



10 HOW TO Find Scottish Law

Prior to 1707, Scottish statutes were made by a Scottish parliament. From 1707, Scottish Acts were made at Westminster. Some of these Acts apply to the whole of the UK, others just to Scotland. The latter have '(Scotland)' in the title. The extent of acts not specific to Scotland is given towards the end of the act. Since devolution, there has been a separate series: *Acts of the Scottish Parliament* (ASP).

Primary Legislation : Locations

Hardcopy

For pre-1707 Acts see Acts of the Parliaments of Scotland in 12 volumes (in storage please ask staff). Post 1707 Acts are included in Public and General Acts (**BAYS 168-170**)

Acts of the UK Parliament from 1952 onwards and Acts of the Scottish Parliament (ASPs) are in *Current Law Statutes Annotated* (**BAY E**). ASPs are also available as separate series (**BAY 202**)

Subscription databases

Acts of the Old Scottish Parliament are on Westlaw, if still in force in 1991

Acts of the UK Parliament that apply exclusively or primarily to Scotland, are on the Justis.com database (as enacted); Westlaw database (as amended)

Acts of the Scottish Parliament are on Justis.com and Public Information Online (as enacted).

Acts of the Scottish Parliament are on LexisLibrary and the Westlaw database (as amended).

Internet

Acts of the UK Parliament that apply exclusively or primarily to Scotland and ASPs (as enacted and as amended), are available on the government's legislation.gov.uk website.

Some Acts of the Old Scottish Parliament (1424 to 1707), Acts of the UK Parliament from 1988 that apply exclusively or primarily to Scotland, and ASPs from 1999 (as enacted and as amended) are on the government's legislation.gov.uk website. The revised versions are not generally up-to-date so always check the 'Changes to legislation' note at the beginning of each section.

Note: Acts of the UK Parliament that apply exclusively or primarily to Scotland, are **not** found in Halsbury's Statutes or LexisLibrary.

How to find Scottish Statutes

Pre-1707 Acts are listed by date in Chronological Table of Statutes, vol.2, Scottish table (**BAY N7**)

Scottish Acts are indexed by subject in the HMSO Index to the Statutes 1235-1990 (**BAY N7**)

The title list in each annual volume of Current Law Statutes Annotated includes Scottish Acts (**BAY E**)

Search on Justis.com, LexisLibrary, Public Information Online and Westlaw.

Updating Scottish Statutes

Amendments are noted in the *Chronological Table of the Statutes 1225-2013* (**BAY N7**)

Update the above using the *Current Law Legislation Citator* (**BAY E**). Another option is the table of effects in the annual Tables and Indexes volumes of the *Public General Acts* (**BAYS 168-170**)

Amended acts are available on Westlaw, LexisLibrary and the government's legislation.gov.uk website.

Commencement

Halsbury's Is it in Force? covers England, Wales and Scotland from 1980 onwards (**BAY 61**)

LexisLibrary contains an *Is it in Force?* section

Westlaw contains commencement information found in Overview Document.

A Commencement Orders Index from 1974-2012 can be found in [Library Knowledge Base](#) the Library catalogue.



Locating Statutory Instruments

To trace use the *Index to Government Orders*, the HMSO/TSO Annual and Monthly Catalogues (**BAY N**) SIs made by the Westminster Parliament that apply exclusively or primarily to Scotland to Scotland have '(Scotland)' in the title and an additional number, eg (S.55). Since July 1999 there has been a completely separate series of Scottish Statutory Instruments (SSIs) made by the Scottish Executive.

Hardcopy

Originally enacted - HMSO / TSO bound volumes (contains SIs) (**BAYS 171-177**)

Subscription databases

Originally enacted – *Justis* (SIs and SSIs)

In force and revised - *LexisLibrary* (SSIs from 1999-) and *Westlaw* (SIs - back to 1974 and SSIs)

Internet

Originally enacted - Government website legislation.gov.uk (SIs – back to 1987 and SSIs)

Updating Statutory Instruments

Table of Government Orders 1990 lists changes up to 1990 (**BAY N7**). For 1991-1992, use *Table of SIs affected in Current Law Yearbook* (**BAY D**). From 1993 use *Current Law Legislation Citorator* (**BAY E**).

Westlaw - SIs - back to 1974 and SSIs (as amended)

Note : not found in Halsbury's Statutory Instruments.

Locating Law Reports

Hardcopy

The two main sets of Scottish law reports are *Session Cases* and *Scots Law Times*. Both have separate sequences of page numbers denoting different courts.

Session Cases (1907-) are the official law reports of Scotland (**BAYS 199-200**).

Scots Law Times (1893-) contains articles, news and law reports. Current year in the periodicals rack, bound volumes from 1955 at **BAYS 195-196**, earlier volumes are in storage, please ask staff.

Scots Revised Reports (1821-1873) are reprints of Scottish nominate reports (**BAY 197**). The Library also has some of the original nominates (**BAY 197**)

Greens Weekly Digest (1986-) is an alerting service of case summaries (**BAY 196**)

Subscription databases

Westlaw includes a selection of Scottish law reports. You can search by party, citation or keyword.

Internet

The [Scottish Council of Law Reporting](http://www.sclr.gov.uk) (SCLR) provides access to cases selected from the Session Cases archive 1873-2007. The material is not the full report from Session Cases.

The [Scottish Court Service](http://www.scotscourt.gov.uk) provides access to selected cases from 1998 onwards.

The [British and Irish Legal Information Institute](http://www.bailii.org) (BAILII) has decisions sourced from the Scottish Court Service website.

[Casecheck](http://www.casecheck.org.uk) offers registered users free access to a continually updated archive of case summaries.

How to find and update cases

For older cases, use *English and Empire Digest* (**BAYS A-C**) and *Scots Digest* 1800-1937 (**BAY 197**)

Scottish Current Law Case Citorator covers 1948-71, 1973, 1977-88 and 1989-1990 (**BAY 197**)

After 1989, *Current Law Case Citorators* and *Current Law Monthly Digests* cover Scotland (**BAY D**)

Green's Weekly Digest (1986-) is indexed annually; the current year also has regular indexes (**BAY 196**)

Scots Law Times (1893-) contains an annual index of names of parties and a general subject index. Current year in the periodicals rack, bound volumes from 1955 at **BAYS 195-196**, earlier volumes are in storage, please ask staff.

Westlaw provides case analysis on whether a case has been reversed, considered, etc.



Useful websites

British and Irish Legal Information Institute

CaseCheck

Library catalogue: Library Knowledge Base

Legislation.gov.uk

Scottish Council of Law Reporting

Scottish Court Service:

<http://www.bailii.org>

<http://www.casecheck.co.uk>

<http://www.lawsociety.org.uk>

<http://www.legislation.gov.uk>

<http://www.scottishlawreports.org.uk>

<http://www.scotcourts.gov.uk>