
Status: This is the original version (as it was originally enacted).

SCHEDULE 2

(introduced by section 53)

APPEAL SHERIFFS: TEMPORARY PROVISION

The transitional period

- 1 In this schedule, “the transitional period” means the period of 3 years beginning with the day on which section 46 comes into force.

Appointment of Senators of the College of Justice to act as Appeal Sheriffs

- 2 (1) The Lord President of the Court of Session may appoint persons holding the office of Senator of the College of Justice to act as Appeal Sheriffs for the transitional period.
- (2) The Lord President may appoint as many persons under sub-paragraph (1) as the Lord President considers necessary for the purposes of the Sheriff Appeal Court during the transitional period.
- (3) A person may be appointed under sub-paragraph (1) only if the person has held office as a Senator of the College of Justice for at least one year.
- (4) The appointment of a Senator of the College of Justice to act as an Appeal Sheriff does not affect the Senator’s appointment as a Senator and the Senator may accordingly continue to act in that capacity.
- (5) A person appointed under sub-paragraph (1) is to be treated for all purposes (other than for the purposes of the enactments specified in sub-paragraph (6)) as an Appeal Sheriff and may exercise the jurisdiction and powers that attach to the office of Appeal Sheriff.
- (6) The enactments referred to in sub-paragraph (5) are—
- (a) sections 50 and 51,
 - (b) section 304(2)(c)(zi) of the Criminal Procedure (Scotland) Act 1995.

Tenure

- 3 (1) A person’s appointment under paragraph 2(1) ceases—
- (a) if the person ceases to hold office as a Senator of the College of Justice,
 - (b) on the expiry of the transitional period.
- (2) If a person appointed under paragraph 2(1) is suspended from office as a Senator of the College of Justice for any period, the person’s appointment under paragraph 2(1) is also suspended for the same period.
- (3) The Lord President may, after consulting the President of the Sheriff Appeal Court, recall a person’s appointment under paragraph 2(1).
- (4) The recall of a person’s appointment under sub-paragraph (3) does not affect the person’s appointment as a Senator of the College of Justice.

Savings

- 4 Despite the ending by virtue of paragraph 3(1)(b) of a person’s appointment under paragraph 2(1)—

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- (a) the person may continue to deal with, give judgment in or deal with an ancillary matter relating to, a case begun before the person 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 person is to be treated as acting, or having acted, under that appointment.