



Public Records (Scotland) Act 1937

1937 CHAPTER 43 1 Edw 8 and 1 Geo 6

PART II

STATE, DEPARTMENTAL AND LOCAL AUTHORITY RECORDS

5 Provision for transfer of departmental and local authority records to the Keeper.

(1) It shall be lawful for any Government Department, board of trustees, or other body or person having the custody of any records belonging to His Majesty and relating exclusively or mainly to Scotland (other than the documents specified in section four of this Act) to transmit such records to the Keeper:

^{F1}

[^{F2}(2) Notwithstanding anything contained in any enactment, it shall be lawful for any local authority or any statutory body corporate in Scotland, with the consent of the Keeper, to transmit such of their records as relate exclusively or mainly to Scotland to the Keeper for custody.

(2A) For the purposes of this section, “statutory body corporate” means any body corporate established by or under a statute relating to Scotland other than such bodies, or such classes of such bodies, as may be specified by the Secretary of State in an order made by statutory instrument.

(2B) Nothing in subsection (2) above shall apply to any burgh register of sasines or to any book or public record relating thereto.]

(3) Any document transmitted under this section to the Keeper shall be re-transmitted by him to the Department, local authority, body or person from whom it was received [^{F3}or to any part of the Scottish Administration], on application to that effect made on the ground that such re-transmission is necessary for the purposes of such Department, local authority, body or person [^{F3}or of such part of the Scottish Administration]. Any record so re-transmitted shall be returned to the Keeper as soon as may be after it has ceased to be required for the purposes for which it was re-transmitted.

Changes to legislation: There are currently no known outstanding effects for the Public Records (Scotland) Act 1937, Section 5. (See end of Document for details)

Textual Amendments

- F1** S. 5(1) proviso repealed by [Public Records Act 1958 \(c. 51\)](#), [Sch. 4](#)
- F2** S. 5(2)(2A)(2B) substituted (1.4.1996) for s. 5(2) by [1994 c. 39](#), s. 180(1), [Sch. 13 para. 22\(2\)](#) (with s. 128(8)); [S.I. 1996/323](#), [art. 4\(1\)\(c\)](#)
- F3** Words in s. 5(3) inserted (1.7.1999 as specified in [S.I. 1998/3178](#), [art. 3](#)) by [S.I. 1999/1820](#), [arts. 1\(2\)](#), 4, Sch. 2 Pt. I para. 17(2)

Modifications etc. (not altering text)

- C1** S. 5(1) extended by [Coal Industry Nationalisation Act 1946 \(c. 59\)](#), [s. 64\(9\)](#) and [Transport Act 1968 \(c. 73\)](#), [s. 144\(9\)](#)
S. 5(1) extended (1.4.1994) by [1993 c. 43](#), [s. 125\(6\)](#); [S.I. 1994/571](#), [art. 3](#)
S. 5(1) extended (18.9.1996) by [1996 c. 42](#), [ss. 5\(4\)](#), 8(3)

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