

# **COURTS REFORM (SCOTLAND) ACT 2014**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### **Part 2 - Sheriff Appeal Court**

##### *Chapter 1 - Establishment and role*

##### *Section 48 – Status of decisions of the Sheriff Appeal Court in precedent*

85. This section makes specific provision about precedent. Whilst the position of the court in the hierarchy of courts in Scotland should ensure that its decisions will be binding upon those courts whose appeals it hears, this section puts that beyond doubt. Accordingly this section provides that in its interpretation or application of the law, the criminal decisions of the Sheriff Appeal Court will be binding on all justice of the peace courts throughout Scotland and the civil and criminal decisions of the Sheriff Appeal Court will be binding on all sheriffs throughout Scotland, as well as on the Sheriff Appeal Court (unless that Court is composed of a greater number of Appeal Sheriffs than that which composed the Court which made the decision). The use of “sheriff” in subsections (1)(a) and (2) will take on the definition in section 134 and will therefore bind the decisions of a sheriff principal sitting as a judge of first instance and any other judicial officer in the sheriff court.
86. Subsection (2) puts beyond doubt that a decision of the Sheriff Appeal Court also binds sheriffs in solemn criminal proceedings (before a sheriff and jury). Part 6 of the Act does not provide for an appeal from a solemn case in the sheriff court. Accordingly it is necessary to ensure that, despite the absence of such an appeal, the interpretation and application of the law as set out by the Sheriff Appeal Court will be the same when applied by the sheriff, whether in a summary or solemn case.