CHAPTER 50.

An Act to provide for the discontinuance of the Burgh Registers of Sasines in Scotland.

[15th December 1926.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Burgh register of sasines discontinued.

1. The whole burgh registers of sasines in Scotland shall be discontinued in the manner aftermentioned:

(1) As soon as the office of the keeper of any burgh register falls vacant, the town council having the right of appointment to such office shall appoint an interim keeper, and shall intimate the vacancy to the Secretary of State, whereupon the Secretary of State may by order under his hand direct the discontinuance of such burgh register of sasines, and the Secretary of State shall cause such order to be recorded in the division or divisions of the general register of sasines applicable to the county or counties mentioned opposite to such burgh in the First Schedule to this Act annexed, and a copy of such order to be transmitted to the town clerk of the said burgh, and shall cause such order to be advertised in the Edinburgh Gazette, and in any newspaper or newspapers he may deem proper; and such order shall specify the day, not being less than one calendar month after the date of such publication in the Edinburgh Gazette, from and after which such burgh register of sasines is to be discontinued; and after the date so to be specified in any such order, as regards the burgh register of sasines to which such order shall apply, it shall not be competent to present, or for the town clerk of such burgh to receive, any writ for registration therein; and any writ which, previous to the discontinuance of such burgh register might competently have been presented for registration therein,

shall, after the said discontinuance, be registrable in the general register of sasines in the division thereof applicable to the county mentioned opposite to such burgh in the First Schedule to this Act annexed or to the county mentioned in the said schedule opposite to the part of the burgh in which the property to which the writ relates is situated, and such registration in the general register of sasines shall have all the force and effect previously attached to registration in the appropriate burgh register of sasines; and all such writs may be registered in the general register of sasines, not only for publication, but as in the books of council and session for preservation, or for preservation and execution in like manner with other writs registrable in the general register of sasines: Provided that (subject as hereinafter in this section provided) where the office of keeper of any burgh register of sasines is held jointly by two or more persons a vacancy in such office shall not be held to occur so long as any of such holders continues in office: Provided further that no joint appointment to such office of keeper shall be made after this Act comes into operation, but without prejudice to the appointment of any joint town clerk.

(2) The town council of any burgh may, with the consent of the keeper or joint keepers for the time being of the burgh register of sasines for that burgh, pass a resolution that such register shall be discontinued, and upon the passing of such resolution a vacancy shall be held to have occurred in the office of the keeper of such register and the foregoing provisions of this section shall apply to such vacancy.

Transmission of burgh registers of sasines to keeper of the records.

2.—(1) As soon as conveniently may be, and in any case not later than one month after the discontinuance of a burgh register of sasines, the whole volumes thereof, from and after the first day of January, eighteen hundred and seventy, and all minute books and presentment books and other public records relating thereto, shall be transmitted by the town clerk to the keeper of the records in such manner as the keeper of the records may direct or approve, and such volumes and records shall be kept in the custody of the keeper of the records, subject to right of access thereto, and inspection thereof,

by members of the public, on such conditions as the Treasury may, from time to time prescribe after consultation with the Lord President of the Court of Session, the Lord Advocate, and the Lord Justice Clerk.

(2) The volumes and records of the burgh register so transmitted to the keeper of the records shall remain the property of the burgh from which they were transmitted, and shall be re-transmitted to the town clerk of such burgh as follows: At the end of ten years after the discontinuance of such burgh register the portion applicable to the period from the first day of January, eighteen hundred and seventy, to the thirty-first day of December, eighteen hundred and seventy-four, shall be returned, and at the end of each period of five years thereafter the portion applicable to the five years immediately following those already returned shall be returned until the whole volumes have been returned:

Provided that the keeper of the records, if he or the keeper of the general register of sasines finds it necessary, may, from time to time, with the consent of the Secretary of State, retain the custody of such volumes and records, or require the same or any prior volumes and records to be transmitted to him, for such period as the Secretary of State may fix, but not in any case exceeding three years.

(3) The town council of any burgh mentioned in the First Schedule to this Act shall, notwithstanding anything in this Act contained, be responsible for the safe custody of any volumes of the burgh register of sasines for that burgh and relative records which have not been transmitted to the keeper of the records or which have been returned, and shall allow to all members of the public reasonable access to such volumes and records and inspection thereof: Provided that any such town council may, at any time, if they so resolve, deliver such volumes and records to the keeper of the records for permanent custody, and the keeper of the records shall be bound to receive the same, and thereupon all responsibility and obligation of such town council with reference thereto shall cease and determine: Provided further that the custody of such volumes by the keeper of the records shall be subject always to right of access thereto and

inspection thereof by members of the public, on such conditions as the Treasury may from time to time prescribe, after consultation with the Lord President of the Court of Session, the Lord Advocate, and the Lord Justice Clerk.

Responsibilities of town clerks transferred to keeper of general register of sasines.

3. The keeper of the general register of sasines shall, from and after the discontinuance of the burgh registers of sasines, or any of them, be subject to such and the like responsibilities and liabilities with respect to the registration in the general register of sasines of writs which, but for the discontinuance of the burgh registers of sasines, or any of them, would have been registrable therein, as the said keeper is now subject to with reference to the registration in the general register of sasines of writs now registrable therein.

Repeal.

4. From and after the date of the discontinuance of the burgh register of sasines of any burgh, the Acts specified in the Second Schedule to this Act are, in their application to that burgh, hereby repealed to the extent mentioned in the third column of that schedule.

Register of booking for burgh of Paisley.

5. The provisions of this Act shall apply with the necessary modifications to the register of booking for the burgh of Paisley in like manner as they apply to the burgh registers of sasines of the other burghs mentioned in the First Schedule to this Act.

Short title.

6. This Act may be cited as the Burgh Registers (Scotland) Act, 1926.

Sections 1, 2 and 4.

SCHEDULES.

FIRST SCHEDULE.

Name of Burgh.	Division of General Register of Sasines applicable thereto.	Name of Burgh.	Division of General Register of Sasines applicable thereto.
Aberdeen	County of Aberdeen.	Edinburgh	County of Edinburgh.
Annan	,, Dumfries.	Elgin	County of Elgin and Forres.
Anstruther (Wester).	,, Fife.	Falkland	County of Fife.
		Forfar	,, Forfar.
Aberbrothock or Arbroath.	,, Forfar.	Forres	,, Elgin and Forres.
Auchtermuchty	,, Fife.	Fortrose	County of Ross and Cromarty.
Ayr	,, Ayr.		
Banff	,, Banff.	Glasgow	County of the Barony and Regality of Glasgow.
Brechin	,, Forfar.		
Burntisland	,, Fife.		
Crail	,, Fife.		
Cullen	,, Banff.	Haddington	County of East Lothian.
Culross	,, Fife.		
Cupar	,, Fife.		
Dingwall	,, Ross and Cromarty.	Inverbervie	County of Kincardine.
Dumbarton	County of Dumbarton.	Inverkeithing	,, Fife.
		Inverness	,, Inverness.
Dumfries—			
So much of the Royalty as lies within the County of Dumfries.	County of Dumfries.	Inverurie or Keithhall.	,, Aberdeen.
		Irvine	,, Ayr.
		Jedburgh	,, Roxburgh.
		Kinghorn	,, Fife.
The remainder of the Royalty.	County of the Stewartry of Kirkcudbright.	Kintore	,, Aberdeen.
		Kirkcaldy	,, Fife.
Dunbar	County of East Lothian.	Kirkcudbright	,, the Stewartry of Kirkcudbright.
Dundee	County of Forfar.		
Dunfermline	,, Fife.	Kirkwall	Counties of Orkney and Zetland.
Dysart	,, Fife.		
Earlsferry	,, Fife.		

1ST SCH. —*cont.*

Name of Burgh.	Division of General Register of Sasines applicable thereto.	Name of Burgh.	Division of General Register of Sasines applicable thereto.
Lanark - -	County of Lanark.	Rutherglen—	
Lauder - -	,, Berwick.	So much of the Royalty as lies within the City of Glasgow.	County of the Barony and Regality of Glasgow.
Linlithgow -	,, West Lothian.		
Lochmaben -	,, Dumfries.		
Montrose -	,, Forfar.	The remainder of the Royalty.	County of Lanark.
Nairn - -	,, Nairn.		
Newburgh -	,, Fife.		
New Galloway	,, the Stewartry of Kirkcudbright.	St. Andrews -	,, Fife.
		Sanquhar -	,, Dumfries.
North Berwick	County of East Lothian.	Selkirk - -	,, Selkirk.
Paisley - -	County of Renfrew.	Stirling - -	,, Stirling.
Peebles - -	,, Peebles.	Stranraer -	,, Wigtown.
Perth - -	,, Perth.		
Pittenweem -	,, Fife.	Tain - -	,, Ross and Cromarty.
Queensferry -	,, West Lothian.	Whithorn -	County of Wigtown.
Renfrew -	,, Renfrew.	Wigtown -	County of Wigtown.
Rothesay -	,, Bute.		

SECOND SCHEDULE.

Section 4.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
Act 1681, c. 11.	Act concerning the registration of seisins and reversions of tenements within burgh.	The whole Act.

2ND SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
49 Geo. 3. c. 42.	Public Records (Scotland) Act, 1809.	Section nine. Section eleven so far as it requires magistrates of royal burghs to examine the progress and state of the records framed and kept in virtue of the Act 1681, c. 11.
10 Geo. 4. c. 19.	The Registration of Sasines Act, 1829.	Section two.
20 & 21 Vict. c. 26.	The Registration of Leases (Scotland) Act, 1857.	In section one—the words "other than lands and heritages held by burgage tenure, and to record in the several burgh registers of sasines probative leases for the period foresaid of lands and heritages within the burgh for which such register is kept, and held by burgage tenure."
31 & 32 Vict. c. 64.	Land Registers (Scotland) Act, 1868.	Section twenty-seven.
31 & 32 Vict. c. 101.	The Titles to Land Consolidation (Scotland) Act, 1868.	Section one hundred and thirty-six. In section one hundred and forty-one—the words "in the case of lands not held by burgage tenure" and the words "and in the case of lands held by burgage tenure the register or registers of the burgh or burghs."
37 & 38 Vict. c. 94.	The Conveyancing (Scotland) Act, 1874.	Section twenty-five so far as it requires the recording of writs in any burgh register of sasines or in the register of booking for the burgh of Paisley.
14 & 15 Geo. 5. c. 27.	The Conveyancing (Scotland) Act, 1924.	Schedule F from the words "*or* in the Register of the Burgh of K" to the words "*or* the Burghs of K, L, and M."