



Public Records (Scotland) Act 1937

1937 CHAPTER 43 1 Edw 8 and 1 Geo 6

PART III

GENERAL

7 Advisory Council.

F1

Textual Amendments

F1 S. 7 repealed (S.) (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), [ss. 4\(3\)](#), 134(7); [S.S.I. 2010/221](#), [art. 3\(2\)\(3\)](#), Sch.

8 Preservation, &c. of records.

The Keeper shall take such steps as may seem to him necessary for the cleaning, preserving, repairing and arranging of any records transmitted to him in pursuance of this Act or otherwise, and for the making of calendars, indexes and catalogues thereof.

Modifications etc. (not altering text)

C1 S. 8 modified (S.) (5.2.2009) by [Scottish Register of Tartans Act 2008 \(asp 7\)](#), [ss. 3\(2\)](#), 18(2); [S.S.I. 2009/5](#), [art. 2](#)

9 Extracts from records.

The Keeper shall have power to issue extracts or certified copies of any records transmitted to him in pursuance of this Act or otherwise, and any such extract or copy shall be of the like force and effect in all respects and for all purposes as if it had been an extract or copy issued in accordance with the law and practice existing immediately prior to the passing of this Act.

Status: Point in time view as at 11/11/2011.

Changes to legislation: There are currently no known outstanding effects for the Public Records (Scotland) Act 1937, Part III. (See end of Document for details)

Modifications etc. (not altering text)

- C2** S. 9 restricted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), [s. 20\(11\)\(b\)](#)
- C3** S. 9 modified (S.) (5.2.2009) by [Scottish Register of Tartans Act 2008 \(asp 7\)](#), [ss. 3\(2\)](#), 18(2); S.S.I. 2009/5, [art. 2](#)

10 Fees for inspection and search of records.

The Court of Session may from time to time, with the approval of the Treasury, prescribe by Act of Sederunt a table of fees to be charged for inspection, search, and making copies of any records transmitted to the Keeper in pursuance of this Act or otherwise. Provision may be made, in prescribing any such table, for the remission of fees for the inspection of records for historical or literary purposes.

Modifications etc. (not altering text)

- C4** S. 10 modified (S.) (5.2.2009) by [Scottish Register of Tartans Act 2008 \(asp 7\)](#), [ss. 3\(2\)](#), 18(2); S.S.I. 2009/5, [art. 2](#)

11 Catalogues, &c. of records.

The Keeper shall have power ^{F2} . . . to purchase any catalogues, calendars and indexes of records transmitted to him in pursuance of this Act or otherwise, which may have been prepared by any person or body, and to arrange for the sale of copies of any catalogue, calendar or index whether prepared by him or by any other person or body.

Textual Amendments

- F2** Words in s. 11 repealed (1.7.1999 as specified in [S.I. 1998/3178](#), [art. 3](#)) by [S.I. 1999/1820](#), [art. 4](#), [Sch. 2 Pt. I para. 17\(3\)](#), Pt. IV

Modifications etc. (not altering text)

- C5** S. 11 modified (S.) (5.2.2009) by [Scottish Register of Tartans Act 2008 \(asp 7\)](#), [ss. 3\(2\)](#), 18(2); S.S.I. 2009/5, [art. 2](#)

[^{F3}11A Powers of Keeper.

Without prejudice to any other power he may have under this or any other enactment, the Keeper may—

- (a) accept responsibility for the safe keeping of records other than public records; and
- (b) acquire records and accept gifts and loans of records.]

Textual Amendments

- F3** S. 11A inserted by [National Heritage \(Scotland\) Act 1985 \(c. 16, SIF 78\)](#), [s. 19\(2\)](#)

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12 Disposal of documents not to be preserved by the Keeper.

(1) The Lord Justice General, as regards records of the High Court of Justiciary, the Lord President, as regards other court records, and the Secretary of State, as regards any other records to which this Act applies, may make regulations regarding the disposal by destruction or otherwise of records which have been transmitted to the Keeper in pursuance of this Act or otherwise, and which are of insufficient value to justify their preservation or which would more appropriately be in the custody of any person, body or institution other than the Keeper.

[^{F4}(2) Regulations under this section are subject to the negative procedure.]

(3) No regulations made under this section shall authorise—

(a) the disposal of records relating to a Government department or belonging to a local authority without the consent of that department or authority; or

[^{F5}(b) the disposal by destruction of any records of older date than the year 1707.]

Textual Amendments

F4 S. 12(2) substituted (S.) (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\)](#), arts. 1, 4

F5 S. 12(3)(b) substituted by [National Heritage \(Scotland\) Act 1985 \(c. 16, SIF 78\)](#), s. 19(3)

Modifications etc. (not altering text)

C6 S. 12 extended by [Public Registers and Records \(Scotland\) Act 1948 \(c. 57\)](#), s. 5

C7 S. 12 modified (S.) (5.2.2009) by [Scottish Register of Tartans Act 2008 \(asp 7\)](#), ss. 3(2), 18(2); S.S.I. 2009/5, art. 2

[^{F6}12A Duty to afford facilities for inspection etc. of certain records

It shall be the duty of the Keeper to arrange that reasonable facilities are available to the public for—

- (a) inspecting; and
- (b) obtaining copies of,

such records held by the Keeper as either fall to be disclosed in accordance with the Freedom of Information (Scotland) Act 2002 (asp 13) or comprise information which is exempt information (within the meaning of that Act) by virtue of section 25(2)(b) (ii) of that Act.]

Textual Amendments

F6 S. 12A inserted (S.) (1.1.2005) by [2002 asp 13](#), ss. 70(3), 75(1) (with s. 66); S.S.I. 2004/203, art. 3(2)

13 Provision for discharge of duties of Extractor of the Court of Session.

(1) The Keeper shall exercise and perform the powers and duties conferred or imposed on the Principal Extractor of the Acts and Decrees of the Court of Session by any order made in pursuance of section seven of the ^{M1}Reorganisation of Offices (Scotland) Act 1928, and the other powers and duties of such Principal Extractor and of his Assistant shall be exercised and performed by such clerks and officers of the Court of Session

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as the Principal Clerk of Session may, subject to the directions of the Lord President, from time to time appoint.

^{F7}(2)

Textual Amendments

F7 S. 13(2) repealed by Statute Law (Repeals) Act 1981 (c. 19), **Sch. 1 Pt. XII**

Marginal Citations

M1 1928 c. 34.

14 Interpretation.

(1) In this Act, unless the context otherwise requires—

the expressions “records of the Court of Session” and “records of the High Court of Justiciary” mean the registers, minute books, processes, writs or documents belonging to or in the custody of the Court of Session (including the Court of Teinds as defined in the ^{M2}United Parishes (Scotland) Act 1876) and the High Court of Justiciary respectively;

the expression “sheriff court records” includes the registers, minute books, processes, writs or documents belonging to or in the custody of sheriff courts or sheriff clerks;

^{F8}

[^{F9}“court records” includes (in addition to records of the ordinary courts) records of the Scottish Land Court;

[^{F10}the expression “JP court” means a justice of the peace court;]

[^{F11}the expression “JP court records” includes the registers, minute books, processes, writs or documents belonging to or in the custody of JP courts;]

[^{F12}the expression “local authority” means an authority constituted under section 2 of the Local Government etc. (Scotland) Act 1994, and includes a joint board and a joint committee;

the expression “statutory body corporate” shall be construed in accordance with section 5(2A) above.]

[^{F13}(2) Any question as to whether or not a document is part of the records of a particular court is to be determined—

- (a) in the case of the High Court, by the Lord Justice General,
- (b) in any other case, by the Lord President.]]

Textual Amendments

F8 Definition of “justice of the peace records” repealed by District Courts (Scotland) Act 1975 (c. 20), **Sch. 2**

F9 S. 14: definition of “court records” substituted (S.) (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 203, 206(1), **Sch. 7 para. 4(a)**; S.S.I. 2010/413, **art. 2**, Sch.

F10 S. 14: words inserted (S.) (10.3.2008) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), ss. 80, 84, **Sch. para. 2(2)(b)**; S.S.I. 2008/42, **art. 3**, Sch.

F11 S. 14: words inserted (S.) (10.3.2008) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), ss. 80, 84, **Sch. para. 2(2)(a)**; S.S.I. 2008/42, **art. 3**, Sch.

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- F12** S. 14: definitions of "local authority" and "statutory body corporate" inserted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 22(3)** (with s. 128(8)); S.I. 1996/323, **art. 4(1)(c)**
- F13** S. 14(2) substituted (S.) (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 203, 206(1), **Sch. 7 para. 4(b)**; S.S.I. 2010/413, **art. 2**, Sch.

Marginal Citations

- M2** 1876 c. 11.

^{F14}**15,**
16.

Textual Amendments

- F14** Ss. 15, 16 repealed by Statute Law Revision Act 1950 (c. 6), **Sch. 1**

17 Short title.

This Act may be cited as the Public Records (Scotland) Act 1937.

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