

SCHEDULE OF SHERIFF COURT RECORDS
FOR PRESERVATION AND DESTRUCTION 2017 (version 1)

2. SCHEDULE OF SHERIFF COURT RECORDS FOR PRESERVATION AND DESTRUCTION¹

The period of years after which any record shall be destroyed, as specified below, shall be calculated from the date of the last entry in that record. Sheriff clerks are responsible for arranging the destruction of these records without referring first to the National Records of Scotland (NRS), unless they consider something to be of potential historical or legal interest (see paragraph 3 of introductory notes).

The NRS may weed post-1707 sheriff court records including processes of any duplicate or ephemeral material, with a view to preserving only records considered to have a value for legal purposes or for historical or other research. **There is no longer a provision in this schedule for the retention of the entirety of Linlithgow Sheriff Court's records as a sample court for Scotland.**

Processes from the island courts (Kirkwall, Lerwick, Stornoway, Portree and Lochmaddy) are exempted from weeding.

KEY

Record Type	Description/Comments	Media	Keep for	Action/ Responsibility
Description of the type of record	Any qualifying information, exceptions, comments	The media and format of the record E: Electronic/ digital P: Paper M: Microform/fiche C: audio cassette	How long to keep record for	What action should occur after the time period in duration has elapsed and which body is responsible for the completion of the action

SCOTTISH CHILD ABUSE INQUIRY

The freeze on the routine destruction of certain court records that may be of interest to the Inquiry remains in effect and affected records are appropriately identified within this schedule. The Inquiry is not looking at individual cases of child abuse, but is instead focusing on systemic issues. The freeze on routine destruction is unlikely to apply to any records in relation to abuse of a non-institutional character. If you are uncertain about any aspect of records destruction please do not hesitate to contact either SCTS Information Governance and Correspondence, Saughton House (dpo@scotcourts.gov.uk) or the Court and Legal Records team at the National Records of Scotland. Records potentially affected by the Inquiry are flagged in **Amber** in the schedule.

¹ In terms of Statutory Instrument 1990 No.106 (s 8), the Disposal of Court Records (Scotland) Regulations 1990

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CIVIL COURT

Record Type	Description/Comments	Media	Keep for	Action/ Responsibility
Act/minute books	These contain acts of court, regulations and orders of court, including appointments of sheriffs.	E/P	5 years/ 25 years	Transfer to NRS for PERMANENT PRESERVATION
Adoptions	Adoption Register	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Adoptions	Processes	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Applications under the Children Scotland Act 1995	Summary application	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Applications under Social Work (Scotland) Act, 1968	Applications for referrals, appeals (s.49) orders, parental responsibility	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Bankruptcy, sequestration or liquidation	Processes	P	25 years	Transfer to NRS who will DESTROY after 75 years
Bankruptcy, sequestration or liquidation	Register of Sequestrations	E	5 years	Transfer to NRS for PERMANENT PRESERVATION
Bankruptcy, sequestration or liquidation	Sequestration for rent	P	25 years	Court staff to DESTROY
Caveats	Caveat books Caveat form 5.2	P	20 years	Court staff to DESTROY
Consistorial or Family Actions	Other actions dealing with family circumstances and relationships including: Separation; aliment and periodical allowance; applications under the Matrimonial Homes (Family Protection) (Scotland) Act 1981	P	25 years	Transfer to NRS who will DESTROY after 75 years
Court sheets	Lists of daily court sittings	P	1 year	Court staff to DESTROY
Debts	Register of English and Irish judgements/inferior courts register	P	25 Years	Transfer to NRS for PERMANENT PRESERVATION
Digital Registers	'A' register: Register of Ordinary Actions 'B' register: Register of Statutory Actions Appeals Register	E	5 years	Transfer to NRS for PERMANENT PRESERVATION
Divorces	Divorce register	P	25 years	Transfer to NRS for PERMANENT PRESERVATION

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Divorces	Processes and applications; all cases except Simplified Procedure divorce where register entries exist; and cases which were not previously contested	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Simplified Procedure Divorces/Dissolution of Civil Partnership	<u>Except</u> those <u>not</u> recorded in register, or previously contested cases	P	15 years	Court staff to DESTROY
Fatal Accident Inquiries	All papers	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Factories and Curatories	Appointment, consequential proceedings or discharge in factories and curatories	P	25 years	Transfer to NRS who will DESTROY after 75 years
Financial Administration	Receipts and processes relating to sums paid into court. Including Conjoined Arrestment Orders once completed.	P	6 years	Court staff to DESTROY
Register of Maintenance Orders, Parts I and II	Register as prescribed by SI 1997 No 219 (Child Care and maintenance Rules, 1997) s 5.4	P	20 years	Court staff to DESTROY
Mental Health Applications and Appeals	Applications and Appeals under Mental Health (Scotland) Act 1960	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Multiple poinding	Processes dealing with moveables and moveable rights,	P	25 years	Transfer to NRS who will DESTROY after 75 years
Multiple poinding	Processes dealing with Heritable property	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Ordinary Actions	Separation;* Aliment and periodical allowance;* Applications under the Matrimonial Homes (Family Protection) (Scotland) Act 1981* Actions involving heritable property Actions involving servitudes and rights of way Actions relating to march fences Actions relating to the formation or extension of burgh boundaries Actions relating to the extension and closure of burial grounds Lawburrows Commercial actions by initial writ Guardianships/ Adults with Incapacity: summary applications Proceeds of Crime: summary applications Personal damages: summary applications	P	25 years	Transfer to NRS for PERMANENT PRESERVATION *Reviewed by NRS at 75 Years

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	Divorce – all cases except simplified procedure divorces where register entries exist and cases were not previously contested Custody of children Access to children Affiliations			
Register of applications relating to births; deaths and marriages	Applications, prior to the Registration of Births, Deaths and Marriages (Scotland) act 1965, for registration of both, death and marriages and marriage licenses	P	20 years	Court staff to DESTROY
Register of Applications under Social Work (Scotland) Act, 1968		P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Registers	Indexes to processes or registers Register of sequestrations Register of reports of poindings and sales, including sequestration sales Register under Debtors (Scotland) Act 1987 Register of English and Irish judgements/inferior courts register 'A' Register 'B' Register Appeals Register Register of Judicial Factor Adoption Register Divorce Register Register of clubs	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Registration of Clubs	Applications for registration, copy constitutions and lists of members	E	5 years	Transfer to NRS for sampling and preservation
Registration of Clubs	Applications for registration, copy constitutions and lists of members	P	25 years	Transfer to NRS for sampling and preservation
Registration of Clubs	Register of clubs	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Roll/Diet Books	Brief record of the court's daily business	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Utility Warrants		E	2 years	Court staff to DESTROY

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SUMMARY CAUSES

Record Type	Description/Comments	Media	Keep for	Action/ Responsibility
Processes	Summonses and accompanying papers (if these have not gone to solicitors for execution)	P	2 years	Court staff to DESTROY
Registers	Summary Cause register (RSC1 and RSC2)	E	5 years	Transfer to NRS for PERMANENT PRESERVATION
Registers	Summary Cause register	P	25 years	Transfer to NRS for PERMANENT PRESERVATION

SMALL CLAIMS

Record Type	Description/Comments	Media	Keep for	Action/ Responsibility
Processes	Summonses and accompanying papers (if these have not gone to solicitors for execution)	P	2 years	Court staff to DESTROY
Registers	Small Claims register	E	5 years	Transfer to NRS for PERMANENT PRESERVATION
Registers	Small Claims register	P	25 years	Transfer to NRS for PERMANENT PRESERVATION

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CRIMINAL COURT

Record Type	Description/Comments	Media	Keep for	Action/ Responsibility
Appeals Register	Register of appeals against criminal convictions heard in the court.	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Bail Bonds		P	2 years	Court staff to DESTROY
Bonds of caution		P	2 years	Court staff to DESTROY
Court Sheets	Lists of daily court sittings	P	10 years	Temporary FREEZE on routine destruction ***
Criminal Indexes, including card indexes		P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Criminal and Quasi Criminal Roll Book	Register of all criminal actions appearing in the court	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Fiscal/fixed penalty forms	Kirkwall, Lerwick and Lochmaddy	P	10 years	Court staff to DESTROY
Fiscal/fixed penalty register	Kirkwall, Lerwick and Lochmaddy	P	25 Years	Transfer to NRS for PERMANENT PRESERVATION
Indictments/record of criminal jury trials	Records of criminal charges and trials	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Means Inquiry Court Sheets		P	1 year	Court staff to DESTROY
Means Inquiry Court Records	Unless attached to indictments	P	10 years	Court staff to DESTROY
Summary Complaints		P	10 years	Temporary FREEZE on routine destruction ***
Solemn Procedures	Petitions	P	10 years	Temporary FREEZE on routine destruction ***

***Due to the Scottish Child Abuse Inquiry specific records of this type should not be destroyed where the offences relate to the abuse of children in an institutional context (e.g. where abuse occurred in a hospital or as part of a social endeavour such as Scouts). If you wish to sift through records older than 10 years to establish if destruction can re-commence (i.e. for those cases not involving institutional abuse), please contact the Information Governance team for advice.

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COMMISSARY COURT

Record Type	Description/Comments	Media	Keep for	Action/ Responsibility
Bonds of Caution		P	30 years	Court staff to DESTROY
Colonial probates	Commissary Office Only	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Minute book of inventories		P	5 years	Court staff to DESTROY
Printed weekly list of petitions		P	1 year	Court staff to DESTROY
Petitions (2B's)		P	5 years	Court staff to DESTROY
Recorded Deeds		P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Register of Confirmations	To 1984	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Register of Hornings		P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Register of Deeds and Protests	Warrants of protests	P	5 years	Court staff to DESTROY
Register of Deeds and Minute Books		P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Register of Protests and Minute Books		P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Register/Minute Book of Petitions/Applications		P	10 Years	Transfer to NRS for PERMANENT PRESERVATION
Register of Wills	To 1984	P	10 years	Transfer to NRS for PERMANENT PRESERVATION
Register of Wills	1984 – 1999 from Commissary Office only	M	10 years	Transfer to NRS for PERMANENT PRESERVATION

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Register of Wills	Post-2000 from Commissary Office only	E	10 years	Transfer to NRS for PERMANENT PRESERVATION
Sheriff of Chancery register	Commissary Office only	P	25 years	Transfer to NRS for PERMANENT PRESERVATION

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ADMINISTRATIVE RECORDS

Record Type	Description/Comments	Media	Keep for	Action/ Responsibility
Bank books and cheque stubs	Petty cash administration	P	6 years ²	Court staff to DESTROY
Cash books		P	6 years ³	Court staff to DESTROY
Circulars		P	1 year	Court staff to DESTROY
Compensation registers		P	6 years	Court staff to DESTROY
Consignation registers		P	15 years	Court staff to DESTROY
Correspondence	General correspondence not affecting policy or particular case administration	P	2 years	Court staff to DESTROY
Election papers	Under the Representation of the People Act 1983, schedule 1 para. 57(1) as applied to Scotland by para. 58	P	1 year	Court staff to DESTROY
Fee Books		P	6 years	Court staff to DESTROY
Fines and forfeitures records	cards, cash sheets, imposed sheets, cash books and ledgers	P	6 years	Court staff to DESTROY
Non-exchequer registers		P	Completion of business	Court staff to DESTROY
Postal receipts registers		P	6 years ⁴	Court staff to DESTROY
Process inventory, borrowing and receipt books		P	10 years	Court staff to DESTROY
Purchase Invoices		E & P	6 years ⁵	Court staff to DESTROY
Returned citations/returned citations book/Lists of Assize		P	5 years	Court staff to DESTROY
Statistics		P	Completion of business	Court staff to DESTROY
Transmission books		P	10 years	Court staff to DESTROY

² Records should be retained for 6 years after the end of the current financial year in which the records were created

³ Records should be retained for 6 years after the end of the current financial year in which the records were created

⁴ Records should be retained for 6 years after the end of the current financial year in which the records were created

⁵ Records should be retained for 6 years after the end of the current financial year in which the records were created

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WORKMEN'S COMPENSATION ACT

Record Type	Description/Comments	Media	Keep for	Action/ Responsibility
Ledgers of sums paid into court		P	20 years	Court staff to DESTROY
Medical reports and certificates		P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Memoranda of agreement		P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Minute book of memoranda of agreement		P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Processes		P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Processes	including Medical Referees' reports	P	25 years	Transfer to NRS who will REVIEW after 75 years
Receipts and processes relating to sums paid into court		P	20 years	Court staff to DESTROY
Register of arbitration applications		P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Registers of medical referees' reports		P	20 years	Court staff to DESTROY
Special register		P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Workmen's compensation proceedings	not containing Medical Referees' reports	P	25 years	Transfer to NRS who will DESTROY after 75 years

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OBSOLETE/ HISTORICAL RECORDS

Record Type	Description/Comments	Media	Keep for	Action/ Responsibility
Parliamentary deposits and plans		P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Commissioners of Supply records	Before 1930	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Debts Recovery Court books		P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Fiars' Court register and proceedings	Before 1929	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Freeholders' and Electors' records	Before 1885	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Gaming licence applications		P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Jury books prior to 1949		P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Justices of the Peace records	Before 1975	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Juvenile Court register		P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Juvenile Court complaints		P	10 years	Court staff to DESTROY
Legal aid applications and register		P	10 years	Court staff to DESTROY
Lieutenancy & Militia Records	Before 1914	P	25 years	Transfer to NRS for PERMANENT

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				PRESERVATION
Regality Court records	Before 1748	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Register of Extract decrees		P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Register of Improvements to Entailed Estates and related vouchers	Before 1930	P	25 years	Transfer to NRS for PERMANENT PRESERVATION
Register of lunacy and mental deficiency warrants		P	10 years	Court staff to DESTROY
Services of heirs	Before 1847	P	25 years	Transfer to NRS for PERMANENT PRESERVATION

SMALL DEBT COURT

Record Type	Description/Comments	Media	Keep for	Action/ Responsibility
Summonses and accompanying papers		P	Completion of business	Court staff to DESTROY
Court books		P	25 years	Transfer to NRS for PERMANENT PRESERVATION

AUDIO RECORDINGS

Record Type	Description/Comments	Media	Keep for	Action/ Responsibility
Cassette Tapes	Recordings of Court Proceedings (Civil and Criminal)	C	TBC – retain at present	TBC – decision by SCTS HQ

June 2017