

SCHEDULE 1

Article 3

Introduction of simple procedure etc.

PART 1

Modification of primary legislation

Law Reform (Miscellaneous Provisions) (Scotland) Act 1985

1. The following provisions of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985(1) are repealed—

- (a) section 17 (power of sheriff to order sheriff clerk to execute deeds relating to heritage);
- (b) section 18 (small claims);
- (c) section 20 (removal of prohibition of sheriffs principal and sheriffs accepting appointment to certain offices);
- (d) in schedule 2 (amendment of enactments), paragraph 12; and
- (e) in schedule 4 (repeals), the entry relating to section 6(1)(b) of the Sheriff Courts (Scotland) Act 1971.

Debtors (Scotland) Act 1987

2.—(1) The Debtors (Scotland) Act 1987(2) is amended as follows.

(2) In section 15A(3)(3) (diligence on the dependence of action), for paragraph (b) substitute—

“(b) a simple procedure case (within the meaning of section 72(9) of the Courts Reform (Scotland) Act 2014); and”.

(3) In section 103(1) (appeals), after “and section 38 of the Sheriff Courts (Scotland) Act 1971 (appeal in summary causes)” insert, “and section 82 of the Courts Reform (Scotland) Act 2014 (appeals from simple procedure cases)”.

Debt Arrangement and Attachment (Scotland) Act 2002

3.—(1) The Debt Arrangement and Attachment (Scotland) Act 2002(4) is amended as follows.

(2) In section 9A(4)(5) (interim attachment), in the definition of “action”, for paragraph (b) substitute—

“(b) a simple procedure case (within the meaning of section 72(9) of the Courts Reform (Scotland) Act 2014); and”.

(3) Section 43 (power to provide for lay representation) is repealed.

(1) 1985 c.73.

(2) 1987 c.18.

(3) Section 15A was inserted by section 169 of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3).

(4) 2002 asp 17.

(5) Section 9A was inserted by section 173 of the Bankruptcy and Diligence etc. (Scotland) Act 2007.

PART 2

Modification of secondary legislation

The Small Claims (Scotland) Order 1988

4. The Small Claims (Scotland) Order 1988(6) is revoked.

The Legal Aid (Scotland) Act 1986 Amendment Regulations 1988

5. The Legal Aid (Scotland) Act 1986 Amendment Regulations 1988(7) are revoked.

The Transfer of Functions (Lord Advocate and Secretary of State) Order 1999

6. In the schedule of the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (functions transferred from the Lord Advocate to the Secretary of State)(8), omit the entry relating to the Sheriff Courts (Scotland) Act 1971.

The Small Claims (Scotland) Amendment Order 2007

7. The Small Claims (Scotland) Amendment Order 2007(9) is revoked.

Consequential amendment of transitory provisions

8.—(1) In article 6 of the All-Scotland Sheriff Court (Sheriff Personal Injury Court) Order 2015 (transitory provision: summary cause proceedings)(10)—

- (a) omit paragraph (1); and
- (b) in each of paragraphs (2) and (3), for “were” in each place where it occurs substitute “includes”.

(2) In the Courts Reform (Scotland) Act 2014 (Commencement No. 3, Transitional and Saving Provisions) Order 2015—

- (a) in article 10 (proceedings in an all-Scotland sheriff court: transfer to summary cause procedure)—
 - (i) omit paragraph (1);
 - (ii) in paragraph (2), for “were” substitute “include”; and
 - (iii) in paragraph (3), for “were” substitute “includes”;
- (b) in article 11 (remit of cases other than summary causes to the Court of Session)—
 - (i) omit paragraph (1); and
 - (ii) in paragraph (2), for “were” substitute “include”; and
- (c) in article 12 (summary sheriff to have competence in relation to summary causes)—
 - (i) omit paragraph (1); and
 - (ii) in paragraph (2), for “were” substitute “includes”.

(6) [S.I. 1988/1999](#) as amended by [S.S.I. 2007/496](#).

(7) [S.I. 1988/2289](#).

(8) [S.I. 1999/678](#). There are amendments to [S.I. 1999/678](#) not relevant to this Order.

(9) [S.S.I. 2007/496](#).

(10) [S.S.I. 2015/213](#).

Document Generated: 2023-08-30

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument:
The Courts Reform (Scotland) Act 2014 (Relevant Officer and Consequential Provisions) Order 2016 No. 387