



Sheriff Courts and Legal Officers (Scotland) Act 1927

1927 CHAPTER 35 17 and 18 Geo 5

PART I

SHERIFF CLERKS, PROCURATORS FISCAL, &C.

1 Appointment of sheriff clerk and procurator fiscal.

- (1) The right of appointing to and removing from the office of sheriff clerk shall be vested in [^{F1}the Scottish Court Service]^{F1}. There shall be a sheriff clerk for each [^{F2}sheriffdom] in Scotland as heretofore, provided that it shall be lawful for the [^{F3}Scottish Court Service]^{F3}, where the division of sheriff court districts or other circumstances appear to [^{F4}it]^{F4} to render such a course expedient, to appoint a sheriff clerk for an area other than a [^{F2}sheriffdom] whether situated entirely within one [^{F2}sheriffdom] or not.
 - (2) The right of appointing to and removing from the office of procurator fiscal shall be vested in the Lord Advocate, and the Lord Advocate may ^{F5} . . . from time to time fix the number of procurators fiscal in Scotland, and the limits of the districts for which such procurators fiscal shall act.
 - (3) Notwithstanding anything in either of the foregoing subsections [^{F6}but subject to subsections (4) and (5) below], no sheriff clerk or procurator fiscal shall be removed from his office except upon a report by the Lord President of the Court of Session and the Lord Justice Clerk:
Provided that no such report shall be required in any case of retirement of a sheriff clerk or procurator fiscal in circumstances which would qualify him for an award under [^{F7}the principal civil service pension scheme within the meaning of section 2 of the ^{M1}Superannuation Act 1972 and for the time being in force], or in consequence of the operation of an age limit.
- [^{F8}(4) The right vested—
- (a) in the [^{F9}Scottish Court Service]^{F9} under subsection (1) above shall include the right to transfer the sheriff clerk of one sheriff court district to an office,

Changes to legislation: There are currently no known outstanding effects for the Sheriff Courts and Legal Officers (Scotland) Act 1927, Section 1. (See end of Document for details)

whether of sheriff clerk or (however styled) of sheriff clerk depute, in another sheriff court district;

- (b) in the Lord Advocate under subsection (2) above shall include the right to transfer the procurator fiscal of one district to an office, whether of procurator fiscal or (however styled) of procurator fiscal depute, in another district,

where in the opinion of the [^{F9}Scottish Court Service]^{F9} or, as the case may be, of the Lord Advocate the transfer is for the purpose of securing efficient organisation and administration.

- (5) It is hereby declared that, for the purposes of subsection (3) above, a transfer under subsection (4) above is not a removal from office.]

- [^{F10}(6) For the purposes of subsection (3) above, the appointment of a sheriff clerk as Clerk of the Sheriff Appeal Court under section 59 of the Courts Reform (Scotland) Act 2014 is not a removal from office.]

Textual Amendments

- F1** Words in s. 1(1) substituted (1.4.2010) by Judiciary and Courts (Scotland) Act 2008 (asp 6), ss. 63(4), 76(1), **Sch. 4 para. 2(2)(a)(i)**; S.S.I. 2010/39, **art. 2(b)**, Sch.
- F2** Word substituted by virtue of Sheriff Courts (Scotland) Act 1971 (c. 58), **Sch. 1 para. 1**
- F3** Words in s. 1(1) substituted (1.4.2010) by Judiciary and Courts (Scotland) Act 2008 (asp 6), ss. 63(4), 76(1), **Sch. 4 para. 2(2)(a)(ii)**; S.S.I. 2010/39, **art. 2(b)**, Sch.
- F4** Word in s. 1(1) substituted (1.4.2010) by Judiciary and Courts (Scotland) Act 2008 (asp 6), ss. 63(4), 76(1), **Sch. 4 para. 2(2)(a)(iii)**; S.S.I. 2010/39, **art. 2(b)**, Sch.
- F5** Words in s. 1(2) repealed (1.7.1999) by 1998 c. 46, s. 125(1)(2), Sch. 8 para. 3(2), **Sch. 9** (with s. 126(3)-(11)); S.I. 1998/3178, **art. 2(1)**
- F6** Words inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 36:1), **s. 47(a)**
- F7** Words substituted by Superannuation Act 1972 (c. 11), s. 29, **Sch. 6 para. 9**
- F8** S. 1(4)(5) added by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73, SIF 36:1), **s. 47(b)**
- F9** Words in s. 1(4) substituted (1.4.2010) by Judiciary and Courts (Scotland) Act 2008 (asp 6), ss. 63(4), 76(1), **Sch. 4 para. 2(2)(b)**; S.S.I. 2010/39, **art. 2(b)**, Sch.
- F10** S. 1(6) inserted (1.4.2015) by Courts Reform (Scotland) Act 2014 (asp 18), s. 138(2), **Sch. 5 para. 10**; S.S.I. 2015/77, **art. 2(2)(3)**, Sch.

Marginal Citations

- M1** 1972 c. 11.

Changes to legislation:

There are currently no known outstanding effects for the Sheriff Courts and Legal Officers (Scotland) Act 1927, Section 1.