

Subject: Access to 1949 Hamilton Sheriff Court records relating to Jean Clarke or Cameron (SC37/55/18, item 32).

FOI reference: FOI/18/02708

Date received: 25 September 2018

Date responded: 01 November 2018

Information requested:

Access to 1949 Hamilton Sheriff Court records relating to Jean Clarke or Cameron (SC37/55/18, item 32).

NRS Response:

A sensitivity review has been undertaken on this material by the Scottish Courts and Tribunals Service (SCTS). As a result of this, some information in SC37/55/18 (item 32) has been redacted due to sensitivity issues.

Some names and personal details involved in the case have been redacted as it is not possible to determine whether these individuals are alive or deceased, as a death certificate could not be found in the statutory registers of Scotland. Unfortunately, we do not have access to the equivalent records of England and Wales and were unable to search for the individuals named in the charge.

An exemption under section 38(1)(b) of FOISA (personal information) applies to the information which has been redacted because it is personal data of a third party and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

The redacted copy of the information is available in digital form at the National Records of Scotland.

This can be viewed in the Historical Search Room at General Register House, 2 Princes Street, Edinburgh, EH1 3YY. Further information is available on our website at: <https://www.nrscotland.gov.uk/research/visit-us/historical-search-room>.

Under section 25(1) of FOISA, we do not have to provide information if it is already reasonably accessible by inspection or copying, even if a payment has to be made for it.

You requested information pertaining to the type offence committed. This was that Jean Clarke of Cameron gave false information, contrary to Section 2(c) of the False Oaths (Scotland) Act, 1933.. Section 2(c) reads:

"False statutory declarations and other false statements without oath.

If any person knowingly and wilfully makes (otherwise than on oath) a statement false in a material particular, and the statement is made— [...]

(c)

in any oral declaration or oral answer which he is authorised or required to make by, under, or in pursuance of any public general Act of Parliament for the time being in force,
he shall be guilty of a crime and offence and shall be liable on conviction thereof to imprisonment[...] for any term not exceeding two years, or to a fine, or to both such imprisonment and fine. [...]"

Unfortunately, there is no record of the court's decision concerning sentencing or punishment. This would usually be contained in the court roll book, however, we have checked the Hamilton Sheriff Court Roll Book for the whole of 1949 and could not find an entry for Jean Clark or Cameron.