same : Provided also, that this Act shall not extend to or affect the Right of the Clerks of Royal Burghs to record in their Books Instruments of Seisin and other Writs relative to heritable Property holding in Burgage and situated within their respective Burghs or Liberties thereof in virtue of an Act of the Parliament of Scotland, passed on the Sixth Day of September in the Year One thousand six hundred and eighty-one, intituled, Act concerning the Registration of Seisins and Reversions of Tenements within Burgh : Provided

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

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also, that this Act shall not extend to or affect the Right of the Clerks of Royal Burghs to receive and record Dispositions, Tacks, and other Deeds, relating exclusively to the Property or Possession of Subjects holding in Burghage and situated within such Burghs or Liberties thereof respectively, or any Deeds or Instruments where all the Parties to the same shall be Burghs or have a legal Domicil within such Burghs, at the Time that such Deeds or Instruments shall be presented for Registration.