



# Courts Reform (Scotland) Act 2014

## 2014 asp 18

### PART 1

#### SHERIFF COURTS

#### CHAPTER 3

#### ORGANISATION OF BUSINESS

##### *Sheriff principal's general responsibilities*

- 27 Sheriff principal's responsibility for efficient disposal of business in sheriff courts**
- (1) The sheriff principal of a sheriffdom is responsible for ensuring the efficient disposal of business in the sheriff courts of the sheriffdom.
  - (2) The sheriff principal must make such arrangements as appear necessary or expedient for the purpose of carrying out the responsibility imposed by subsection (1).
  - (3) In particular, the sheriff principal may—
    - (a) provide for the allocation of business among the judiciary of the sheriffdom,
    - (b) make special provision of a temporary nature for the disposal of any business by any member of the judiciary of the sheriffdom in addition to or in place of that member's own duties.
  - (4) If, in carrying out the responsibility imposed by subsection (1), the sheriff principal gives a direction of an administrative character to a person mentioned in subsection (5), the person must comply with the direction.
  - (5) Those persons are—
    - (a) any other member of the judiciary of the sheriffdom,
    - (b) a member of the staff of the Scottish Courts and Tribunals Service.

*Status: Point in time view as at 01/04/2015.*

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- (6) Nothing in subsections (1) to (4) enables a member of the judiciary of the sheriffdom to dispose of any business which that member could not otherwise competently dispose of in the exercise of the jurisdiction and powers that attach to the member's office.
- (7) Subsections (1) to (4) are subject to section 2(2)(a) and (3) of the Judiciary and Courts (Scotland) Act 2008 (the Head of the Scottish Judiciary's responsibility for efficient disposal of business in the Scottish courts).

#### Commencement Information

**II** [S. 27](#) in force at 1.4.2015 by [S.S.I. 2015/77](#), art. 2(2)(3), [Sch.](#)

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

- (1) The sheriff principal of a sheriffdom may by order prescribe—
- (a) the number of sittings of sheriff courts to be held at each place designated for the holding of sheriff courts in the sheriffdom,
  - (b) the days on which, and the times at which, those sittings are to be held, and
  - (c) the descriptions of business to be disposed of at those sittings.
- (2) The sheriff principal must publish notice of the matters prescribed by an order under subsection (1) in such manner as the sheriff principal thinks appropriate in order to bring those matters to the attention of persons having an interest in them.
- (3) Subsection (1) is subject to section 2(2)(a) and (3) of the Judiciary and Courts (Scotland) Act 2008.

#### Commencement Information

**I2** [S. 28](#) in force at 1.4.2015 by [S.S.I. 2015/77](#), art. 2(2)(3), [Sch.](#)

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

- (1) Subsection (2) applies where in any case the Lord President of the Court of Session considers that the exercise by the sheriff principal of a sheriffdom of a function under section 27 or 28—
- (a) is prejudicial to the efficient disposal of business in the sheriff courts of the sheriffdom,
  - (b) is prejudicial to the efficient organisation or administration of those courts, or
  - (c) is otherwise against the interest of the public.
- (2) The Lord President may in that case—
- (a) rescind the sheriff principal's exercise of the function, and
  - (b) exercise the function.
- (3) Subsections (1) and (2) apply in relation to a failure to exercise a function mentioned in subsection (1) as they apply to the exercise of such a function, but as if paragraph (a) of subsection (2) were omitted.
- (4) The exercise of a function by the Lord President by virtue of subsection (2)(b) is to be treated as if it were the exercise of the function by the sheriff principal.

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#### Commencement Information

**I3** S. 29 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

### *Deployment of judiciary*

#### **30 Power to authorise a sheriff principal to act in another sheriffdom**

- (1) Subsection (2) applies where, in relation to a sheriffdom (“sheriffdom A”)—
  - (a) a vacancy occurs in the office of sheriff principal,
  - (b) the Lord President of the Court of Session believes that the sheriff principal is unable to perform all or some of the functions of the office, or
  - (c) the sheriff principal rules that he or she is precluded from performing all or some of those functions.
- (2) The Lord President may authorise the sheriff principal of another sheriffdom (“sheriffdom B”) to perform the functions of sheriff principal in sheriffdom A (in addition to sheriffdom B) until the Lord President decides otherwise.
- (3) The authorisation may be made for the purpose of the performance of—
  - (a) all of the functions of the sheriff principal of sheriffdom A, or
  - (b) only those functions that that sheriff principal is unable to perform or is precluded from performing.
- (4) The Lord President may make an authorisation in the circumstances specified in subsection (1)(a) only if the Lord President considers such an authorisation to be necessary or expedient in order to avoid a delay in the administration of justice in sheriffdom A.
- (5) A sheriff principal authorised under this section to perform the functions of sheriff principal in another sheriffdom may exercise the jurisdiction and powers that attach to the office of sheriff principal in the other sheriffdom and does not need a commission for that purpose.
- (6) References in this section to the sheriff principal of a sheriffdom include references to any temporary sheriff principal of the sheriffdom.

#### Commencement Information

**I4** S. 30 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

#### **31 Power to direct a sheriff or summary sheriff to act in another sheriffdom**

- (1) The Lord President of the Court of Session may direct a sheriff or summary sheriff of a sheriffdom (“sheriffdom A”) to perform the functions of sheriff or, as the case may be, summary sheriff in another sheriffdom (“sheriffdom B”) until the Lord President decides otherwise.
- (2) The direction may require the sheriff or summary sheriff to perform the functions in sheriffdom B either in addition to or instead of performing the functions in sheriffdom A.

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- (3) The Lord President may at any time give a further direction to the sheriff or summary sheriff directing the sheriff or, as the case may be, summary sheriff to perform the functions of sheriff or, as the case may be, summary sheriff in another sheriffdom until the Lord President decides otherwise.
- (4) Where a further direction is given under subsection (3) requiring functions to be carried out in another sheriffdom, the direction may require the sheriff or summary sheriff to perform the functions in that other sheriffdom in addition to or instead of performing the functions—
  - (a) in sheriffdom A, or
  - (b) in any other sheriffdom by virtue of—
    - (i) a direction under subsection (1), or
    - (ii) a further direction under subsection (3).
- (5) A sheriff or summary sheriff directed under this section to perform the functions of sheriff or summary sheriff in another sheriffdom may exercise the jurisdiction and powers that attach to the office of sheriff or, as the case may be, summary sheriff in the other sheriffdom and does not need a commission for that purpose.

#### **Commencement Information**

**I5** [S. 31](#) in force at 1.4.2015 by [S.S.I. 2015/77](#), art. 2(2)(3), [Sch.](#)

## **32 Power to re-allocate sheriffs principal, sheriffs and summary sheriffs between sheriffdoms**

- (1) The Lord President of the Court of Session may direct that—
  - (a) the sheriff principal of a sheriffdom is to cease to be the sheriff principal of that sheriffdom and is instead to be sheriff principal of such other sheriffdom as is specified in the direction,
  - (b) a sheriff of a sheriffdom is to cease to be a sheriff of that sheriffdom and is instead to be a sheriff of such other sheriffdom as is specified in the direction,
  - (c) a summary sheriff of a sheriffdom is to cease to be a summary sheriff of that sheriffdom and is instead to be a summary sheriff of such other sheriffdom as is specified in the direction.
- (2) A direction under subsection (1) takes effect on such date as is specified in the direction.
- (3) The reference in subsection (1) to the sheriff principal, a sheriff or summary sheriff of a sheriffdom is to one—
  - (a) appointed for the sheriffdom, or
  - (b) who is the sheriff principal, a sheriff or, as the case may be, summary sheriff of the sheriffdom by virtue of a previous direction under subsection (1).
- (4) A sheriff principal, sheriff or summary sheriff directed under subsection (1) to be the sheriff principal, a sheriff or summary sheriff of another sheriffdom may exercise the jurisdiction and powers that attach to the office of sheriff principal, sheriff or, as the case may be, summary sheriff in the other sheriffdom and does not need a commission for that purpose.

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#### Commencement Information

**16** S. 32 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

### 33 Allocation of sheriffs and summary sheriffs to sheriff court districts

- (1) On the appointment of a sheriff or summary sheriff of a sheriffdom, the Lord President of the Court of Session must give the sheriff or summary sheriff a direction designating the sheriff court district or districts in which the sheriff or summary sheriff is to sit and perform the functions of sheriff or, as the case may be, summary sheriff.
- (2) The Lord President may at any time give a further direction to the sheriff or summary sheriff designating a different sheriff court district in which the sheriff or summary sheriff is to sit and perform the functions of sheriff or, as the case may be, summary sheriff.
- (3) A direction given to a sheriff or summary sheriff of a sheriffdom under this section is subject to any direction given under section 27 to the sheriff or summary sheriff by the sheriff principal of the sheriffdom for the purpose of giving effect to special provision made under subsection (3)(b) of that section.
- (4) Subsection (1) applies in the case where a direction under section 32(1) is made in relation to a sheriff or summary sheriff as it applies in the case where a sheriff or, as the case may be, summary sheriff is appointed.

#### Commencement Information

**17** S. 33 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

#### *Judicial specialisation*

### 34 Determination of categories of case for purposes of judicial specialisation

- (1) The Lord President of the Court of Session may, by direction, determine categories of sheriff court case that the Lord President considers to be suited to being dealt with by judicial officers that specialise in the category of case.
- (2) The Lord President may determine categories of case under subsection (1) by reference to subject matter, value or such other criteria as the Lord President considers appropriate.
- (3) The Lord President may issue different directions under subsection (1) in relation to different types of judicial officer.
- (4) The Lord President may vary or revoke any direction made under subsection (1).
- (5) In this section—  
“judicial officer” means—
  - (a) a sheriff,
  - (b) a summary sheriff,
  - (c) a part-time sheriff,

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- (d) a part-time summary sheriff,  
 “sheriff court case” means any type of proceedings (whether civil or criminal) that may competently be brought in the sheriff court.

**Commencement Information**

**18** S. 34 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

**35 Designation of specialist judiciary**

- (1) This section applies where the Lord President of the Court of Session has made a direction under section 34.
- (2) The sheriff principal of a sheriffdom may—
  - (a) in relation to any category of case determined in the direction that may competently be dealt with by a sheriff, designate one or more sheriffs of the sheriffdom as specialists in that category of case,
  - (b) in relation to any category of case determined in the direction that may competently be dealt with by a summary sheriff, designate one or more summary sheriffs of the sheriffdom as specialists in that category of case.
- (3) The sheriff principal may designate the same sheriff or summary sheriff in relation to more than one category of case determined in the direction.
- (4) The sheriff principal of a sheriffdom may at any time withdraw a designation made (whether by that sheriff principal or another) under subsection (2) in relation to any sheriff, or summary sheriff, of the sheriffdom.
- (5) The Lord President may—
  - (a) in relation to any category of case determined in the direction that may competently be dealt with by a part-time sheriff, designate one or more part-time sheriffs as specialists in that category,
  - (b) in relation to any category of case determined in the direction that may competently be dealt with by a part-time summary sheriff, designate one or more part-time summary sheriffs as specialists in that category.
- (6) The Lord President may at any time withdraw a designation made under subsection (5).
- (7) The designation of a sheriff, summary sheriff, part-time sheriff or part-time summary sheriff (a “designated judicial officer”) under this section does not affect—
  - (a) the designated judicial officer's competence to deal with any category of case other than the one in relation to which the designation is made, or
  - (b) the competence of any other sheriff, summary sheriff, part-time sheriff or part-time summary sheriff to deal with the category of case in relation to which the designation is made.

**Commencement Information**

**19** S. 35 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

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### **36 Allocation of business to specialist judiciary**

- (1) Subsection (2) applies where the Lord President of the Court of Session or the sheriff principal of a sheriffdom is exercising any function relating to the allocation of business among the judiciary of a sheriffdom.
- (2) The Lord President or, as the case may be, the sheriff principal must have regard to the desirability of ensuring that cases falling within a category determined under section 34 are dealt with by sheriffs, summary sheriffs, part-time sheriffs or, as the case may be, part-time summary sheriffs designated under section 35 as specialists in that category of case.

#### **Commencement Information**

**I10** S. 36 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

### **37 Saving for existing powers to provide for judicial specialisation**

Sections 34 to 36 do not affect any power that the Lord President of the Court of Session has apart from those sections to provide for judicial specialisation in the sheriff courts.

#### **Commencement Information**

**I11** S. 37 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

**Status:**

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