



INTRODUCTORY NOTES

THE SCHEDULE

The attached schedule concerns the retention and disposal of Justice of the Peace Court (JP Court) records in terms of the Disposal of Court Records (Scotland) Regulations 1990, as amended by the Disposal of Court Records (Scotland) Amendment Regulations 2011, and paragraph 2 of the Schedule to the Criminal Proceedings (Reform) (Scotland) Act 2007.

JP Court records include not only those records created by the JP Courts since their inception but also those inherited from predecessor District Courts in terms of Part 4, Section 66 of the Criminal Proceedings (Reform) (Scotland) Act 2007.

The schedule will be revised as required to take account of new record classes and formats.

DESTRUCTION OF RECORDS

2. Certain records are designated for destruction after specified periods, which are calculated from the date of the last entry in that record. Scottish Courts and Tribunals Service (SCTS) staff are responsible for arranging the destruction of these records. It is not necessary to consult the National Records of Scotland (NRS) before destroying these records.

3. We encourage SCTS staff to identify and bring to the NRS's attention anything which seems to be of significant historical or legal interest but which is within a category listed for destruction or discretionary destruction. For instance, significant statistical material not reproduced elsewhere could merit permanent preservation.

CARE AND PRESERVATION OF RECORDS

4. It is the duty of every organisation to take proper care of its records, both to enable the efficient running of the organisation and to comply with information legislation, notably the Data Protection Act 1998.

5. Problems arise mainly from neglect of older papers or electronic data which are often relegated to poorer storage and become disorganised because of pressure of current records. This can lead to their temporary or permanent loss, or even accidental destruction. NRS is happy to provide advice about the storage and arrangement of records in either paper or electronic form. Contact details and further help and advice are available in the "recordkeeping" section of the NRS website at www.nrscotland.gov.uk/record-keeping

6. NRS should be informed immediately when records are affected by flooding or other accidents. Please telephone NRS Court & Legal Records Branch – 0131-270-3314 / 3313 / 3312, or NRS Conservation – 0131- 270-3305 / 3308.

TRANSMISSIONS OF RECORDS TO THE KEEPER OF THE RECORDS OF SCOTLAND

7. The NRS takes transmissions from JP Courts of records over 10 years old or in the case of electronic records, over 5 years old, as noted in the schedule. Detailed guidance on transmitting records to the NRS and on preparing records for transmission are available on the NRS website at <http://www.nas.gov.uk/recordKeeping/transmissions.asp>.

8. In selecting material for permanent preservation, the NRS aims to keep some record, however brief, of every case, e.g. in court registers. Changes in forms of record-keeping can significantly affect this aim. We therefore urge the court to contact NRS if any such changes are contemplated.

9. As the records of JP Courts are primarily of local interest, where possible arrangements will be made for the records of a particular court to be held on behalf of the NRS by the nearest suitable local archive (normally a local authority archive). In such cases, local arrangements will be put in place between the court, the NRS and the relevant local archive to achieve this.

DESTROY AFTER 1 YEAR	<ul style="list-style-type: none"> Means court sheets. 	
DESTROY AFTER 2 YEARS	<ul style="list-style-type: none"> Statistics gathered for central government. 	
DESTROY AFTER 10 YEARS	<ul style="list-style-type: none"> Summary complaints. Fixed penalty and fiscal fines. Means Enquiry Court records Court sheets 	
DESTROY AT DISCRETION OF SHERIFF CLERK	<ul style="list-style-type: none"> Cash sheets. Records of fines. Records of transfers in/out. Statistics gathered for local management purposes. General correspondence. Utility warrants 	Where records relate to financial transactions, destruction to be determined in consultation with the Scottish Court Service
TRANSFER TO THE KEEPER OF THE RECORDS OF SCOTLAND AFTER 5 YEARS	<ul style="list-style-type: none"> Electronic case management system. 	Transfer selected data only, as agreed between the NAS and SCTS. Format for transfer to be agreed between the NAS and SCTS.
TRANSFER TO THE KEEPER OF THE RECORDS OF SCOTLAND AFTER 10 YEARS	<ul style="list-style-type: none"> Registers of cases. Appeals registers 	
TRANSFER TO THE KEEPER OF THE RECORDS OF SCOTLAND AFTER 25 YEARS	<ul style="list-style-type: none"> Signed Justice of the Peace oaths of allegiance Register of signatures to the oath of allegiance 	