

COURTS REFORM (SCOTLAND) ACT 2014

EXPLANATORY NOTES

THE ACT

Part 1 - Sheriff Courts

Chapter 1 - Sheriffdoms, sheriff court districts and sheriff courts

Section 2 – Power to alter sheriffdoms, sheriff court districts and sheriff courts

23. **Section 2** updates the powers to alter sheriffdoms and sheriff court districts in sections 2(1) and 3(2) of the Sheriff Courts (Scotland) Act 1971, combining the two powers into one section, and also adds new provisions. Previously the Scottish Ministers were only able to make changes with the consent of the Lord President of the Court of Session and the Scottish Court Service, the latter being placed under a duty to consult parties who are likely to have an interest. This meant that the Scottish Court Service first had to consult, the Scottish Ministers then made an order and then the Lord President had to consent to the order including further consultation with, for example, the sheriffs principal. The process was bureaucratic and not well sequenced. The provisions now set out in subsections (2) to (5) make the process more straightforward. Firstly, the SCTS (as the SCS is renamed by section 130 of the Act) must consult such persons as it considers appropriate before submitting a proposal under subsection (1). Then it may, with the agreement of the Lord President, submit a proposal to the Scottish Ministers. The Scottish Ministers must then consider the proposal, and decide whether to make an order and what provision to make in the order. The making of the order is subject to the consent of the SCTS and the Lord President. The order made by the Scottish Ministers is subject to the affirmative procedure.