



Public Records Act 1958

1958 CHAPTER 51

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 him under this Act and shall have power to determine in the case of any such records the officer in whose custody they are for the time being to be:

Provided that in the application of this subsection to public records of the Chancery Court of the County Palatine of Lancaster references to the Chancellor of the Duchy of Lancaster shall be substituted for references to the Lord Chancellor.

- (2) The power of the President of the Probate Division of the High Court under section one hundred and seventy of the 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.
- (3) Where it appears to the President of the Probate Division that the copies of calendars of grants prepared under section one hundred and fifty-six of the Supreme Court of Judicature (Consolidation) Act, 1925, which are kept in a particular district probate registry, or such of those calendars as were issued before a particular date, are not being used by members of the public to any appreciable extent and that, having regard to the facilities for consulting copies of the calendars kept elsewhere, it is reasonable to withdraw the public right of inspection of those copies of calendars in that particular probate registry, he may direct that subsection (3) of the said section one hundred and fifty-six shall cease to apply to those copies and, if he thinks fit, that they shall be transferred to and kept for public inspection in such other place as he may direct.

In this subsection the reference to a district probate registry includes a reference to the office of the commissary clerk of Edinburgh and the probate registry in Belfast.

- (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.

Status: This is the original version (as it was originally enacted).

- (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 Supreme Court or in the Public Record Office, but, if the Lord Chancellor after consulting the President of the Probate 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 Lord Chancellor and shall thereafter be in the custody of such officer as may be so appointed.
- (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 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.