

## 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<sup>(1)</sup> are repealed—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<sup>(2)</sup> is amended as follows.

(2) In section 15A(3)<sup>(3)</sup> (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<sup>(4)</sup> is amended as follows.

(2) In section 9A(4)<sup>(5)</sup> (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(3) Section 43 (power to provide for lay representation) is repealed.

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(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.

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## 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”.

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(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](#).

## SCHEDULE 2

Article 3

### Repeal of the Vexatious Actions (Scotland) Act 1898

#### PART 1

##### Modification of primary legislation

###### **Law Reform (Miscellaneous Provisions) (Scotland) Act 1980**

1. Section 19 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980<sup>(11)</sup> (vexatious litigants) is repealed.

###### **Trade Union and Labour Relations (Consolidation) Act 1992**

2. In section 256A(4)(c) of the Trade Union and Labour Relations (Consolidation) Act 1992<sup>(12)</sup> (vexatious litigants), at the end, insert “or a vexatious litigation order made under section 100 of the Courts Reform (Scotland) Act 2014”.

#### PART 2

##### Modification of secondary legislation

###### **The Employment Tribunals Rules of Procedure 2013**

3. In rule 102 of the Employment Tribunals Rules of Procedure 2013<sup>(13)</sup> (vexatious litigants), after “Vexatious Actions (Scotland) Act 1898” insert “, section 100 of the Courts Reform (Scotland) Act 2014”.

## SCHEDULE 3

Article 3

### Sheriff Appeal Court: General amendments

#### PART 1

##### Modification of primary legislation

###### **Legal Aid (Scotland) Act 1986**

1.—(1) The Legal Aid (Scotland) Act 1986 is amended as follows.

(2) In section 28D (availability of children’s legal aid: child)<sup>(14)</sup>—

(a) in subsection (1), for “sheriff principal” substitute “Sheriff Appeal Court”; and

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(11) 1980 c.55.

(12) 1992 c.52. Section 256A was inserted by the Employment Relations Act 1999 (c.26). There are amendments to section 256A not relevant to this Order.

(13) The Employment Tribunals Rules of Procedure 2013 are set out in schedule 1 of S.I. 2013/1237.

(14) Section 28D was inserted by section 191 of the Children’s Hearings (Scotland) Act 2011 (asp 1; “the 2011 Act”).

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- (b) in subsection (4) , for “sheriff principal” substitute “Sheriff Appeal Court”.
- (3) In section 28E (availability of children’s legal aid: relevant person)(**15**)—
  - (a) in subsection (1)(b), for “sheriff principal” substitute “Sheriff Appeal Court”; and
  - (b) in subsection (4), for “sheriff principal” substitute “Sheriff Appeal Court”.
- (4) In section 28F(1) (availability of children’s legal aid: appeals relating to deemed relevant person)(**16**)—
  - (a) in paragraph (d), for “sheriff principal” substitute “Sheriff Appeal Court”; and
  - (b) in paragraph (e)—
    - (i) for “sheriff principal” substitute “Sheriff Appeal Court”; and
    - (ii) for “sheriff principal’s” substitute “Sheriff Appeal Court’s”.
- (5) In section 28LA (power of Scottish Ministers to provide for children’s legal aid to be available to other persons in relation to court proceedings)(**17**)—
  - (a) in subsection (3)(d), for “sheriff principal” substitute “Sheriff Appeal Court”; and
  - (b) in subsection (5)(c), for “sheriff principal” substitute “Sheriff Appeal Court”.

#### **Proceeds of Crime (Scotland) Act 1995**

**2.** In section 30(5)(c) of the Proceeds of Crime (Scotland) Act 1995(**18**) (restraint orders in relation to forfeitable property), after “, as the case may be,” insert “the Sheriff Appeal Court or”.

#### **Proceeds of Crime Act 2002**

**3.** In section 92(13) of the Proceeds of Crime Act 2002(**19**) (making of confiscation order), after “High Court of Justiciary” insert “, the Sheriff Appeal Court”.

#### **Antisocial Behaviour etc. (Scotland) Act 2004**

**4.** In section 72(6) of the Antisocial Behaviour etc. (Scotland) Act 2004(**20**) (appeals against orders under section 71), for “sheriff principal” substitute “Sheriff Appeal Court”.

#### **Tobacco and Primary Medical Services (Scotland) Act 2010**

**5.** In section 18(2) of the Tobacco and Primary Medical Services (Scotland) Act 2010(**21**) (tobacco retailing banning orders etc.: notification to Scottish Ministers), for “sheriff principal” substitute “Clerk of the Sheriff Appeal Court”.

#### **Public Records (Scotland) Act 2011**

**6.** In the schedule of the Public Records (Scotland) Act 2011(**22**) (authorities to which Part 1 applies), under the heading “Others”, after the entry relating to the Sheriff courts insert—  
“Sheriff Appeal Court”.

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(15) Section 28E was inserted by section 191 of the 2011 Act.

(16) Section 28F was inserted by section 191 of the 2011 Act and amended by paragraph 3(2) of schedule 5 of the Children and Young People (Scotland) Act 2014 (asp 8).

(17) Section 28LA was inserted by section 92 of the Children and Young People (Scotland) Act 2014.

(18) 1995 c.43.

(19) 2002 c.29. Section 92 was amended by the Serious Crime Act 2015 (c.9), schedule 4, paragraph 35.

(20) 2004 asp 8.

(21) 2010 asp 3.

(22) 2011 asp 12. There are amendments to the schedule not relevant to this Order.

### **Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011**

7.—(1) The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011<sup>(23)</sup> is amended as follows.

(2) In section 4 (power to make forced marriage protection orders without application, etc.)—

(a) in subsection (2)—

(i) in paragraph (a), after “sheriff” insert “, the Sheriff Appeal Court”; and

(ii) in paragraph (b), after “sheriff” insert “, the Sheriff Appeal Court”; and

(b) in subsection (3), after “sheriff” insert “, the Sheriff Appeal Court”.

(3) In section 14 (interpretation of Part), in the definition of “court”, at the end insert “and in sections 1, 2, 4 and 5 includes the Sheriff Appeal Court”.

## **PART 2**

### **Modification of secondary legislation**

#### **The Antisocial Behaviour Notice (Appeals against Order as to Rent Payable) (Scotland) Regulations 2005**

8. In regulation 2(b) of the Antisocial Behaviour Notice (Appeals against Order as to Rent Payable) (Scotland) Regulations 2005<sup>(24)</sup>, for “sheriff principal” substitute “Sheriff Appeal Court”.

#### **Children’s Legal Assistance (Scotland) Regulations 2013**

9.—(1) The Children’s Legal Assistance (Scotland) Regulations 2013<sup>(25)</sup> are amended as follows.

(2) In regulation 5(1) (children’s legal aid: individual), after “, sheriff principal or in” insert “the Sheriff Appeal Court or”.

(3) In regulation 6(2) (distinct proceedings)—

(a) in sub-paragraph (j) for “sheriff principal” substitute “Sheriff Appeal Court”;

(b) in sub-paragraph (k) for “sheriff principal” substitute “Sheriff Appeal Court”;

(c) in sub-paragraph (l) for “sheriff principal” substitute “Sheriff Appeal Court”;

(d) in sub-paragraph (m) for “sheriff principal” substitute “Sheriff Appeal Court”;

(e) in sub-paragraph (n) for “sheriff principal” substitute “Sheriff Appeal Court”;

(f) in sub-paragraph (o) for “sheriff principal” substitute “Sheriff Appeal Court”; and

(g) in sub-paragraph (q) for “sheriff principal” substitute “Sheriff Appeal Court”.

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<sup>(23)</sup> 2011 asp 15.

<sup>(24)</sup> S.S.I. 2005/560.

<sup>(25)</sup> S.S.I. 2013/200.

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## SCHEDULE 4

Article 3

### Sheriffs, summary sheriffs and stipendiary magistrates

## PART 1

### Modification of primary legislation

#### **Scottish Land Court Act 1993**

1. In section 1(4) of the Scottish Land Court Act 1993<sup>(26)</sup> (the Land Court), the words “appointed under section 11” and “appointed under section 11A (appointment of part-time sheriffs) of the Sheriff Courts (Scotland) Act 1971” are repealed.

#### **Local Government etc. (Scotland) Act 1994**

2. Section 50 of the Local Government etc. (Scotland) Act 1994<sup>(27)</sup> (stipendiary magistrates) is repealed.

#### **Police and Fire Reform (Scotland) Act 2012**

3. In section 20(1)(e) of the Police and Fire Reform (Scotland) Act 2012<sup>(28)</sup> (constables: general duties), for “sheriff, justice of the peace or stipendiary magistrate” substitute “sheriff, summary sheriff or justice of the peace”.

## PART 2

### Modification of secondary legislation

#### **Justices of the Peace (Scotland) Order 2007**

4.—(1) The Justices of the Peace (Scotland) Order 2007<sup>(29)</sup> is amended as follows.

(2) In article 5(3) (appointments to JPAC), after “sheriff” in the second and third places where it occurs insert “or summary sheriff”.

(3) In article 7 (appointments to JPAC – procedure)—

- (a) in paragraph (1)(a), after “sheriff” insert “or summary sheriff”; and
- (b) in paragraph (2), after “sheriff” insert “or summary sheriff”.

<sup>(26)</sup> 1993 c.45. Section 1(4) was amended by the Bail, Judicial Appointments etc. (Scotland) Act 2000 (asp 9), schedule 1, paragraph 6.

<sup>(27)</sup> 1994 c.39. There are amendments to the Local Government etc. (Scotland) Act 1994 not relevant to this Order.

<sup>(28)</sup> 2012 asp 8. There are amendments to section 20 not relevant to this Order.

<sup>(29)</sup> S.S.I. 2007/210.