

Subject: Request for access to court record (SC39/68/45).

FOI reference: 202100266474

Date received: 20 December 2021

Date responded: 17 January 2022

Information requested:

Request for access to court records from 1964.

NRS Response:

The only record of the case that National Records of Scotland (NRS) holds is in a roll book:

- NRS Reference: SC39/68/45 Edinburgh Sheriff Court – Criminal and quasi-criminal roll book, 26 Feb 1964-15 Jun 1964

Unfortunately, since the court case was a summary case – dealt with by a sheriff alone rather than a sheriff and jury – the brief single-line entries in this roll book are the only documentary evidence that has been retained. Sometimes the indictments relating to summary cases will also be held by us, but no indictments from Edinburgh Sheriff Court for this time period exist in our collections.

The roll book mentioned above includes two relevant entries. – one for Williamina Bennett and one for John McGuigan. This record was transferred to NRS by the Scottish Courts and Tribunals Service (SCTS), who remain the data controller and make all decisions on access. They have carried out a sensitivity review of the information contained in the entries and have decided that they can be released.

A transcription of the entries in the annex to this letter has been provided. The information has been provided in the form of a transcription as many other people's personal information appears on the same page as these entries. This other information is exempt from release under section 38(1)(b) of FOISA (personal information), because it is personal data of potentially living third parties and disclosing it would contravene the General Data Protection Regulation and Data Protection Act 2018.

This exemption is not subject to the 'public interest test', so NRS are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

Transcription from roll book

The following is an accurate transcription of two entries in the Edinburgh Sheriff Court criminal and quasi-criminal roll book, 26 Feb 1964-15 Jun 1964 (NRS ref. SC39/68/45). Explanatory notes are included in italics and square brackets.

No. – 3145

Summary or jury – S [*summary*]

Date of first warrant – 24 Apr 1964

To apprehend or cite – C [*cite*]

Prosecutor or complainer – PF [*procurator fiscal*]

Name of accused or respondent – Bennett, Williamina

Crime, contravention or offence – C.O.Y.P.(S) Act 1937 512(1) [*Children and Young Persons (Scotland) Act 1937*]

Date of declaration or first calling – 24 Apr 1964

Plea – NG

Date assigned for further procedure – 15/5/1964

Date of sentence – 15 May [1964]

Sheriff – Grant

Sentence of fine or imprisonment – 5--- [pounds] - £1 per week

No. – 3145

Summary or jury – S [*summary*]

Date of first warrant – 24 Apr 1964

To apprehend or cite – C [*cite*]

Prosecutor or complainer – PF [*procurator fiscal*]

Name of accused or respondent – McGuigan, John

Crime, contravention or offence – C.O.Y.P.(S) Act 1937 512(1) [*Children and Young Persons (Scotland) Act 1937*]

Date of declaration or first calling – 24 Apr 1964

Plea – NG

Date assigned for further procedure – 15/5/1964

Date of sentence – 15 May [1964]

Sheriff – Grant

Sentence of fine or imprisonment – ----- Found not guilty