

# **PUBLIC RECORDS (SCOTLAND) ACT 2011**

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## **EXPLANATORY NOTES**

### **SUMMARY OF THE ACT**

#### **Part 2 – Transmission of Court Records**

43. **Part 2** of the Act consists of section 15 which amends sections 1, 2 and 2A of the **Public Records (Scotland) Act 1937 (c.43)** (“the 1937 Act”). These sections deal with the management of court records and the arrangements for transferring these records to the Keeper.

#### **Section 15 – Transmission of court records**

44. Subsection (2) inserts a new subsection (3) into section 1 of the 1937 Act. Section 1 of that Act deals with the records of the High Court of Justiciary and the Court of Session. The records of these courts can be transmitted to the Keeper in accordance with Act of Adjournal or Act of Sederunt. The amendment places a new obligation on the High Court of Justiciary and the Court of Session to consult with the Keeper before making an Act of Adjournal or Act of Sederunt in relation to the transmission and retransmission of court records.
45. Subsection (3) amends section 2 of the 1937 Act, which deals with sheriff court records. Subsection (4) amends section 2A of the 1937 Act which deals with Justice of the Peace (JP) court records. Sections 2 and 2A operate in the same way and the effect of the amendments is the same in each case.
46. Subsections (3) and (4) remove the requirement for an order to be made before sheriff court or JP court records can be transmitted to the Keeper and remove the limit which prevents the transmission of sheriff court records under 25 years old and JP court records under 10 years old. These provisions are replaced with a power for the sheriff principal to transmit records where the Keeper agrees to the transmission.