

**2015 No. 378 (C. 47)**

**COURT OF SESSION**

**SHERIFF APPEAL COURT**

**SHERIFF COURT**

**The Courts Reform (Scotland) Act 2014 (Commencement No. 5,  
Transitional and Saving Provisions) Order 2015**

*Made* - - - - - *4th November 2015*

*Laid before the Scottish Parliament* *6th November 2015*

*Coming into force* - - - *1st January 2016*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 138(2) and (3) of the Courts Reform (Scotland) Act 2014<sup>(a)</sup> and all other powers enabling them to do so.

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the Courts Reform (Scotland) Act 2014 (Commencement No. 5, Transitional and Saving Provisions) Order 2015 and comes into force on 1st January 2016.

(2) In this Order—

“the Act” means the Courts Reform (Scotland) Act 2014; and

“the 1907 Act” means the Sheriff Courts (Scotland) Act 1907<sup>(b)</sup>.

**Appointed day**

**2.**—(1) Subject to paragraph (2), the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in the Schedule to this Order (the subject matter of which is specified in column 2 of that table) is 1st January 2016.

(2) Where a purpose is specified in column 3 of the table in the Schedule, a provision specified in column 1 of that table comes into force only for that purpose.

**Appeals – general**

**3.** Despite the repeal of sections 27 to 29 of the 1907 Act (appeals from sheriffs or sheriffs principal) by paragraph 4(e) of schedule 5 to the Act, those sections continue to apply—

(a) to a decision of a sheriff made before 1st January 2016; and

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(a) 2014 asp 18.

(b) 1907 c.51.

- (b) to an appeal against a decision of a sheriff principal in an appeal under section 27 of the 1907 Act.

**Appeals – summary causes**

4. In relation to a decision of a sheriff made on or after 1st January 2016, section 38 of the Sheriff Courts (Scotland) Act 1971(a) (appeal in summary causes) applies as if the references to the sheriff principal were references to the Sheriff Appeal Court.

**All-Scotland sheriff court: references to the Sheriff Appeal Court**

5. For article 8(1) of the Courts Reform (Scotland) Act 2014 (Commencement No. 3, Transitional and Saving Provisions) Order 2015(b) (all-Scotland sheriff court: references to the Sheriff Appeal Court), substitute—

“(1) Paragraphs (2) and (3) have effect in relation to any application made under section 69 or 71 of the Act before 1st January 2016.”.

*PAUL WHEELHOUSE*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
4th November 2015

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(a) 1971 c.58. Section 38 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73), section 18(4) and is prospectively repealed by the Courts Reform (Scotland) Act 2014, Schedule 5, paragraph 6(2).  
(b) S.S.I. 2015/247.

## SCHEDULE

Article 2

### Provisions of the Act coming into force on 1st January 2016

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provisions of the Act</i>	<i>Subject Matter</i>	<i>Purpose</i>
Sections 47 and 48	Sheriff Appeal Court – appeals and status of decisions in precedent	For all remaining purposes
Sections 109 to 112	Appeals to the Sheriff Appeal Court	
Sections 113 and 114	Appeals to the Court of Session	
Section 116	Effect of appeal	
Section 132	Modifications of enactments	For the purpose of bringing into force the provisions of schedule 5 listed in column 1 below
The following provisions of schedule 5—	Modifications of enactments	
Paragraph 4(e)	Repeal of sections 27 to 29 of the 1907 Act	
Paragraph 12(2) and (3)	Amendment of the Administration of Justice (Scotland) Act 1972	
Paragraph 13	Amendment of the Civil Jurisdiction and Judgments Act 1982	
Paragraph 14(4)	Amendment of the Legal Aid (Scotland) Act 1986	
Paragraph 32(3)	Amendment of the Court of Session Act 1988	

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force provisions of the Courts Reform (Scotland) Act 2014 (“the Act”). The provisions specified in column 1 of the table in the Schedule to the Order come into force on 1st January 2016. The subject matter of these provisions is set out in column 2 of the table, and where provisions are brought into force only for a limited purpose, this purpose is given in column 3.

Section 109 of the Act, which is brought into force by this Order with effect from 1st January 2016, abolishes appeals from the sheriff to the sheriff principal and provides for any such appeals to be heard instead by the Sheriff Appeal Court. Article 3 preserves the pre-existing statutory provisions for appeals from decisions of sheriffs or sheriffs principal in sections 27 to 29 of the Sheriff Courts (Scotland) Act 1907 (“the 1907 Act”), in relation to decisions of sheriffs before 1st January 2016. Where an appeal process begins before 1st January 2016 the 1907 Act provisions will apply in relation to any appeals to sheriffs principal or to the Inner House of the Court of Session.

Article 4 modifies the application of section 38 of the Sheriff Courts (Scotland) Act 1971 (“the 1971 Act”) in relation to decisions of sheriffs on or after 1st January 2016 to refer to the Sheriff Appeal Court rather than to the sheriff principal (given the abolition of appeals from the sheriff to the sheriff principal by section 109 of the Act). (It is intended that the commencement of the repeal of section 38 of the 1971 Act by paragraph 6(2) of schedule 5 to the Act will coincide with the replacement of summary cause procedure by the new simple procedure provided for by sections 72 to 83 of the Act).

Article 5 preserves the transitory provision in article 8 of the Courts Reform (Scotland) Act 2014 (Commencement No. 3, Transitional and Saving Provisions) Order 2015 for cases where applications relating to Sheriff Personal Injury Court proceedings are made to the sheriff principal before 1st January 2016.

The Act received Royal Assent on 10th November 2014. Sections 133, 134(1) and (3) and 135 to 139 came into force the following day.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 1 to 4	1st April 2015	2015/77
Section 5 (partially)	1st April 2015	2015/77
Section 5 (for all remaining purposes)	22nd September 2015	2015/247
Sections 6 to 9	1st April 2015	2015/77
Section 10 (partially)	1st April 2015	2015/77
Section 10 (for all remaining purposes)	22nd September 2015	2015/247
Sections 11 to 15	1st April 2015	2015/77
Section 16(1) to (11)	1st April 2015	2015/77
Sections 17 to 22	1st April 2015	2015/77
Section 23(5)	12th March 2015	2015/77
Section 23 (for all remaining purposes)	1st April 2015	2015/77
Sections 24 and 25	1st April 2015	2015/77
Sections 27 to 38	1st April 2015	2015/77
Section 39 (partially)	1st April 2015	2015/77
Section 39 (for all remaining purposes)	22nd September 2015	2015/247
Sections 40 to 43	1st April 2015	2015/77
Sections 44 and 45	22nd September 2015	2015/247
Section 46 (partially)	1st April 2015	2015/77

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 46 (for all remaining purposes)	22nd September 2015	2015/247
Sections 47 and 48 (partially)	22nd September 2015	2015/247
Sections 49 to 56	1st April 2015	2015/77
Section 57(1) and (2)	22nd September 2015	2015/247
Section 57(3) to (5)	1st April 2015	2015/77
Section 58	22nd September 2015	2015/247
Sections 59 to 62	1st April 2015	2015/77
Sections 63 to 71	22nd September 2015	2015/247
Section 72 (partially)	1st April 2015	2015/77
Sections 75 and 76	1st April 2015	2015/77
Section 79	22nd September 2015	2015/247
Section 81 (partially)	1st April 2015	2015/77
Section 86 (partially)	1st April 2015	2015/77
Sections 87 and 88	1st April 2015	2015/77
Section 89	22nd September 2015	2015/247
Sections 90 and 91	1st April 2015	2015/77
Sections 92 to 94	22nd September 2015	2015/247
Section 98	1st April 2015	2015/77
Section 99	22nd September 2015	2015/247
Section 102 (partially)	1st April 2015	2015/77
Sections 103 to 107	1st April 2015	2015/77
Section 108	22nd September 2015	2015/247
Section 115	1st April 2015	2015/77
Sections 117 and 118	22nd September 2015	2015/247
Section 119 (partially)	1st April 2015	2015/77
Section 119 (for all remaining purposes)	22nd September 2015	2015/247
Sections 120 to 122	22nd September 2015	2015/247
Section 123	1st April 2015	2015/77
Section 125	1st April 2015	2015/77
Section 127	1st April 2015	2015/77
Section 130 and paragraphs 1(1), (2), (6), (8) and (9) and 3(1) to (4) and (6) of schedule 4 (partially)	2nd February 2015	2015/12
Section 130 and schedule 4 (for all remaining purposes)	1st April 2015	2015/77
Section 131	1st April 2015	2015/77
Section 132 (for the purpose of bringing into force certain provisions of schedule 5)	1st April 2015	2015/77
Section 132 (for the purpose of bringing into force further provisions of schedule 5)	22nd September 2015	2015/247
Section 132 (for the purpose of bringing into force further provisions of schedule 5)	19th October 2015	2015/336
Section 134(2)	1st April 2015	2015/77
Schedule 1	22nd September 2015	2015/247
Schedule 2 (partially)	1st April 2015	2015/77
Schedule 2 (for all remaining purposes)	22nd September 2015	2015/247
Paragraphs 1 to 9, 10(1) to (3), (6) and (7), 11 to 21, 23, 24 and 26 of schedule 3	22nd September 2015	2015/247
Schedule 4		
The following provisions of schedule 5—		
Paragraphs 1 to 3	1st April 2015	2015/77
Paragraph 4(a) (partially)	1st April 2015	2015/77

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Paragraph 4(a) (for all remaining purposes)	22nd September 2015	2015/247
Paragraphs 4(b) and (c)	1st April 2015	2015/77
Paragraph 4(f) (partially)	1st April 2015	2015/77
Paragraph 5	1st April 2015	2015/77
Paragraph 6(1) and (2) (partially)	1st April 2015	2015/77
Paragraph 6(1) and (2) (partially)	22nd September 2015	2015/247
Paragraph 7	1st April 2015	2015/77
Paragraph 8	22nd September 2015	2015/247
Paragraphs 9 to 11	1st April 2015	2015/77
Paragraph 12(1) and (4)	1st April 2015	2015/77
Paragraph 14(1) to (3)	22nd September 2015	2015/247
Paragraph 15	22nd September 2015	2015/247
Paragraph 16	1st April 2015	2015/77
Paragraph 17	19th October 2015	2015/336
Paragraph 18	1st April 2015	2015/77
Paragraph 19	22nd September 2015	2015/247
Paragraphs 24 and 25	22nd September 2015	2015/247
Paragraph 26	1st April 2015	2015/77
Paragraphs 28 to 31	1st April 2015	2015/77
Paragraph 32(1), (2) and (4)	22nd September 2015	2015/247
Paragraph 33	22nd September 2015	2015/247
Paragraph 34	1st April 2015	2015/77
Paragraphs 36 to 38	1st April 2015	2015/77
Paragraphs 42 to 45	1st April 2015	2015/77

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