



Courts Reform (Scotland) Act 2014

2014 asp 18

PART 1

SHERIFF COURTS

CHAPTER 3

ORGANISATION OF BUSINESS

Sheriff principal's general responsibilities

- 27 Sheriff principal's responsibility for efficient disposal of business in sheriff courts**
- (1) The sheriff principal of a sheriffdom is responsible for ensuring the efficient disposal of business in the sheriff courts of the sheriffdom.
 - (2) The sheriff principal must make such arrangements as appear necessary or expedient for the purpose of carrying out the responsibility imposed by subsection (1).
 - (3) In particular, the sheriff principal may—
 - (a) provide for the allocation of business among the judiciary of the sheriffdom,
 - (b) make special provision of a temporary nature for the disposal of any business by any member of the judiciary of the sheriffdom in addition to or in place of that member's own duties.
 - (4) If, in carrying out the responsibility imposed by subsection (1), the sheriff principal gives a direction of an administrative character to a person mentioned in subsection (5), the person must comply with the direction.
 - (5) Those persons are—
 - (a) any other member of the judiciary of the sheriffdom,
 - (b) a member of the staff of the Scottish Courts and Tribunals Service.

Status: This is the original version (as it was originally enacted).

- (6) Nothing in subsections (1) to (4) enables a member of the judiciary of the sheriffdom to dispose of any business which that member could not otherwise competently dispose of in the exercise of the jurisdiction and powers that attach to the member's office.
- (7) Subsections (1) to (4) are subject to section 2(2)(a) and (3) of the Judiciary and Courts (Scotland) Act 2008 (the Head of the Scottish Judiciary's responsibility for efficient disposal of business in the Scottish courts).

28 Sheriff principal's power to fix sittings of sheriff courts

- (1) The sheriff principal of a sheriffdom may by order prescribe—
 - (a) the number of sittings of sheriff courts to be held at each place designated for the holding of sheriff courts in the sheriffdom,
 - (b) the days on which, and the times at which, those sittings are to be held, and
 - (c) the descriptions of business to be disposed of at those sittings.
- (2) The sheriff principal must publish notice of the matters prescribed by an order under subsection (1) in such manner as the sheriff principal thinks appropriate in order to bring those matters to the attention of persons having an interest in them.
- (3) Subsection (1) is subject to section 2(2)(a) and (3) of the Judiciary and Courts (Scotland) Act 2008.

29 Lord President's power to exercise functions under sections 27 and 28

- (1) Subsection (2) applies where in any case the Lord President of the Court of Session considers that the exercise by the sheriff principal of a sheriffdom of a function under section 27 or 28—
 - (a) is prejudicial to the efficient disposal of business in the sheriff courts of the sheriffdom,
 - (b) is prejudicial to the efficient organisation or administration of those courts, or
 - (c) is otherwise against the interest 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) Subsections (1) and (2) apply in relation to a failure to exercise a function mentioned in subsection (1) as they apply to the exercise of such a function, but as if paragraph (a) of subsection (2) were omitted.
- (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.