

COURTS REFORM (SCOTLAND) ACT 2014

EXPLANATORY NOTES

THE ACT

Part 2 - Sheriff Appeal Court

Chapter 2 – Appeal sheriffs

Section 50 – Appointment of sheriffs as Appeal Sheriffs

88. *Section 50* provides that sheriffs who have held office as such for at least five years may be appointed by the Lord President to be Appeal Sheriffs. The Act makes no distinction between Appeal Sheriffs who hold office as such by virtue of section 49 or 50 in terms of the judicial functions of Appeal Sheriffs or judicial authority. Accordingly an Appeal Sheriff holding office as such by virtue of section 49 is not to be treated as a more senior Appeal Sheriff to an Appeal Sheriff appointed under section 50.
89. Appeal Sheriffs appointed under this section may continue to act as sheriffs. The number of appointed Appeal Sheriffs will be a matter for the Lord President. In a similar way to section 49, holding office as an Appeal Sheriff is dependent upon the sheriff continuing to hold office as a sheriff, and suspension from the office of sheriff will mean suspension from the office of Appeal Sheriff.