

SCHEDULE

Article 10

MODIFICATION OF ENACTMENTS

Vexatious Actions (Scotland) Act 1898

1. The Vexatious Actions (Scotland) Act 1898(1) is repealed.

Execution of Diligence (Scotland) Act 1926

2. Section 6 of the Execution of Diligence (Scotland) Act 1926(2) (regulations, forms and fees) is repealed.

Incitement to Disaffection Act 1934

3. In section 4 of the Incitement to Disaffection Act 1934(3), subsection (2)(c) (honorary sheriffs) is repealed.

Public Order Act 1936

4. In section 8 of the Public Order Act 1936(4), subsection (4) (honorary sheriffs) is repealed.

Judicial Offices (Salaries, &c.) Act 1952

5. The Judicial Offices (Salaries, &c.) Act 1952(5) is repealed.

Sheriff Courts (Scotland) Act 1971

6. Section 4 of the Sheriff Courts (Scotland) Act 1971(6) (offices of sheriff principal and sheriff) is repealed.

Administration of Justice Act 1973

7. In section 9 of the Administration of Justice Act 1973(7) (judicial salaries), in subsection (5), for “other salaries payable under this section” substitute “salaries payable under subsection (1)(e)”.

House of Commons Disqualification Act 1975

- 8.—(1) Part 1 of Schedule 1 to the House of Commons Disqualification Act 1975(8) (judicial offices) is amended as follows.

(2) For the entry for “Judge of the Court of Session, or Temporary Judge appointed under the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990” substitute—

“Judge of the Court of Session, or Temporary Judge in Scotland”.

(1) 1898 c.35.

(2) 1926 c.16.

(3) 1934 c.56.

(4) 1936 c.6.

(5) 1952 c.12.

(6) 1971 c.58.

(7) 1973 c.15; section 9(5) was amended by the Justice (Northern Ireland) Act 2002 (c.26), Schedule 12, paragraph 11.

(8) 1975 c.24; Schedule 1, Part 1 was relevantly amended by S.I. 1997/861, Schedule 1, paragraph 1 and S.I. 2010/762, Schedule 1, paragraph 3.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) For the entry for “Sheriff Principal or Sheriff (other than Honorary Sheriff) appointed under the Sheriff Courts (Scotland) Act 1907, or Temporary Sheriff Principal or part-time sheriff appointed under the Sheriff Courts (Scotland) Act 1971” substitute—

“Sheriff principal, sheriff, summary sheriff, temporary sheriff principal, part-time sheriff or part-time summary sheriff in Scotland”.

(4) The entry for “Stipendiary Magistrate in Scotland” is repealed.

Northern Ireland Assembly Disqualification Act 1975

9.—(1) Part 1 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975(9) (judicial offices) is amended as follows.

(2) For the entry for “Sheriff Principal or Sheriff (other than Honorary Sheriff) appointed under the Sheriff Courts (Scotland) Act 1907, or Temporary Sheriff Principal or Temporary Sheriff appointed under the Sheriff Courts (Scotland) Act 1971” substitute—

“Sheriff principal, sheriff, summary sheriff, temporary sheriff principal, part-time sheriff or part-time summary sheriff in Scotland”.

(3) The entry for “Stipendiary Magistrate in Scotland” is repealed.

Interpretation Act 1978

10. In Schedule 1 to the Interpretation Act 1978(10) (words and expressions defined), for the entry for “Sheriff” substitute—

““Sheriff” is to be construed in accordance with section 134(2) and (3) of the Courts Reform (Scotland) Act 2014.”.

Civil Jurisdiction and Judgments Act 1982

11.—(1) The Civil Jurisdiction and Judgments Act 1982(11) is amended as follows.

(2) In section 20(3) (rules as to jurisdiction in Scotland)—

(a) for the opening words substitute “Section 43 of the Courts Reform (Scotland) Act 2014 does not apply—”;

(b) in paragraph (a), the words “to the extent that it determines jurisdiction” are repealed.

(3) In section 50 (interpretation), in the definition of “court of law”, in paragraph (c) after “Session” insert “, the Sheriff Appeal Court”.

Child Support Act 1991

12.—(1) The Child Support Act 1991(12) is amended as follows.

(2) In section 39(2) (enforcement in Scotland of orders made elsewhere in the UK), for the words from “section” to “court” substitute “section 104 of the Courts Reform (Scotland) Act 2014 (power to regulate procedure etc. in the sheriff court and Sheriff Appeal Court)”.

(3) Section 49 (right of audience: Scotland) is repealed.

(9) 1975 c.25.

(10) 1978 c.30.

(11) 1982 c.27; section 20(3) of that Act was amended by S.I. 2011/1484, Schedule 4, paragraph 4. There are amendments to section 50 of that Act which are not relevant to this Order.

(12) 1991 c.48.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Constitutional Reform Act 2005

13. In section 40 of the Constitutional Reform Act 2005(**13**) (jurisdiction of the Supreme Court), subsection (3) is repealed.

Judiciary and Courts (Scotland) Act 2008 (Consequential Provisions and Modifications) Order 2009

14.—(1) The Judiciary and Courts (Scotland) Act 2008 (Consequential Provisions and Modifications) Order 2009(**14**) is amended as follows.

(2) In article 2 (status of the Scottish Court Service as part of the Scottish Administration)—

- (a) for “Court Service established by section 60(1) of the 2008 Act” substitute “Courts and Tribunals Service”;
- (b) the title of that article becomes “Status of the Scottish Courts and Tribunals Service as part of the Scottish Administration”.

(3) In article 3 (construction of references to an office-holder in the Scottish Administration), in paragraph (1) for “Court Service established by section 60(1) of the 2008 Act” substitute “Courts and Tribunals Service”.

(13) 2005 c.4.

(14) S.I. 2009/2231.