

COURTS REFORM (SCOTLAND) ACT 2014

EXPLANATORY NOTES

THE ACT

Part 1 - Sheriff Courts

Chapter 3 — Organisation of business

Sheriff principal's general responsibilities

Section 27 – Sheriff principal's responsibility for efficient disposal of business in sheriff courts

52. *Section 27*, which substantially re-enacts the provisions of sections 15 and 16(1) of the Sheriff Courts (Scotland) Act 1971, gives the sheriff principal responsibility to ensure the efficient disposal of business in sheriff courts in his or her sheriffdom (subsection (1)) and the power to make such arrangements as appear necessary or expedient for the purpose of carrying out that responsibility (subsection (2)). In particular, the sheriff principal has power to allocate business among the judiciary of the sheriffdom (subsection (3)), and to give directions of an administrative character to such judiciary and to members of the staff of the SCTS (subsection (5)). The “judiciary of the sheriffdom” is defined in section 125(2) as all judicial officers within the sheriffdom, including part-time sheriffs and part-time summary sheriffs. Subsection (7) makes it clear that the powers of the sheriff principal under this section are subject to the Lord President's overall responsibility for the efficient disposal of business in the Scottish courts under provisions in the Judiciary and Courts (Scotland) Act 2008.

Section 28 – Sheriff principal's power to fix sittings of sheriff courts

53. *Section 28*, which re-enacts and updates section 17 of the Sheriff Courts (Scotland) Act 1971, gives the sheriff principal power by order to prescribe where and when sheriff courts will sit and the descriptions of business to be disposed of at those sittings. The provisions of section 28 are again subject to the Lord President's overall responsibility for the efficient disposal of business in the Scottish courts.

Section 29 – Lord President's power to exercise functions under sections 27 and 28

54. *Section 29* permits the Lord President to intervene where the Lord President considers that a sheriff principal has exercised functions under section 27 or 28 in a way which is prejudicial to the efficient disposal of business in the sheriff courts, or is prejudicial to the efficient organisation or administration of those courts, or is otherwise against the public interest (subsection (1)). In such a case, the Lord President may rescind the exercise of the function by the sheriff principal and exercise the function (subsection (2)). This section makes equivalent provision to section 17A of the Sheriff Courts (Scotland) Act 1971.