

COURTS REFORM (SCOTLAND) ACT 2014

EXPLANATORY NOTES

THE ACT

Part 2 - Sheriff Appeal Court

Chapter 3 - Organisation of business

President and Vice President

Section 54 – President and Vice President of the Sheriff Appeal Court

Section 55 – President and Vice President: incapacity and suspension

93. Sections 54 and 55 make provision for the appointment of the President and Vice President of the Sheriff Appeal Court who will be appointed from the ranks of those Appeal Sheriffs who are also sheriffs principal. Provision is also made here for where the President or Vice President is unable to carry out the function of the office that these individuals hold or is suspended from office. It is intended that the role of the President and Vice President will be purely administrative and will be concerned solely with the organisation of sittings of the Sheriff Appeal Court. Accordingly the President or Vice President will, in terms of judicial functions or judicial authority, not be treated as a more senior Appeal Sheriff to an Appeal Sheriff who does not hold that role.

Disposal of business

Section 56 – President’s responsibility for efficient disposal of business

94. The President of the Sheriff Appeal Court is tasked with the organisation of the efficient disposal of business in the Court similar to the sheriff principal’s responsibility for this in his or her sherriffdom (see section 27). The President has wide powers in subsection (2) to make such arrangements as are necessary or expedient in the carrying out of that responsibility. Subsection (4) provides that, in carrying out the responsibility imposed by subsection (1), the President may give administrative directions to those persons referred to in subsection (5). Subsection (6) makes it clear however that the President’s responsibilities conferred by this section are subject to the overall responsibility of the Lord President for the efficient disposal of business in the Scottish courts.

Sittings

Section 57 – Sittings of the Sheriff Appeal Court

95. Subsection (1) permits maximum flexibility to allow the Sheriff Appeal Court to sit at any place in Scotland designated by the Act as a place for the holding of a sheriff court (which may be as general as a reference to a town or city – see sections 1 and 2). For example, this means that, although the Sheriff Appeal Court could sit centrally in Edinburgh for criminal appeals, there will remain the possibility of civil appeals being

*These notes relate to the Courts Reform (Scotland) Act 2014
(asp 18) which received Royal Assent on 10 November 2014*

heard in the sheriffdom in which they originated. (This also includes the possibility that criminal and civil appeals could be heard in Parliament House in Edinburgh as “Edinburgh” is currently (and will remain) a place designated where a sheriff court is to be held.) Under subsection (5), these arrangements are subject to the overall responsibility for the efficient disposal of business in the Scottish courts placed on the Lord President.

Section 58 – Rehearing of pending case by a larger Court

96. **Section 58** provides for the Appeal Sheriffs to determine that a case be reheard by a fuller bench of the Sheriff Appeal Court in circumstances where they are equally divided or where they consider the matter to merit such treatment.