

# **FORTH CROSSING ACT 2011**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 10 – Miscellaneous**

#### ***Section 73 – Certification of Parliamentary plans, etc.***

235. **Section 73** makes provision for the authentication of a copy of the book of reference, the plans and the sections that accompany the Act, to enable certified copies once the Act is enacted to be admissible in any future proceedings as evidence of the content of the proceedings without the need of the Scottish Ministers to prove the authenticity of the copy documents.
236. The Parliament's Guidance on Hybrid Bills makes it clear that the book of reference, the plans and the sections are documents that the Clerk to the Parliament does not arrange to have printed and published. These documents may be required to execute any compulsory purchase authorised by the Act. Since these documents are not published by the Parliament they will necessarily be a copy of the book of reference, plans and sections submitted to the Parliament and a copy of that produced by the Scottish Ministers and not the Parliament. There is therefore a need to ensure that the content of the book of reference, plans and sections can be proved as being accurate and a true record of the documents that had been submitted to the Parliament. The Clerk to the Parliament is the appropriate authority to check the accuracy of these copies and certify them as being a true record. The certified copies will be admissible in any court proceedings without the need for any further proof of the authentication of their contents.
237. Subsection (1) confirms the list of documents. Subsection (2) places the Clerk under a duty to certify the documents and subsection (3) confirms that a certified document is admissible in any court proceedings.