



# Public Records Act 1958

1958 CHAPTER 51 6 and 7 Eliz 2

## 8 Court records.

- (1) The Lord Chancellor shall be responsible for the public records of every court of record or magistrates' court which are not in the Public Record Office or a place of deposit appointed by [<sup>F1</sup>the Secretary of State] under this Act and shall have power to determine in the case of any such records [<sup>F2</sup>other than records of the Supreme Court,] the officer in whose custody they are for the time being to be:

<sup>F3</sup> . . .

[<sup>F4</sup>(1A) Records of the Supreme Court for which the Lord Chancellor is responsible under subsection (1) shall be in the custody of the chief executive of that court.]

- (2) [<sup>F5</sup>The power of the President of the Probate Division of the High Court under section one hundred and seventy of the <sup>M1</sup>Supreme Court of Judicature (Consolidation) Act 1925, to direct where the wills and other documents mentioned in that section are to be deposited and preserved (exercisable with the consent of the Lord Chancellor) shall be transferred to the Lord Chancellor.]

<sup>F6</sup>(3) . . . . .

- (4) Where any private documents have remained in the custody of a court in England or Wales for more than fifty years without being claimed, the Keeper of Public Records may, with the approval of the Master of the Rolls, require the documents to be transferred to the Public Record Office and thereupon the documents shall become public records for the purposes of this Act.

- (5) Section three of this Act shall not apply to such of the records of ecclesiastical courts described in paragraph (n) of sub-paragraph (1) of paragraph 4 of the First Schedule to this Act as are not held in any office of the [<sup>F7</sup>Senior Courts] or in the Public Record Office, but, if the Lord Chancellor after consulting the President of the [<sup>F8</sup>Family Division] so directs as respects any of those records, those records shall be transferred to such place of deposit as may be appointed by the [<sup>F9</sup>Secretary of State] and shall thereafter be in the custody of such officer as may be so appointed.

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*Changes to legislation: There are currently no known outstanding effects for the Public Records Act 1958, Section 8. (See end of Document for details)*

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- (6) The public records which at the commencement of this Act are in the custody of the University of Oxford and which are included in the index a copy of which was transmitted to the principal probate registrar under section two of the <sup>M2</sup>Oxford University Act 1860, shall not be required to be transferred under the last foregoing subsection but the Lord Chancellor shall make arrangements with the University of Oxford as to the conditions under which those records may be inspected by the public.

#### Textual Amendments

- F1** Words in s. 8(1) substituted (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), art. 1(2), **Sch. para. 1(4)**
- F2** Words in s. 8(1) inserted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), **ss. 56(2)(a)**, 148; S.I. 2009/1604, **art. 2**
- F3** S. 8(1) proviso repealed by [Courts Act 1971 \(c. 23\)](#), **Sch. 11 Pt. II**
- F4** S. 8(1A) inserted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), **ss. 56(2)(b)**, 148; S.I. 2009/1604, **art. 2**
- F5** S. 8(2) repealed (E.W) by [Supreme Court Act 1981 \(c.54, SIF 37\)](#),s. 152(4), Sch.7
- F6** s. 8(3) repealed by [Administration of Justice Act 1969\(c.58\)](#), Sch. 2
- F7** S. 8(5): for the words "Supreme Court" or "Supreme Court of Judicature" wherever they occur there is substituted (1.10.2009) the words "Senior Courts" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), **ss. 59, 148(1)**, **Sch. 11 para. 4**; S.I. 2009/1604, **art. 2**
- F8** Words substituted by [Administration of Justice Act 1970 \(c. 31\)](#), **Sch. 2 para. 19**
- F9** Words in s. 8(5) substituted (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), art. 1(2), **Sch. para. 1(3)(i)**

#### Marginal Citations

- M1** 1925 c. 49.
- M2** 1860 c. 91.

**Changes to legislation:**

There are currently no known outstanding effects for the Public Records Act 1958, Section 8.