



Judiciary and Courts (Scotland) Act 2008

2008 asp 6

PART 3

THE COURTS

Sheriff courts

49 Lord President's default power

- (1) The 1971 Act is amended as follows.
- (2) After section 17 insert—

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

- (1) Subsection (2) applies where in any case the Lord President considers that the exercise by the sheriff principal of a sheriffdom of a function conferred by any of sections 15 to 17 of this Act—
 - (a) is prejudicial to the efficient disposal of business in the sheriff courts of that sheriffdom,
 - (b) is prejudicial to the efficient organisation or administration of those sheriff courts, or
 - (c) is otherwise against the interests of the public.
- (2) The Lord President may in that case—
 - (a) rescind the sheriff principal's exercise of the function, and
 - (b) exercise the function.
- (3) Subsection (2)(b) applies where in any case the Lord President considers that the failure of the sheriff principal of a sheriffdom to exercise a function conferred by any of sections 15 to 17 of this Act—
 - (a) is prejudicial to the efficient disposal of business in the sheriff courts of that sheriffdom,
 - (b) is prejudicial to the efficient organisation or administration of those sheriff courts, or
 - (c) is otherwise against the interests of the public.

Status: This is the original version (as it was originally enacted).

- (4) The exercise of a function by the Lord President by virtue of subsection (2) (b) is to be treated as if it were the exercise of the function by the sheriff principal.”.
- (3) Section 18 (Scottish Ministers' default power) is repealed.