



Public Records (Scotland) Act 1809

1809 CHAPTER 42 49 Geo 3

Whereas irregularities and inconveniences have arisen or may arise from the unnecessary multiplicity of registers in Scotland in which deeds and other writings may be competently recorded, either for execution or for preservation: And whereas the laws heretofore devised for regulating the formation and custody of the public records, and more especially of those in the local registries throughout Scotland, have not been found effectual; and it is of high importance that the whole of the public records within that part of the United Kingdom should be placed under one general and effectual plan of management and controul: And whereas by an ^{M1}Act of the Parliament of Scotland passed on the thirteenth day of June in the year one thousand six hundred and eighty-five, intituled “Act concerning the registration of writs in the books of session,” it is inter alia statuted and ordained “that no clerk of inferior court for the future presume to registrate any writs in his books, either for conservation or where execution is to pass against any party that dwells without the jurisdiction, under the pain of deprivation and of five hundred merks of penalty, the one half to his Majesty, and the other half to the party pursuer,” which provisions of the aforesaid Act it has become necessary to renew, modify and enlarge:

Marginal Citations

M1 [Scots Act 1685 c. 47.](#)

1–3 F1

Textual Amendments

F1 [Ss. 1–3, 8 repealed by Public Records \(Scotland\) Act 1937 \(c. 43\), s. 15](#)

4–7 F2

Changes to legislation: There are currently no known outstanding effects for the Public Records (Scotland) Act 1809. (See end of Document for details)

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Textual Amendments
F2 Ss. 4-7, 14, 17, 18 repealed by Statute Law Revision Act 1872 (No. 2) (c. 97)

8 F3

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Textual Amendments
F3 Ss. 1-3, 8 repealed by Public Records (Scotland) Act 1937 (c. 43), s. 15

9 F4

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Textual Amendments
F4 S. 9 repealed by Burgh Registers (Scotland) Act 1926 (c. 50), s. 4, Sch. 2

10-13 F5

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Textual Amendments
F5 Ss. 10-13, repealed by Public Records (Scotland) Act 1937 (c. 43), s. 15, Sch. 2

14 F6

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Textual Amendments
F6 Ss. 4-7, 14, 17, 18 repealed by Statute Law Revision Act 1872 (No. 2) (c. 97)

15 For rendering the register of the great seal complete and authoritative; and transmitting thereof to the General Register House.

And whereas it is of great importance that the record of writs passing under the great seal, and which is kept by the Director of Chancery, should be in all respects complete, authentic, and authoritative; and that an Act of sederunt touching that record was passed by the lords of council and session on the eleventh day of February one thousand eight hundred and eight, to which it is expedient to give the force and effect of a public law: the Keeper of the Great Seal or his deputies, instead of delivering the sealed charters or other writs to the persons by whom these have been expedite, shall forthwith deliver the same, together with the warrants thereof, to the Director of Chancery or his deputy, by whom, after making the proper entries of the sealing in the record, the writs shall be delivered respectively to the persons by whom they shall have been expedite; [F7] and the aforesaid warrants, together with the register in which the relative writs have been recorded, shall be transferred for preservation from

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the Chancery Department to the Record Department of H.M. General Register House from time to time as the Keeper of the Registers and Records of Scotland may deem proper.]

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Textual Amendments

F7 Words substituted by S.R. & O.1932/148 (Rev. III, p. 655: 1932, p. 140)

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Modifications etc. (not altering text)

- C1** Functions of Director of Chancery now exercisable by Keeper of the Registers of Scotland: [Reorganisation of Offices \(Scotland\) Act 1928 \(c. 34\), s. 7](#), S.R. & O. 1932/148 (Rev. III, p. 655: 1932, p. 140) and [Public Registers and Records \(Scotland\) Act 1948 \(c. 57\), s. 1\(2\)](#)
- C2** Functions of Keeper of the Great Seal now exercisable by Keeper of the Registers of Scotland: [Secretary for Scotland Act 1885 \(c. 61\), s. 8](#), [Reorganisation of Offices \(Scotland\) Act 1928 \(c. 34\), s. 7](#), S.R. & O. 1932/148 (Rev. III, p. 655: 1932, p. 140) and [Public Registers and Records \(Scotland\) Act 1948 \(c. 57\), s. 1\(2\)](#)
- C3** Functions of Keeper of the Registers and Records of Scotland now exercisable by Keeper of the Registers of Scotland: [Public Registers and Records \(Scotland\) Act 1948 \(c. 57\), s. 1\(2\)](#)

16 **F8**

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Textual Amendments

F8 [S. 16](#) repealed by [Public Records \(Scotland\) Act 1937 \(c. 43\), Sch. 2](#)

17, 18. **F9**

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Textual Amendments

F9 [Ss. 4-7, 14, 17, 18](#) repealed by [Statute Law Revision Act 1872 \(No. 2\) \(c. 97\)](#)

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