

Draft Regulations laid before the Scottish Parliament on 18th January 2011 under section 6(2) of the Statutory Instruments Act 1946 as read with article 3(3) of the Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999 (S.I. 1999/1096) (“the 1999 Order”); draft to lie for forty days pursuant to article 12 of the 1999 Order, during which period the Scottish Parliament may resolve that the Regulations be not made.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2011 No.

REGISTERS AND RECORDS

**The Disposal of Court Records (Scotland) Amendment
Regulations 2011**

Made - - - - 2011
Coming into force - - 4th April 2011

The Lord President makes the following Regulations in exercise of the powers conferred by section 12(1) of the Public Records (Scotland) Act 1937(a) and all other powers enabling him to do so.

In accordance with section 12(2) of that Act, section 6(2) of the Statutory Instruments Act 1946(b), and articles 3(3) and 12 of the Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999(c), a draft of the Regulations has been laid before the Scottish Parliament and a period of 40 days has expired without the Parliament passing a resolution that the Regulations be not made.

Citation and commencement

1. These Regulations may be cited as the Disposal of Court Records (Scotland) Amendment Regulations 2011 and come into force on 4th April 2011.

(a) 1937 c.43. Section 12 was extended by the Public Registers and Records (Scotland) Act 1948 (c.57), section 5, and last amended by the National Heritage (Scotland) Act 1985 (c.16), section 19(3).
(b) 1946 c.36. Section 6(2) was modified by article 3(3) of the Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999 (S.I. 1999/1096).
(c) S.I. 1999/1096.

Amendment of the Disposal of Court Records (Scotland) Regulations 1990

2. In regulation 5(c) of the Disposal of Court Records (Scotland) Regulations 1990(a), after “sheriff court” insert “or justice of the peace court”.

Edinburgh
Date

Name
Lord President

(a) S.I. 1990/106. Regulation 5 was amended by the Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2010 (S.S.I. 2010/222), article 2.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Disposal of Court Records (Scotland) Regulations 1990 to take account of the disposal of justice of the peace court records.

The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6) provides for the abolition of local authority district courts and the establishment of justice of the peace courts. Under transitional arrangements in section 66 of the 2007 Act, records of recent and ongoing cases in the district courts are transferred to the appropriate justice of the peace court. These Regulations amend the 1990 Regulations to make provision for the disposal of justice of the peace court records in the same manner as for sheriff court records: disposal is to be authorised by the Keeper with the agreement of the Sheriff Principal responsible for the justice of the peace court.

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