



FACULTY OF ADVOCATES

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Acknowledged.

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29 March 2007

Barry Matthews
Scottish Executive
1-A North, Cultural Policy
Victoria Quay, Edinburgh
EH6 6QQ

Dear Mr Matthews

The Daft Culture (Scotland) Bill

Further to my recent email I now enclose a hard copy of the Faculty's response to the draft Bill together with the Respondent Information Form. I would be grateful if you would acknowledge receipt of this.

Yours sincerely

Carole B Ferguson-Walker

FACULTY SOLICITOR

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RESPONSE

by

THE FACULTY OF ADVOCATES

to

THE SCOTTISH EXECUTIVE

ON

THE DRAFT CULTURE (SCOTLAND) BILL

Preliminary

The Faculty welcomes the opportunity to comment on those parts of the draft Bill which concern the Faculty and its relationship with the National Library of Scotland. That relationship has both a historical and a contemporary dimension.

The History

The Advocates Library dates back to 1689. It has always been funded entirely by members of Faculty. Under the Copyright Act 1709, the Library was granted the right of legal deposit, which meant that it could claim a copy of every work published in the United Kingdom. Over the next two centuries, it became one of the leading libraries in

the world. In 1925 the Faculty gifted its non-legal books to the nation, thereby providing the foundation of the National Library of Scotland.

Today

The Advocates Library is widely regarded as the finest working law library in the United Kingdom. It continues to exercise its right to receive legal materials, which is now contained in the Legal Deposit Libraries Act 2003. As Scotland's National Law Library, it maintains its tradition of serving the public, the profession and the courts in the administration of justice. There continues to be a close and harmonious working relationship with NLS. Each year, the Library deals expeditiously with several thousand NLS requests for legal materials made on behalf of members of the public.

Consultation Questions on the National Collections

8. Yes. The Faculty believes that the National Collections should remain as constitutionally separate centres of excellence.
9. Yes. We believe the powers and functions proposed for the Collections in the draft Bill are correct.
10. We have no view on whether the Royal Commission on Ancient and Historical Monuments within Scotland should be retitled the National Record of Scotland.
11. Yes. Given its unique role, it is vital that *at least* one member of Faculty should be a member of the National Library Board. In our view, the minimum number should be two to ensure that the close working relationship between the two institutions is maintained for the benefit of both.
12. Yes.

Further Comments

- a) There has never been a dispute between the Faculty and NLS. In the unlikely event of such a dispute occurring, the Faculty agrees that it should be resolved by means of arbitration. It recommends that the Bill be amended to state that an arbitrator would be selected by mutual agreement, failing which the arbitrator would be a person nominated by the Librarian of Edinburgh University.

- b) The term “the Law Library of the Faculty” as used in the Bill is inappropriate. The library has always been known as “the Advocates Library”. It is referred to as such in the National Library of Scotland Act 1925 (c.73). As its function has not changed, there is no reason to adopt an unknown term.