



Courts Reform (Scotland) Act 2014

2014 asp 18

PART 1

SHERIFF COURTS

CHAPTER 2

JUDICIARY OF THE SHERIFFDOMS

Re-employment of former holders of certain judicial offices

12 Re-employment of former judicial office holders

- (1) A sheriff principal of a sheriffdom may appoint—
 - (a) a qualifying former sheriff principal to act as a sheriff of the sheriffdom,
 - (b) a qualifying former sheriff to act as such a sheriff,
 - (c) a qualifying former part-time sheriff to act as such a sheriff,
 - (d) a qualifying former summary sheriff to act as a summary sheriff of the sheriffdom,
 - (e) a qualifying former part-time summary sheriff to act as such a summary sheriff.
- (2) An individual appointed to act as mentioned in any of paragraphs (a) to (e) of subsection (1) may so act only during such periods or on such occasions as the sheriff principal may determine.
- (3) A sheriff principal may make an appointment under subsection (1) only if it appears to the sheriff principal to be expedient as a temporary measure in order to facilitate the disposal of business in the sheriff courts of the sheriffdom.
- (4) A “qualifying former sheriff principal” is an individual who—
 - (a) ceased to hold that office other than by virtue of an order under section 25, and
 - (b) has not reached the age of 75.
- (5) A “qualifying former sheriff” is an individual who—

Status: This is the original version (as it was originally enacted).

- (a) ceased to hold that office other than—
 - (i) by virtue of an order under section 25, or
 - (ii) by being appointed as a sheriff principal, and
 - (b) has not reached the age of 75.
- (6) A “qualifying former part-time sheriff” is an individual who—
- (a) ceased to hold that office other than—
 - (i) by virtue of removal under section 25,
 - (ii) by virtue of not being reappointed to the office on either of the grounds mentioned in section 9(1)(b) and (c), or
 - (iii) by being appointed as a sheriff principal, and
 - (b) has not reached the age of 75.
- (7) A “qualifying former summary sheriff” is an individual who—
- (a) ceased to hold that office other than—
 - (i) by virtue of an order under section 25, or
 - (ii) by being appointed as a sheriff, and
 - (b) has not reached the age of 75.
- (8) A “qualifying former part-time summary sheriff” is an individual who—
- (a) ceased to hold that office other than—
 - (i) by virtue of removal under section 25,
 - (ii) by virtue of not being reappointed to the office on either of the grounds mentioned in section 11(1)(b) and (c), or
 - (iii) by being appointed as a sheriff, and
 - (b) has not reached the age of 75.

13 Re-employment of former judicial office holders: further provision

- (1) Subject to subsection (4), an individual’s appointment under section 12(1) lasts until the sheriff principal by whom the individual was appointed (or a successor to that sheriff principal) recalls the individual’s appointment.
- (2) An individual appointed under section 12(1) to act as a sheriff of a sheriffdom may exercise in the sheriffdom the jurisdiction and powers that attach to the office of sheriff, and does not need a commission for that purpose.
- (3) An individual appointed under section 12(1) to act as a summary sheriff of a sheriffdom may exercise in the sheriffdom the jurisdiction and powers that attach to the office of summary sheriff, and does not need a commission for that purpose.
- (4) An individual’s appointment under section 12(1) ceases when the individual reaches the age of 75.
- (5) Despite the ending (whether by virtue of subsection (4) or otherwise) of an individual’s appointment under section 12(1)—
 - (a) the individual may continue to deal with, give judgment in or deal with an ancillary matter relating to, a case begun before the individual while acting under that appointment,
 - (b) so far as necessary for that purpose, and for the purpose of any subsequent proceedings arising out of the case or matter, the individual is to be treated as acting or, as the case may be, having acted under that appointment.