
STATUTORY INSTRUMENTS

1990 No. 106 (S.8)

REGISTERS AND RECORDS, SCOTLAND

The Disposal of Court Records (Scotland) Regulations 1990

Made - - - - *24th January 1990*

Coming into force - - *1st February 1990*

Whereas a draft of these Regulations has been laid before each House of Parliament and neither House has resolved that they be not made:

Now, therefore, in exercise of the powers conferred on him by section 12 of the Public Records (Scotland) Act 1937(1) and of all other powers enabling him in that behalf, the Lord Justice General and Lord President hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Disposal of Court Records (Scotland) Regulations 1990.

(2) They shall come into force on 1st February 1990.

Revocation

2. The following Regulations are revoked:—

- (a) the Regulations made by the Lord Justice General and Lord President and the Secretary of State in 1940 relating to the disposal of documents(2) in so far as they relate to court records;
- (b) the Preservation of Sheriff Court Records Regulations 1969(3).

Application

3. These Regulations apply to court records dated in or after the year 1707 which are of insufficient value to justify their preservation by the Keeper of the Records of Scotland (“the Keeper”), or which would more appropriately be in the custody of some other person, body or institution.

(1) 1937 c. 43; section 12 was amended by the National Heritage (Scotland) Act 1985 (c. 16), section 19(3).

(2) S.R. & O. 1940/2107.

(3) S.I. 1969/1756.

Disposal of court records

4. Subject to regulation 5, the Keeper may authorise the disposal of any court records to which these Regulations apply either by destroying them or in appropriate cases by transferring them to another person, body or institution.

Procedure for disposal

5. Before authorising the disposal of any such court records the Keeper shall for that purpose consult with and obtain the agreement of—

- (a) in relation to records of the Court of Session, the Lord President;
- (b) in relation to records of the High Court of Justiciary, the Lord Justice General;
- (c) in relation to records of any sheriff court, the Sheriff Principal of that court;
- (d) in relation to records of the Scottish Land Court, the Chairman of that court;
- (e) in relation to all such records, the Scottish Records Advisory Council.

Edinburgh
24th January 1990

J.A.D. Hope
Lord Justice General and Lord President

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Regulations made by the Lord Justice General and Lord President and the Secretary of State in 1940 relating to disposal of court records by the Keeper of the Records of Scotland and also the Preservation of Sheriff Court Records Regulations 1969, and make new provision for the disposal of court records by the Keeper.