



# Courts Reform (Scotland) Act 2014

## 2014 asp 18

### PART 1

#### SHERIFF COURTS

#### CHAPTER 3

#### ORGANISATION OF BUSINESS

##### *Judicial specialisation*

#### **34 Determination of categories of case for purposes of judicial specialisation**

- (1) The Lord President of the Court of Session may, by direction, determine categories of sheriff court case that the Lord President considers to be suited to being dealt with by judicial officers that specialise in the category of case.
- (2) The Lord President may determine categories of case under subsection (1) by reference to subject matter, value or such other criteria as the Lord President considers appropriate.
- (3) The Lord President may issue different directions under subsection (1) in relation to different types of judicial officer.
- (4) The Lord President may vary or revoke any direction made under subsection (1).
- (5) In this section—
  - “judicial officer” means—
    - (a) a sheriff,
    - (b) a summary sheriff,
    - (c) a part-time sheriff,
    - (d) a part-time summary sheriff,
  - “sheriff court case” means any type of proceedings (whether civil or criminal) that may competently be brought in the sheriff court.

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*Changes to legislation: Courts Reform (Scotland) Act 2014, Cross Heading: Judicial specialisation is up to date with all changes known to be in force on or before 25 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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**Commencement Information**

**II** S. 34 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

**35 Designation of specialist judiciary**

- (1) This section applies where the Lord President of the Court of Session has made a direction under section 34.
- (2) The sheriff principal of a sheriffdom may—
  - (a) in relation to any category of case determined in the direction that may competently be dealt with by a sheriff, designate one or more sheriffs of the sheriffdom as specialists in that category of case,
  - (b) in relation to any category of case determined in the direction that may competently be dealt with by a summary sheriff, designate one or more summary sheriffs of the sheriffdom as specialists in that category of case.
- (3) The sheriff principal may designate the same sheriff or summary sheriff in relation to more than one category of case determined in the direction.
- (4) The sheriff principal of a sheriffdom may at any time withdraw a designation made (whether by that sheriff principal or another) under subsection (2) in relation to any sheriff, or summary sheriff, of the sheriffdom.
- (5) The Lord President may—
  - (a) in relation to any category of case determined in the direction that may competently be dealt with by a part-time sheriff, designate one or more part-time sheriffs as specialists in that category,
  - (b) in relation to any category of case determined in the direction that may competently be dealt with by a part-time summary sheriff, designate one or more part-time summary sheriffs as specialists in that category.
- (6) The Lord President may at any time withdraw a designation made under subsection (5).
- (7) The designation of a sheriff, summary sheriff, part-time sheriff or part-time summary sheriff (a “designated judicial officer”) under this section does not affect—
  - (a) the designated judicial officer's competence to deal with any category of case other than the one in relation to which the designation is made, or
  - (b) the competence of any other sheriff, summary sheriff, part-time sheriff or part-time summary sheriff to deal with the category of case in relation to which the designation is made.

**Commencement Information**

**I2** S. 35 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

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### **36 Allocation of business to specialist judiciary**

- (1) Subsection (2) applies where the Lord President of the Court of Session or the sheriff principal of a sheriffdom is exercising any function relating to the allocation of business among the judiciary of a sheriffdom.
- (2) The Lord President or, as the case may be, the sheriff principal must have regard to the desirability of ensuring that cases falling within a category determined under section 34 are dealt with by sheriffs, summary sheriffs, part-time sheriffs or, as the case may be, part-time summary sheriffs designated under section 35 as specialists in that category of case.

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#### **Commencement Information**

**I3** [S. 36](#) in force at 1.4.2015 by [S.S.I. 2015/77](#), art. 2(2)(3), [Sch.](#)

### **37 Saving for existing powers to provide for judicial specialisation**

Sections 34 to 36 do not affect any power that the Lord President of the Court of Session has apart from those sections to provide for judicial specialisation in the sheriff courts.

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#### **Commencement Information**

**I4** [S. 37](#) in force at 1.4.2015 by [S.S.I. 2015/77](#), art. 2(2)(3), [Sch.](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. 1 para. 5A and cross-heading inserted by [2020 asp 9 s. 9](#)
- sch. 1 para. 2(g)(h) inserted by [2021 asp 16 s. 15\(8\)](#)