



# Sheriff Courts (Scotland) Act 1971

## 1971 CHAPTER 58

### PART I

#### CONSTITUTION, ORGANISATION AND ADMINISTRATION

##### *F1* General duty of the Secretary of State

##### Textual Amendments

**F1** Act (except for ss. 2(3), 3(4)) repealed (S.) (1.4.2015 except for the repeal of ss. 31, 35, 36(2)(3), 36A, 36B, 37, 38, 45, 22.9.2015 for the repeal of ss. 31, 37(1)(b)(2A)(2D), 28.11.2016 for the repeal of ss. 35(2)-(4), 36A, 36B, 37(2B)(2C) and the repeal of specified words in s. 38(b)) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 5 para. 6\(2\)](#); S.S.I. 2015/77, art. 2(2)(3), [sch.](#) (with art. 7); S.S.I. 2015/247, art. 2, [sch.](#) (with art. 9); S.S.I. 2016/291, art. 2, [sch.](#) (with art. 3(1)(2))

#### **1 Secretary of State to be responsible for organisation and administration of sheriff courts.**

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##### *Sheriffdoms*

#### **2 Power of Secretary of State to alter sheriffdoms.**

**F1**(1) .....

**F1**(2) .....

**F1**(2A) .....

**F1**(2B) .....

**F2**(3) .....

*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Sheriff Courts (Scotland) Act 1971, Part I. (See end of Document for details)*

- <sup>F1</sup>(4) .....
- <sup>F1</sup>(5) .....

#### Textual Amendments

- F1** Act (except for ss. 2(3), 3(4)) repealed (S.) (1.4.2015 except for the repeal of ss. 31, 35, 36(2)(3), 36A, 36B, 37, 38, 45, 22.9.2015 for the repeal of ss. 31, 37(1)(b)(2A)(2D), 28.11.2016 for the repeal of ss. 35(2)-(4), 36A, 36B, 37(2B)(2C) and the repeal of specified words in s. 38(b)) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **sch. 5 para. 6(2)**; S.S.I. 2015/77, art. 2(2)(3), sch. (with art. 7); S.S.I. 2015/247, art. 2, sch. (with art. 9); S.S.I. 2016/291, art. 2, sch. (with art. 3(1)(2))
- F2** S. 2(3) repealed (1.4.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions and Modifications\) Order 2015 \(S.I. 2015/700\)](#), arts. 1(4), **2(3)**

*Sheriff court districts and places where sheriff courts are to be held*

### 3 Sheriff court districts and places where sheriff courts are to be held.

- <sup>F1</sup>(1) .....
- <sup>F1</sup>(2) .....
- <sup>F1</sup>(2A) .....
- <sup>F1</sup>(2B) .....
- <sup>F1</sup>(3) .....
- <sup>F3</sup>(4) .....
- <sup>F1</sup>(5) .....
- <sup>F1</sup>(5A) .....
- <sup>F1</sup>(6) .....

#### Textual Amendments

- F1** Act (except for ss. 2(3), 3(4)) repealed (S.) (1.4.2015 except for the repeal of ss. 31, 35, 36(2)(3), 36A, 36B, 37, 38, 45, 22.9.2015 for the repeal of ss. 31, 37(1)(b)(2A)(2D), 28.11.2016 for the repeal of ss. 35(2)-(4), 36A, 36B, 37(2B)(2C) and the repeal of specified words in s. 38(b)) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **sch. 5 para. 6(2)**; S.S.I. 2015/77, art. 2(2)(3), sch. (with art. 7); S.S.I. 2015/247, art. 2, sch. (with art. 9); S.S.I. 2016/291, art. 2, sch. (with art. 3(1)(2))
- F3** S. 3(4) repealed (1.4.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions and Modifications\) Order 2015 \(S.I. 2015/700\)](#), arts. 1(4), **2(3)**

<sup>F1</sup> *Sheriffs principal and sheriffs*

### 4 Offices of sheriff principal and sheriff.

- <sup>F4F5</sup> .....

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

*Changes to legislation: There are currently no known outstanding effects for the Sheriff Courts (Scotland) Act 1971, Part I. (See end of Document for details)*

### Textual Amendments

- F4** S. 4 repealed (E.W.N.I) (1.4.2015 for specified purposes, 22.9.2015 for specified purposes) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions and Modifications\) Order 2015 \(S.I. 2015/700\)](#), art. 1(11)(e), [Sch. para. 6](#)
- F5** Act (except for ss. 2(3), 3(4)) repealed (S.) (1.4.2015 except for the repeal of ss. 31, 35, 36(2)(3), 36A, 36B, 37, 38, 45, 22.9.2015 for the repeal of ss. 31, 37(1)(b)(2A)(2D)) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 5 para. 6\(2\)](#); S.S.I. 2015/77, art. 2(2)(3), [sch.](#) (with art. 7); S.S.I. 2015/247, art. 2, sch. (with art. 9)

## **5 Qualification for offices of sheriff principal and sheriff.**

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## **5A Retiring age for sheriff principal and sheriff.**

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## **6 Disqualification of sheriffs principal and sheriffs.**

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## **7 Jurisdiction of sheriff.**

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## **8 Sheriff may be appointed to assist Secretary of State.**

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<sup>F1</sup> *Functions of the Secretary of State in relation to sheriffs principal, sheriffs, et cetera*laetc.

## **9 Power of Secretary of State to give administrative directions.**

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## **10 Secretary of State may authorise sheriff principal or direct sheriff to act in another sheriffdom.**

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## **11 Secretary of State may appoint temporary sheriffs principal and sheriffs.**

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## **11A Appointment of part-time sheriffs**

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

*Changes to legislation: There are currently no known outstanding effects for the Sheriff Courts (Scotland) Act 1971, Part I. (See end of Document for details)*

**11B Limitation, termination etc. of appointment of part-time sheriffs**

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**11C Removal of part-time sheriffs from office**

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**11D Regulations and orders under sections 11A and 11C**

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**12 Removal from office, and suspension, of sheriff principal or sheriff.**

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*<sup>F1</sup>Consideration of fitness for, and removal from, shrieval office*

**12A Tribunal to consider fitness for shrieval office**

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**12B Suspension during investigation**

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**12C Further provision about tribunals**

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**12D Report of tribunal**

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**12E Removal from office**

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**12F Interpretation of sections 12A to 12E**

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**13 Functions of Secretary of State with respect to residence and leave of absence of sheriffs principal.**

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**14 Functions of Secretary of State with respect to number, residence and place of duties of sheriffs.**

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

*Changes to legislation: There are currently no known outstanding effects for the Sheriff Courts (Scotland) Act 1971, Part 1. (See end of Document for details)*

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**14A Re-employment of retired sheriffs principal and sheriffs**

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*<sup>F1</sup> Functions of the sheriff principal in relation to sheriffs, et cetera etc.*

**15 Efficient disposal of business in sheriff courts**

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**16 Functions of sheriff principal with respect to duties and leave of absence of sheriffs.**

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**17 Sheriff principal may fix sittings and business of sheriff courts in sheriffdom, and sessions for civil business.**

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**17A Lord President's power to exercise functions in sections 15 to 17**

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**18 Secretary of State may exercise certain functions of sheriff principal in certain circumstances.**

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*<sup>F1</sup> Miscellaneous*

**19 Travelling allowances for sheriffs principal.**

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**20 Extension of purposes for which Lord Advocate may give instructions to procurators fiscal.**

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**21** .....

**22 Saving for existing functions.**

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**Status:**

Point in time view as at 01/04/2015.

**Changes to legislation:**

There are currently no known outstanding effects for the Sheriff Courts (Scotland) Act 1971, Part I.