



Courts Reform (Scotland) Act 2014

2014 asp 18

PART 1

SHERIFF COURTS

CHAPTER 4

COMPETENCE AND JURISDICTION

Summary sheriffs: civil and criminal competence and jurisdiction

44 Summary sheriff: civil competence and jurisdiction

- (1) A summary sheriff may, in relation to civil proceedings in the sheriff court, exercise the jurisdiction and powers that attach to the office of sheriff, but only in relation to the proceedings and other matters listed in schedule 1.
- (2) This section does not affect the jurisdiction and competence of a sheriff in relation to the proceedings and other matters listed in schedule 1.
- (3) The Scottish Ministers may by order modify schedule 1.

45 Summary sheriff: criminal competence and jurisdiction

- (1) A summary sheriff may, in relation to criminal investigations and proceedings (whether summary or solemn proceedings), exercise the jurisdiction and powers that attach to the office of sheriff.
- (2) Without limiting the generality of subsection (1), the jurisdiction and powers exercisable by a summary sheriff under that subsection include, in particular, those of a sheriff under the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”).
- (3) Despite subsections (1) and (2), a summary sheriff does not have jurisdiction or power to do any of the following in solemn criminal proceedings—
 - (a) to preside at any of the following diets, other than for the purpose of adjourning the diet—

Status: This is the original version (as it was originally enacted).

- (i) a first diet,
 - (ii) a diet under section 76(1) of the 1995 Act,
 - (iii) a trial diet,
- (b) to pass sentence on an offender, or make any other order or disposal in respect of the conviction of an offender of an offence,
- (c) to review, vary, revoke or discharge any sentence or such other order or disposal.
- (4) This section does not affect the jurisdiction and competence of a sheriff in relation to any matter mentioned in subsection (1).