



Courts Reform (Scotland) Act 2014

2014 asp 18

COURTS REFORM (SCOTLAND) ACT 2014

PART 1

SHERIFF COURTS

CHAPTER 1

SHERIFFDOMS, SHERIFF COURT DISTRICTS AND SHERIFF COURTS

- 1 Sheriffdoms, sheriff court districts and sheriff courts
- 2 Power to alter sheriffdoms, sheriff court districts and sheriff courts

CHAPTER 2

JUDICIARY OF THE SHERIFFDOMS

Permanent and full-time judiciary

- 3 Sheriffs principal
- 4 Sheriffs
- 5 Summary sheriffs

Temporary and part-time judiciary

- 6 Temporary sheriff principal
- 7 Temporary sheriff principal: further provision
- 8 Part-time sheriffs
- 9 Reappointment of part-time sheriffs
- 10 Part-time summary sheriffs
- 11 Reappointment of part-time summary sheriffs

Re-employment of former holders of certain judicial offices

- 12 Re-employment of former judicial office holders
- 13 Re-employment of former judicial office holders: further provision

Qualification and disqualification

- 14 Qualification for appointment
- 15 Disqualification from practice, etc.

Remuneration and expenses

- 16 Remuneration
- 17 Expenses

Leave of absence

- 18 Leave of absence

Residence

- 19 Place of residence

Cessation of appointment

- 20 Cessation of appointment of judicial officers

Fitness for office

- 21 Tribunal to consider fitness for office
- 22 Tribunal investigations: suspension from office
- 23 Further provision about tribunals
- 24 Tribunal report
- 25 Removal from office

Honorary sheriffs

- 26 Abolition of the office of honorary sheriff

CHAPTER 3**ORGANISATION OF BUSINESS***Sheriff principal's general responsibilities*

- 27 Sheriff principal's responsibility for efficient disposal of business in sheriff courts
- 28 Sheriff principal's power to fix sittings of sheriff courts
- 29 Lord President's power to exercise functions under sections 27 and 28

Deployment of judiciary

- 30 Power to authorise a sheriff principal to act in another sheriffdom
- 31 Power to direct a sheriff or summary sheriff to act in another sheriffdom
- 32 Power to re-allocate sheriffs principal, sheriffs and summary sheriffs between sheriffdoms
- 33 Allocation of sheriffs and summary sheriffs to sheriff court districts

Judicial specialisation

- 34 Determination of categories of case for purposes of judicial specialisation
- 35 Designation of specialist judiciary

- 36 Allocation of business to specialist judiciary
- 37 Saving for existing powers to provide for judicial specialisation

CHAPTER 4

COMPETENCE AND JURISDICTION

Sheriffs: civil competence and jurisdiction

- 38 Jurisdiction and competence of sheriffs
- 39 Exclusive competence
- 40 Territorial jurisdiction
- 41 Power to confer all-Scotland jurisdiction for specified cases
- 42 All-Scotland jurisdiction: further provision
- 43 Jurisdiction over persons, etc.

Summary sheriffs: civil and criminal competence and jurisdiction

- 44 Summary sheriff: civil competence and jurisdiction
- 45 Summary sheriff: criminal competence and jurisdiction

PART 2

THE SHERIFF APPEAL COURT

CHAPTER 1

ESTABLISHMENT AND ROLE

- 46 The Sheriff Appeal Court
- 47 Jurisdiction and competence
- 48 Status of decisions of the Sheriff Appeal Court in precedent

CHAPTER 2

APPEAL SHERIFFS

- 49 Sheriffs principal to be Appeal Sheriffs
- 50 Appointment of sheriffs as Appeal Sheriffs
- 51 Re-employment of former Appeal Sheriffs
- 52 Expenses
- 53 Temporary provision

CHAPTER 3

ORGANISATION OF BUSINESS

President and Vice President

- 54 President and Vice President of the Sheriff Appeal Court
- 55 President and Vice President: incapacity and suspension

Disposal of business

- 56 President's responsibility for efficient disposal of business

Sittings

- 57 Sittings of the Sheriff Appeal Court
- 58 Rehearing of pending case by a larger Court

CHAPTER 4**ADMINISTRATION***Clerks*

- 59 Clerk of the Sheriff Appeal Court
- 60 Deputy Clerks of the Sheriff Appeal Court
- 61 Clerk and Deputy Clerks: further provision

Records

- 62 Records of the Sheriff Appeal Court

PART 3**CIVIL PROCEDURE****CHAPTER 1****SHERIFF COURT***Civil jury trials*

- 63 Civil jury trials in an all-Scotland sheriff court
- 64 Selection of the jury
- 65 Application to allow the jury to view property
- 66 Discharge or death of juror during trial
- 67 Trial to proceed despite objection to opinion and direction of the sheriff
- 68 Return of verdict
- 69 Application for new trial
- 70 Restrictions on granting a new trial
- 71 Verdict subject to opinion of the Sheriff Appeal Court

Simple procedure

- 72 Simple procedure
- 73 Proceedings in an all-Scotland sheriff court
- 74 Proceedings for aliment of small amounts under simple procedure
- 75 Rule-making: matters to be taken into consideration
- 76 Service of documents
- 77 Evidence in simple procedure cases
- 78 Transfer of cases to simple procedure
- 79 Proceedings in an all-Scotland sheriff court: transfer to simple procedure
- 80 Transfer of cases from simple procedure
- 81 Expenses in simple procedure cases
- 82 Appeals from simple procedure cases
- 83 Transitional provision: summary causes

Interdicts and other orders: effect outside sheriffdom

- 84 Interdicts having effect in more than one sheriffdom
- 85 Proceedings for breach of an extended interdict
- 86 Power to enable sheriff to make orders having effect outside sheriffdom

Execution of deeds relating to heritage

- 87 Power of sheriff to order sheriff clerk to execute deed relating to heritage

Interim orders

- 88 Interim orders

CHAPTER 2

COURT OF SESSION

- 89 Judicial review
- 90 Interim orders
- 91 Warrants for ejection

CHAPTER 3

REMIT OF CASES BETWEEN COURTS

- 92 Remit of cases to the Court of Session
- 93 Remit of cases from the Court of Session
- 94 Remit of cases to the Scottish Land Court

CHAPTER 4

LAY REPRESENTATION FOR NON-NATURAL PERSONS

- 95 Key defined terms
- 96 Lay representation in simple procedure cases
- 97 Lay representation in other proceedings
- 98 Lay representation: supplementary provision

CHAPTER 5

JURY SERVICE

- 99 Jury service

CHAPTER 6

VEXATIOUS PROCEEDINGS

- 100 Vexatious litigation orders
- 101 Vexatious litigation orders: further provision
- 102 Power to make orders in relation to vexatious behaviour

PART 4

PROCEDURE AND FEES

Procedure

- 103 Power to regulate procedure etc. in the Court of Session
- 104 Power to regulate procedure etc. in the sheriff court and the Sheriff Appeal Court

Fees of solicitors etc.

- 105 Power to regulate fees in the Court of Session
- 106 Power to regulate fees in the sheriff court and the Sheriff Appeal Court

Court fees

- 107 Power to provide for fees for SCTS, court clerks and other officers

Sanction for counsel

- 108 Sanction for counsel in the sheriff court and Sheriff Appeal Court

PART 5

CIVIL APPEALS

Appeals to the Sheriff Appeal Court

- 109 Abolition of appeal from a sheriff to the sheriff principal
- 110 Appeal from a sheriff to the Sheriff Appeal Court
- 111 Sheriff Appeal Court's powers of disposal in appeals
- 112 Remit of appeal from the Sheriff Appeal Court to the Court of Session

Appeals to the Court of Session

- 113 Appeal from the Sheriff Appeal Court to the Court of Session
- 114 Appeal from the sheriff principal to the Court of Session
- 115 Appeals: granting of leave or permission and assessment of grounds of appeal

Effect of appeal

- 116 Effect of appeal

Appeals to the Supreme Court

- 117 Appeals to the Supreme Court

PART 6

CRIMINAL APPEALS

Appeals from summary criminal proceedings

- 118 Appeals to the Sheriff Appeal Court from summary criminal proceedings
- 119 Appeals from the Sheriff Appeal Court to the High Court
- 120 Power to refer points of law for the opinion of the High Court
- 121 References by the Scottish Criminal Cases Review Commission

Bail appeals

- 122 Bail appeals

PART 7

JUDGES OF THE COURT OF SESSION

- 123 Appointment of Court of Session judges, etc.
124 Payment of salaries of Court of Session judges
125 Expenses

PART 8

SCOTTISH LAND COURT

- 126 Scottish Land Court: remuneration and expenses

PART 9

JUSTICE OF THE PEACE COURTS

- 127 Establishing, relocating and disestablishing justice of the peace courts
128 Abolition of the office of stipendiary magistrate
129 Summary sheriffs to sit in justice of the peace courts

PART 10

THE SCOTTISH COURTS AND TRIBUNALS SERVICE

- 130 The Scottish Courts and Tribunals Service

PART 11

THE JUDICIAL APPOINTMENTS BOARD FOR SCOTLAND

- 131 Assistants to the Judicial Appointments Board for Scotland

PART 12

GENERAL

- 132 Modifications of enactments
133 Subordinate legislation
134 References to “sheriff”
135 Definition of “family proceedings”
136 Interpretation
137 Ancillary provision
138 Commencement
139 Short title

Schedule 1 — Civil proceedings, etc. in relation to which summary sheriff has competence

Schedule 2 — Appeal Sheriffs: temporary provision

Schedule 3 — Transfer of summary criminal appeal jurisdiction to the Sheriff Appeal Court

Schedule 4 — The Scottish Courts and Tribunals Service

Part 1 — CONFERRAL OF ADDITIONAL FUNCTIONS ETC. IN RELATION TO TRIBUNALS

Part 2 — TRANSITIONAL PROVISION

Part 3 — CONSEQUENTIAL REPEALS, ETC.

Schedule 5 — Modifications of enactments

Part 1 — SHERIFF COURTS

Part 2 — SHERIFF APPEAL COURT

Part 3 — CIVIL JURY TRIALS

Part 4 — SIMPLE PROCEDURE

Part 5 — JUDICIAL REVIEW

Part 6 — REMIT OF CASES BETWEEN COURTS

Part 7 — REGULATION OF PROCEDURE AND FEES

Part 8 — CIVIL APPEALS

Part 9 — JUDGES OF THE COURT OF SESSION

Part 10 — JUSTICE OF THE PEACE COURTS

Part 11 — MISCELLANEOUS