

Status: Point in time view as at 17/01/2017.

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SCHEDULE 1

(introduced by section 44(1))

CIVIL PROCEEDINGS, ETC. IN RELATION TO WHICH SUMMARY SHERIFF HAS COMPETENCE

Family proceedings

1 Family proceedings.

Commencement Information

I1 Sch. 1 para. 1 in force at 22.9.2015 by [S.S.I. 2015/247](#), [art. 2](#), [Sch.](#)

Domestic abuse proceedings

- 2 Proceedings for or in relation to—
- (a) an action of harassment under section 8(2) of the Protection from Harassment Act 1997,
 - (b) an exclusion order under section 4(2) of the Matrimonial Homes (Family Protection) (Scotland) Act 1981,
 - (c) a matrimonial interdict (within the meaning of section 14 of that Act),
 - (d) a domestic interdict (within the meaning of section 18A of that Act),
 - (e) an exclusion order under section 104 of the Civil Partnership Act 2004,
 - (f) a relevant interdict (within the meaning of section 113 of that Act).

Commencement Information

I2 Sch. 1 para. 2 in force at 22.9.2015 by [S.S.I. 2015/247](#), [art. 2](#), [Sch.](#)

Adoption proceedings

- 3 Proceedings for or in relation to—
- (a) an adoption order within the meaning of section 28(1) of the Adoption and Children (Scotland) Act 2007,
 - (b) an order under section 59(1) of that Act (preliminary order where child to be adopted abroad),
 - (c) a permanence order under section 80(1) of that Act.

Commencement Information

I3 Sch. 1 para. 3 in force at 22.9.2015 by [S.S.I. 2015/247](#), [art. 2](#), [Sch.](#)

Children's hearings proceedings

- 4 Proceedings under the Children's Hearings (Scotland) Act 2011.

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Commencement Information

I4 Sch. 1 para. 4 in force at 22.9.2015 by [S.S.I. 2015/247](#), [art. 2](#), [Sch.](#)

Forced marriage proceedings

- 5 Proceedings for or in relation to—
- (a) a forced marriage protection order under section 1(1) of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011,
 - (b) an interim forced marriage protection order under section 5(1) of that Act.

Commencement Information

I5 Sch. 1 para. 5 in force at 22.9.2015 by [S.S.I. 2015/247](#), [art. 2](#), [Sch.](#)

Warrants and interim orders

- 6 The granting of—
- (a) a warrant of citation (including such warrants where the address of the defender is unknown),
 - (b) an interim interdict,
 - (c) an order for the interim preservation of property,
 - (d) an order to recall an interim interdict.

Commencement Information

I6 Sch. 1 para. 6 in force at 22.9.2015 by [S.S.I. 2015/247](#), [art. 2](#), [Sch.](#)

Diligence proceedings

- 7 Proceedings under—
- (a) Part 1A of the Debtors (Scotland) Act 1987 (diligence on the dependence) (including proceedings to which that Part is applied by section 15N of that Act), other than proceedings in which there is claimed, in addition or as an alternative to a warrant, a decree for payment of a sum of money exceeding £5,000,
 - (b) Part III of that Act (diligence against earnings),
 - (c) Part 3A of that Act (arrestment and action of furthcoming),
 - (d) Part 8 of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (attachment of money).

Commencement Information

I7 Sch. 1 para. 7 in force at 22.9.2015 by [S.S.I. 2015/247](#), [art. 2](#), [Sch.](#)

- 8 The receipt of a report of money attachment under section 182(1) of the Bankruptcy and Diligence etc. (Scotland) Act 2007.

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Commencement Information

I8 Sch. 1 para. 8 in force at 22.9.2015 by [S.S.I. 2015/247](#), [art. 2](#), [Sch.](#)

- 9 The granting of authority to begin or continue execution of a decree for removing from heritable property under section 217(2) of the Bankruptcy and Diligence etc. (Scotland) Act 2007.

Commencement Information

I9 Sch. 1 para. 9 in force at 22.9.2015 by [S.S.I. 2015/247](#), [art. 2](#), [Sch.](#)

- 10 Proceedings for or in relation to—
- (a) a warrant for the arrest of a ship on the dependence of an action or for the arrest of a ship in rem under section 47 of the Administration of Justice Act 1956, other than proceedings in which there is claimed, in addition or as an alternative to a warrant, a decree for payment of a sum of money exceeding £5,000,
 - (b) an order for the sale of a ship arrested on the dependence of an action under section 47E of that Act, other than an order relating to a decree for payment of a sum of money exceeding £5,000.

Commencement Information

I10 Sch. 1 para. 10 in force at 22.9.2015 by [S.S.I. 2015/247](#), [art. 2](#), [Sch.](#)

Extension of time to pay debts

- 11 Proceedings for or in relation to—
- (a) a time to pay direction under section 1 of the Debtors (Scotland) Act 1987,
 - (b) a time to pay order under section 5 of that Act.

Commencement Information

I11 Sch. 1 para. 11 in force at 22.9.2015 by [S.S.I. 2015/247](#), [art. 2](#), [Sch.](#)

Simple procedure

- 12 A simple procedure case within the meaning of section 72(9).

Commencement Information

I12 Sch. 1 para. 12 in force at 22.9.2015 by [S.S.I. 2015/247](#), [art. 2](#), [Sch.](#) (with [art. 12](#))

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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.

Commencement Information

- I13** Sch. 2 para. 1 in force at 1.4.2015 for specified purposes by S.S.I. 2015/77, art. 2(2)(3), Sch.
I14 Sch. 2 para. 1 in force at 22.9.2015 in so far as not already in force by S.S.I. 2015/247, art. 2, Sch.

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.

Commencement Information

- I15** Sch. 2 para. 2 in force at 1.4.2015 for specified purposes by S.S.I. 2015/77, art. 2(2)(3), Sch.
I16 Sch. 2 para. 2 in force at 22.9.2015 in so far as not already in force by S.S.I. 2015/247, art. 2, Sch.

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.

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- (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.

Commencement Information

- I17** Sch. 2 para. 3 in force at 1.4.2015 for specified purposes by S.S.I. 2015/77, art. 2(2)(3), Sch.
I18 Sch. 2 para. 3 in force at 22.9.2015 in so far as not already in force by S.S.I. 2015/247, art. 2, Sch.

Savings

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

Commencement Information

- I19** Sch. 2 para. 4 in force at 1.4.2015 for specified purposes by S.S.I. 2015/77, art. 2(2)(3), Sch.
I20 Sch. 2 para. 4 in force at 22.9.2015 in so far as not already in force by S.S.I. 2015/247, art. 2, Sch.

SCHEDULE 3

(introduced by section 118(3))

TRANSFER OF SUMMARY CRIMINAL APPEAL JURISDICTION TO THE SHERIFF APPEAL COURT

- 1 The Criminal Procedure (Scotland) Act 1995 is amended as follows.

Commencement Information

- I21** Sch. 3 para. 1 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

- 2 (1) Section 173 (quorum of court in relation to appeals) is amended in accordance with this paragraph.
- (2) The title becomes “ **Quorum of Sheriff Appeal Court in relation to appeals** ”.
- (3) In each of subsections (1) and (2)—
- (a) for “High Court” substitute “ Sheriff Appeal Court ”,

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- (b) for “judge” in each place where it occurs substitute “ Appeal Sheriff ”,
- (c) for “Lords Commissioners of Justiciary” in each place where it occurs substitute “ Appeal Sheriffs ”.

Commencement Information

I22 Sch. 3 para. 2 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

- 3 In section 174 (appeals relating to preliminary pleas), in each of subsections (1), (2) and (4), for “High Court” substitute “ Sheriff Appeal Court ”.

Commencement Information

I23 Sch. 3 para. 3 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

- 4 In section 175 (right of appeal), in each of subsections (2), (3), (4), (5) and (5E), for “High Court” substitute “ Sheriff Appeal Court ”.

Commencement Information

I24 Sch. 3 para. 4 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

- 5 In section 176(4) (stated case: manner and time of appeal), for “High Court” substitute “ Sheriff Appeal Court ”.

Commencement Information

I25 Sch. 3 para. 5 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

- 6 (1) Section 177 (procedure where appellant in custody) is amended in accordance with this paragraph.
- (2) In subsection (3)—
- (a) for “Clerk of Justiciary” substitute “ Clerk of the Sheriff Appeal Court ”,
 - (b) for “judge” in each place where it occurs substitute “ Appeal Sheriff ”.
- (3) In each of subsections (3) and (4), for “High Court” substitute “ Sheriff Appeal Court ”.

Commencement Information

I26 Sch. 3 para. 6 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

- 7 In section 178(2) (stated case: preparation of draft), for “High Court” substitute “ Sheriff Appeal Court ”.

Commencement Information

I27 Sch. 3 para. 7 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

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- 8 In section 179 (stated case: adjustment and signature), in each of subsections (8)(b) and (9), for “Clerk of Justiciary” substitute “ Clerk of the Sheriff Appeal Court ”.

Commencement Information

I28 Sch. 3 para. 8 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

- 9 (1) Section 180 (leave to appeal against conviction etc.) is amended in accordance with this paragraph.
- (2) In subsection (1), for “a judge” substitute “ an Appeal Sheriff ”.
- (3) In each of subsections (1), (3), (4), (4A), (5), (8), (9) and (9A), for “High Court” in each place where it occurs substitute “ Sheriff Appeal Court ”.
- (4) In each of subsections (2)(b) and (10), for “Clerk of Justiciary” substitute “ Clerk of the Sheriff Appeal Court ”.
- (5) In each of subsections (9)(b) and (10), for “Crown Agent” substitute “ prosecutor ”.

Commencement Information

I29 Sch. 3 para. 9 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

- 10 (1) Section 181 (stated case: directions by court) is amended in accordance with this paragraph.
- (2) The title becomes “ **Stated case: directions by Sheriff Appeal Court** ”.
- (3) In subsection (1), for “High Court” in each place where it occurs substitute “ Sheriff Appeal Court ”.
- ^{F1}(4)
- ^{F1}(5)
- (6) In subsection (2), for “Clerk of Justiciary” in each place where it occurs substitute “ Clerk of the Sheriff Appeal Court ”.
- (7) In subsection (3)—
- (a) for “High Court” in each place where it occurs substitute “ Sheriff Appeal Court ”,
- (b) for “Clerk of Justiciary” substitute “ Clerk of the Sheriff Appeal Court ”.
- ^{F2}(8)

Textual Amendments

- F1** Sch. 3 para. 10(4)(5) repealed (17.1.2017) by Criminal Justice (Scotland) Act 2016 (asp 1), ss. 95(a), 117(2); S.S.I. 2016/426, art. 2, sch.
- F2** Sch. 3 para. 10(8) repealed (17.1.2017) by Criminal Justice (Scotland) Act 2016 (asp 1), ss. 95(a), 117(2); S.S.I. 2016/426, art. 2, sch.

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Commencement Information

I30 Sch. 3 para. 10(1)-(3) (6) (7) in force at 22.9.2015 by [S.S.I. 2015/247](#), [art. 2](#), [Sch.](#) (with [art. 6](#))

- 11 (1) Section 182 (stated case: hearing of appeal) is amended in accordance with this paragraph.
- (2) In each of subsections (1), (2), (3), (5) and (6) for “High Court” in each place where it occurs substitute “ Sheriff Appeal Court ”.
- (3) In subsection (5)(b), for “a judge” substitute “ an Appeal Sheriff ”.

Commencement Information

I31 Sch. 3 para. 11 in force at 22.9.2015 by [S.S.I. 2015/247](#), [art. 2](#), [Sch.](#) (with [art. 6](#))

- 12 In section 183 (stated case: disposal of appeal), in each of subsections (1), (3), (4), (6), (7), (9) and (10), for “High Court” in each place where it occurs substitute “ Sheriff Appeal Court ”.

Commencement Information

I32 Sch. 3 para. 12 in force at 22.9.2015 by [S.S.I. 2015/247](#), [art. 2](#), [Sch.](#) (with [art. 6](#))

- 13 In section 184 (abandonment of appeal), in each of subsections (1) and (2), for “Clerk of Justiciary” substitute “ Clerk of the Sheriff Appeal Court ”.

Commencement Information

I33 Sch. 3 para. 13 in force at 22.9.2015 by [S.S.I. 2015/247](#), [art. 2](#), [Sch.](#) (with [art. 6](#))

- 14 In section 185(10) (authorisation of new prosecution), for “High Court” substitute “ Sheriff Appeal Court ”.

Commencement Information

I34 Sch. 3 para. 14 in force at 22.9.2015 by [S.S.I. 2015/247](#), [art. 2](#), [Sch.](#) (with [art. 6](#))

- 15 (1) Section 186 (appeals against sentence only) is amended in accordance with this paragraph.
- (2) In each of subsections (4)(a), (9)(a) and (9)(b), for “Clerk of Justiciary” substitute “ Clerk of the Sheriff Appeal Court ”.
- (3) In each of subsections (6) and (7), for “High Court” substitute “ Sheriff Appeal Court ”.

Commencement Information

I35 Sch. 3 para. 15 in force at 22.9.2015 by [S.S.I. 2015/247](#), [art. 2](#), [Sch.](#) (with [art. 6](#))

- 16 (1) Section 187 (leave to appeal against sentence) is amended in accordance with this paragraph.

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- (2) In subsection (1), for “a judge” substitute “ an Appeal Sheriff ”.
- (3) In each of subsections (1), (2), (3), (3A), (4), (7), (8) and (8A), for “High Court” substitute “ Sheriff Appeal Court ”.
- (4) In each of subsections (1)(a) and (9), for “Clerk of Justiciary” substitute “ Clerk of the Sheriff Appeal Court ”.
- (5) In each of subsections (8)(b) and (9), for “Crown Agent” substitute “ prosecutor ”.

Commencement Information

I36 Sch. 3 para. 16 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

- 17 (1) Section 188 (setting aside conviction or sentence) is amended in accordance with this paragraph.
- (2) In each of subsections (3)(a), (4) and (6), for “High Court” in each place where it occurs substitute “ Sheriff Appeal Court ”.
- (3) In each of subsections (3)(b) and (4), for “Clerk of Justiciary” substitute “ Clerk of the Sheriff Appeal Court ”.
- (4) In subsection (4), for “judge” in each place where it occurs substitute “ Appeal Sheriff ”.

Commencement Information

I37 Sch. 3 para. 17 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

- 18 In section 189 (disposal of appeal against sentence), in each of subsections (1), (3), (4), (6) and (7), for “High Court” in each place where it occurs substitute “ Sheriff Appeal Court ”.

Commencement Information

I38 Sch. 3 para. 18 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

- 19 In section 190(1) (disposal of appeal where appellant not criminally responsible), for “High Court” substitute “ Sheriff Appeal Court ”.

Commencement Information

I39 Sch. 3 para. 19 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

- 20 In section 191 (appeal by suspension or advocacy on ground of miscarriage of justice), in each of subsections (1) and (2), for “High Court” substitute “ Sheriff Appeal Court ”.

Commencement Information

I40 Sch. 3 para. 20 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

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21 In section 191A (time limit for lodging bills of advocation and bills of suspension), in each of subsections (1)(a), (1)(b) and (3), for “High Court” in each place where it occurs substitute “ Sheriff Appeal Court ”.

Commencement Information
I41 Sch. 3 para. 21 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

PROSPECTIVE

F322

Textual Amendments
F3 Sch. 3 para. 22 repealed (17.1.2017) by Criminal Justice (Scotland) Act 2016 (asp 1), ss. 95(b), 117(2); S.S.I. 2016/426, art. 2, sch.

23 In section 192(2) (appeals: miscellaneous provisions), for “High Court” substitute “ Sheriff Appeal Court ”.

Commencement Information
I42 Sch. 3 para. 23 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

24 In section 193A (suspension of certain sentences pending determination of appeal), in each of subsections (1) and (2), for “High Court” substitute “ Sheriff Appeal Court ”.

Commencement Information
I43 Sch. 3 para. 24 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

PROSPECTIVE

F425

Textual Amendments
F4 Sch. 3 para. 25 repealed (17.1.2017) by Criminal Justice (Scotland) Act 2016 (asp 1), ss. 95(c), 117(2); S.S.I. 2016/426, art. 2, sch.

26 In section 307 (interpretation), after the definition of “Clerk of Justiciary” insert—
““Clerk of the Sheriff Appeal Court” includes Deputy Clerk of the Sheriff Appeal Court and any person authorised to carry out the functions of Clerk of the Sheriff Appeal Court;”.

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Commencement Information

I44 Sch. 3 para. 26 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

SCHEDULE 4

(introduced by section 130(3))

THE SCOTTISH COURTS AND TRIBUNALS SERVICE

PART 1

CONFERRAL OF ADDITIONAL FUNCTIONS ETC. IN RELATION TO TRIBUNALS

Modification of the Judiciary and Courts (Scotland) Act 2008

- 1 (1) The Judiciary and Courts (Scotland) Act 2008 is amended in accordance with this paragraph.
- (2) For “SCS” in each place where it occurs, substitute “SCTS”.
- (3) In section 60 (the Scottish Court Service), in subsection (1), for “Court” substitute “Courts and Tribunals”.
- (4) In section 62 (administrative support for persons other than the Scottish courts and judiciary)—
 - (a) after subsection (1)(a)(i) insert—

“(ia) functions conferred on the Lord President as Head of the Scottish Tribunals,”
 - (b) after subsection (1)(c) insert—

“(ca) the President of the Scottish Tribunals in the carrying out of—
 - (i) functions delegated to the President of the Scottish Tribunals by the Lord President as Head of the Scottish Tribunals, and
 - (ii) other non-judicial functions of the President of the Scottish Tribunals.”
- (5) In section 70(1)(a)(i) (Scottish Ministers' default power), after “courts” insert “ or the Scottish Tribunals ”.
- (6) Schedule 3 (the Scottish Court Service) is amended in accordance with sub-paragraphs (7) to (11).
- (7) Paragraph 1 is repealed.
- (8) In paragraph 2—
 - (a) for sub-paragraph (2)(c) substitute—

“(c) the President of the Scottish Tribunals,”
 - (b) the word “and” immediately preceding sub-paragraph (2)(f) is repealed,
 - (c) after sub-paragraph (2)(f) insert “, and

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- (g) one person holding the position of Chamber President in the First-tier Tribunal for Scotland.”,
- (d) after sub-paragraph (6) insert—
- “(7) In this schedule, references to the position of Chamber President in the First-tier Tribunal for Scotland are to be construed in accordance with the Tribunals (Scotland) Act 2014.”.
- (9) In paragraph 3, in sub-paragraph (1) after “Clerk” insert “ , the President of the Scottish Tribunals ”.
- (10) In paragraph 13, after sub-paragraph (2)(a) insert—
- “(aa) the judicial member who holds the position of Chamber President in the First-tier Tribunal for Scotland (unless that member receives a salary in respect of that position),”.
- (11) In paragraph 20, after sub-paragraph (2)(a)(i) insert—
- “(ia) the purposes of tribunals or the members of tribunals,”.
- (12) The title of—
- (a) Part 4 becomes “ THE SCOTTISH COURTS AND TRIBUNALS SERVICE ”,
- (b) section 60 becomes “ **The Scottish Courts and Tribunals Service** ”,
- (c) schedule 3 becomes “ THE SCOTTISH COURTS AND TRIBUNALS SERVICE ”.

Commencement Information

- I45** Sch. 4 para. 1(1)(2)(6)(8)(9) in force at 2.2.2015 for specified purposes by [S.S.I. 2015/12](#), [art. 2](#)
- I46** Sch. 4 para. 1(1)(2)(6)(8)(9) in force at 1.4.2015 in so far as not already in force by [S.S.I. 2015/77](#), [art. 2\(2\)\(3\)](#), [Sch.](#)
- I47** Sch. 4 para. 1(3)-(5)(7)(10)-(12) in force at 1.4.2015 by [S.S.I. 2015/77](#), [art. 2\(2\)\(3\)](#), [Sch.](#)

PART 2

TRANSITIONAL PROVISION

Transfer of staff

- 2 (1) Sub-paragraph (2) applies to persons who, on the coming into force of this paragraph, are members of the staff of the Scottish Ministers assigned to the part of the Scottish Administration known as the Scottish Tribunals Service (referred to in this paragraph as “the Service”), other than excepted staff.
- (2) On the coming into force of this paragraph, those members of staff transfer to, and become members of the staff of, the Scottish Courts and Tribunals Service (referred to in this paragraph as “the SCTS”).
- (3) The excepted staff are staff on secondment or loan to the Service from another part of the Scottish Administration.

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- (4) The contract of employment of a person who becomes a member of the staff of the SCTS by virtue of sub-paragraph (2)—
 - (a) is not terminated by the transfer, and
 - (b) has effect from the date this paragraph comes into force as if originally made between the person and the SCTS.
- (5) Without prejudice to sub-paragraph (4)—
 - (a) all the rights, powers, duties and liabilities of the Scottish Ministers under or in connection with the person's contract of employment are by virtue of this sub-paragraph transferred to the SCTS on the date on which this paragraph comes into force, and
 - (b) anything done before that date by or in relation to the Scottish Ministers in respect of that contract of employment or that person is to be treated from that date as having been done by or in relation to the SCTS.
- (6) This paragraph does not prejudice any right of any person to terminate that person's contract of employment if the terms and conditions of employment are changed substantially to the detriment of the person; but such a change is not to be taken to have occurred by reason only that the identity of the person's employer changes by virtue of this paragraph.
- (7) A determination by the Scottish Ministers that any member of their staff is—
 - (a) employed as mentioned in sub-paragraph (1), or
 - (b) excepted staff by virtue of sub-paragraph (3),is conclusive of that fact for the purposes of this paragraph.

Commencement Information

I48 Sch. 4 para. 2 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Existing tribunals

- 3 (1) Until all of the functions of a tribunal listed in sub-paragraph (2) are transferred to the Scottish Tribunals by virtue of section 28 of the Tribunals (Scotland) Act 2014, sections 61A (administrative support for the Scottish Tribunals and their members) and 70 (default power of the Scottish Ministers) of the 2008 Act apply in relation to the tribunal, and to the members of the tribunal, as those sections apply in relation to the Scottish Tribunals and the members of those Tribunals.
- (2) The tribunals referred to in sub-paragraph (1) are—
 - (a) the Lands Tribunal for Scotland, established by section 1 of the Lands Tribunal Act 1949,
 - (b) a private rented housing committee constituted in accordance with Schedule 4 to the Rent (Scotland) Act 1984,
 - (c) a homeowner housing committee constituted in accordance with that Schedule,
 - (d) the Mental Health Tribunal for Scotland, established by section 21 of the Mental Health (Care and Treatment) (Scotland) Act 2003,
 - (e) an Additional Support Needs Tribunal for Scotland constituted under section 17(1) of the Education (Additional Support for Learning) (Scotland) Act 2004,

Status: Point in time view as at 17/01/2017.

Changes to legislation: Courts Reform (Scotland) Act 2014 is up to date with all changes known to be in force on or before 24 January 2024. 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)

- (f) a Scottish Charity Appeals Panel constituted under section 75 of the Charities and Trustee Investment (Scotland) Act 2005,
 - (g) the First-tier Tax Tribunal for Scotland, established by section 21(1) of the Revenue Scotland and Tax Powers Act 2014,
 - (h) the Upper Tax Tribunal for Scotland, established by section 21(3) of the Revenue Scotland and Tax Powers Act 2014.
- (3) Paragraph 2(2)(g) of schedule 3 to the 2008 Act applies as if the reference to the position of Chamber President in the First-tier Tribunal for Scotland includes a reference to an office mentioned in sub-paragraph (4) in relation to a tribunal, for so long as section 61A of the 2008 Act applies, by virtue of sub-paragraph (1), to that tribunal (and paragraph 13(2)(aa) of schedule 3 to the 2008 Act is to be construed accordingly).
- (4) The offices and tribunals referred to in sub-paragraph (3) are—
- (a) President of the Lands Tribunal for Scotland, appointed under section 2(1) of the Lands Tribunal Act 1949, in relation to the Lands Tribunal for Scotland,
 - (b) President of the Private Rented Housing Panel, appointed under paragraph 4 of Schedule 4 to the Rent (Scotland) Act 1949, in relation to—
 - (i) a private rented housing committee,
 - (ii) a homeowner housing committee,
 - (c) President of the Mental Health Tribunal for Scotland, appointed under paragraph 3(1) of schedule 2 to the Mental Health (Care and Treatment) (Scotland) Act 2003, in relation to the Mental Health Tribunal for Scotland,
 - (d) President of the Additional Support Needs Tribunals for Scotland, appointed under section 17(2) of the Education (Additional Support for Learning) (Scotland) 2004, in relation to an Additional Support Needs Tribunal for Scotland,
 - (e) President of the Tax Tribunals, appointed under section 22(1) of the Revenue Scotland and Tax Powers Act 2014, in relation to the First-tier Tax Tribunal for Scotland and the Upper Tax Tribunal for Scotland.
- (5) The Scottish Ministers may by order—
- (a) add a reference to a tribunal which is, or is to be, listed in schedule 1 to the Tribunals (Scotland) Act 2014 to sub-paragraph (2),
 - (b) add a reference to an office in relation to the tribunal to sub-paragraph (4).
- (6) In this paragraph—
- “the 2008 Act” means the Judiciary and Courts (Scotland) Act 2008,
 - “the Scottish Tribunals” means the First-tier Tribunal for Scotland and the Upper Tribunal for Scotland.

Commencement Information

- I49** Sch. 4 para. 3(1)-(4)(6) in force at 2.2.2015 for specified purposes by [S.S.I. 2015/12, art. 2](#)
- I50** Sch. 4 para. 3(1)-(4)(6) in force at 1.4.2015 in so far as not already in force by [S.S.I. 2015/77, art. 2\(2\)\(3\), Sch.](#)
- I51** Sch. 4 para. 3(5) in force at 1.4.2015 by [S.S.I. 2015/77, art. 2\(2\)\(3\), Sch.](#)

Status: Point in time view as at 17/01/2017.

Changes to legislation: Courts Reform (Scotland) Act 2014 is up to date with all changes known to be in force on or before 24 January 2024. 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)

PART 3

CONSEQUENTIAL REPEALS, ETC.

Lands Tribunal Act 1949

- 4 Section 2(7) of the Lands Tribunal Act 1949 is repealed.

Commencement Information

I52 Sch. 4 para. 4 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Mental Health (Care and Treatment) (Scotland) Act 2003

- 5 Paragraph 8(1) and (2) of schedule 2 to the Mental Health (Care and Treatment) (Scotland) Act 2003 is repealed.

Commencement Information

I53 Sch. 4 para. 5 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Education (Additional Support for Learning) (Scotland) Act 2004

- 6 Paragraph 9 of schedule 1 to the Education (Additional Support for Learning) (Scotland) Act 2004 is repealed.

Commencement Information

I54 Sch. 4 para. 6 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Charities and Trustee Investment (Scotland) Act 2005

- 7 Paragraph 3 of schedule 2 to the Charities and Trustee Investment (Scotland) Act 2005 is repealed.

Commencement Information

I55 Sch. 4 para. 7 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Tribunals (Scotland) Act 2014

- 8 Section 77 (administrative support) of the Tribunals (Scotland) Act 2014 is repealed.

Commencement Information

I56 Sch. 4 para. 8 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Status: Point in time view as at 17/01/2017.

Changes to legislation: Courts Reform (Scotland) Act 2014 is up to date with all changes known to be in force on or before 24 January 2024. 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)

Revenue Scotland and Tax Powers Act 2014

- 9 (1) The Revenue Scotland and Tax Powers Act 2014 is amended in accordance with this paragraph.
- (2) Section 58 (administrative support) is repealed.
- (3) In section 59 (guidance), in subsection (2)—
- (a) in paragraph (b), for “tribunals” substitute “ Scottish Courts and Tribunals Service ”,
 - (b) paragraph (c) is repealed.

Commencement Information

I57 Sch. 4 para. 9 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

SCHEDULE 5

(introduced by section 132)

MODIFICATIONS OF ENACTMENTS

PART 1

SHERIFF COURTS

Promissory Oaths Act 1868

- 1 In the Promissory Oaths Act 1868, in the second part of the Schedule (persons to take oaths of allegiance and judicial oaths), after “part-time sheriffs” insert “ , summary sheriffs, part-time summary sheriffs ”.

Commencement Information

I58 Sch. 5 para. 1 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Promissory Oaths Act 1871

- 2 In section 2 of the Promissory Oaths Act 1871 (persons before whom oaths are to be taken), for “or sheriff, or, for a part-time sheriff,” substitute “ , sheriff or summary sheriff, or, for a part-time sheriff or part-time summary sheriff, ”.

Commencement Information

I59 Sch. 5 para. 2 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Sheriff Courts (Scotland) Act 1876

- 3 In the Sheriff Courts (Scotland) Act 1876, section 54 (courts to make acts of sederunt) is repealed (so far as not previously repealed).

Status: Point in time view as at 17/01/2017.

Changes to legislation: Courts Reform (Scotland) Act 2014 is up to date with all changes known to be in force on or before 24 January 2024. 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)

Commencement Information

I60 Sch. 5 para. 3 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch. (with art. 6)

Sheriff Courts (Scotland) Act 1907

- 4 The following provisions of the Sheriff Courts (Scotland) Act 1907 are repealed—
- (a) sections 4 to 7 (jurisdiction, extension of jurisdiction, power of sheriff to order sheriff clerk to execute deeds relating to heritage, action competent in sheriff court and privative jurisdiction in causes under one thousand five hundred pounds value),
 - (b) sections 10 and 11 (privilege not to exempt from jurisdiction and appointment of sheriffs and salaried sheriffs-substitute),
 - (c) section 14 (salaries of sheriffs and sheriffs-substitute),
 - (d) section 17 (honorary sheriff-substitute),
 - (e) sections 27 to 29 (appeal to sheriff, appeal to Court of Session and effect of appeal),
 - (f) sections 39 and 40 (procedure rules and Court of Session to regulate fees etc.),
 - (g) section 50 (summary applications),
 - (h) Schedule 1 (ordinary cause rules 1993).

Commencement Information

- I61** Sch. 5 para. 4(a) in force at 1.4.2015 for specified purposes by S.S.I. 2015/77, art. 2(2)(3), Sch.
I62 Sch. 5 para. 4(a) in force at 22.9.2015 for specified purposes by S.S.I. 2015/247, art. 2, Sch. (with art. 3(1))
I63 Sch. 5 para. 4(e) in force at 1.1.2016 by S.S.I. 2015/378, art. 2, Sch. (with art. 3)
I64 Sch. 5 para. 4(f) in force at 1.4.2015 for specified purposes by S.S.I. 2015/77, art. 2(2)(3), Sch. (with art. 7)

Sheriff Courts and Legal Officers (Scotland) Act 1927

- 5 (1) Section 8 of the Sheriff Courts and Legal Officers (Scotland) Act 1927 (issuing of instructions to sheriff clerks and procurators fiscal) is amended in accordance with this paragraph.
- (2) In subsection (1), for “as regards sheriff clerks and the Lord Advocate as regards procurators fiscal may from time to time issue” substitute “ may from time to time issue to sheriff clerks ”.
- (3) After subsection (1) insert—
- “(1A) The Lord Advocate may from time to time issue to procurators fiscal such instructions as may be deemed necessary for the purpose of—
- (a) giving effect to the provisions of this Act, or
 - (b) the efficient disposal of business in the sheriff courts.”.

Status: Point in time view as at 17/01/2017.

Changes to legislation: Courts Reform (Scotland) Act 2014 is up to date with all changes known to be in force on or before 24 January 2024. 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)

Commencement Information

I65 Sch. 5 para. 5 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Sheriff Courts (Scotland) Act 1971

- 6 (1) The Sheriff Courts (Scotland) Act 1971 is amended in accordance with this paragraph.
- (2) The whole Act, apart from sections 2(3) and 3(4), is repealed.
- (3) In section 2(3) (compensation for loss of office), for “subsection (1) above includes, by virtue of subsection (2)(a) above,” substitute “ section 2(1) of the Courts Reform (Scotland) Act 2014 includes ”.
- (4) In section 3(4) (compensation for loss of employment), for “subsection (2) above” substitute “ section 2(1) of the Courts Reform (Scotland) Act 2014 ”.

Commencement Information

I66 Sch. 5 para. 6(1)(2) in force at 1.4.2015 for specified purposes by S.S.I. 2015/77, art. 2(2)(3), Sch. (with art. 7)

I67 Sch. 5 para. 6(1)(2) in force at 22.9.2015 for specified purposes by S.S.I. 2015/247, art. 2, Sch.

I68 Sch. 5 para. 6(1)(2) in force at 28.11.2016 for specified purposes by S.S.I. 2016/291, art. 2, sch. (with art. 3(1)(2))

Civil Jurisdiction and Judgments Act 1982

- 7 In section 20(3) of the Civil Jurisdiction and Judgments Act 1982 (rules as to jurisdiction in Scotland)—
- (a) for the opening words substitute “ Section 43 of the Courts Reform (Scotland) Act 2014 does not apply— ”,
- (b) in paragraph (a), the words “to the extent that it determines jurisdiction” are repealed.

Commencement Information

I69 Sch. 5 para. 7 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Judicial Pensions and Retirement Act 1993

- 8 In Schedule 5 to the Judicial Pensions and Retirement Act 1993 (relevant offices for the purposes of retirement provisions)—
- (a) for the entry for “Sheriff principal or sheriff in Scotland” substitute— “ Sheriff principal, sheriff or summary sheriff in Scotland ”,
- (b) after the entry for “Part-time sheriff in Scotland”, insert— “ Part-time summary sheriff in Scotland ”,
- (c) the entry for “Stipendiary magistrate in Scotland” is repealed.

Status: Point in time view as at 17/01/2017.

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Commencement Information

170 Sch. 5 para. 8 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch.

Judiciary and Courts (Scotland) Act 2008

- 9 (1) The Judiciary and Courts (Scotland) Act 2008 is amended in accordance with this paragraph.
- (2) The following provisions are repealed—
- (a) sections 24 to 26 (amendments of Sheriff Courts (Scotland) Act 1971 relating to sheriffs principal, sheriffs and part-time sheriffs),
 - (b) section 40 (amendments of the 1971 Act relating to consideration of fitness for, and removal from, shrieval office),
 - (c) sections 47 to 56 (miscellaneous amendments of the 1971 Act relating to the sheriff courts),
 - (d) section 64(1) and (2) (amendments of the 1971 Act relating to remuneration and allowances of certain judicial office holders),
 - (e) in section 72 (interpretation), the definition of “the 1971 Act”,
 - (f) in schedule 5, paragraph 2 (consequential amendments of the 1971 Act).
- (3) In subsection (1) of section 10 (judicial offices within the remit of the Judicial Appointments Board for Scotland), after paragraph (f) insert—
- “(fza) the office of summary sheriff,
 - “(fzb) the office of part-time summary sheriff.”.
- (4) In section 43 (meaning of “judicial office holder”)—
- (a) in subsection (1), for paragraph (c) substitute—
 - “(c) a person acting as a sheriff or as a summary sheriff by virtue of section 12(1) or 13(5) of the Courts Reform (Scotland) Act 2014.”,
 - (b) in subsection (2), after paragraph (g) insert—
 - “(ga) the office of summary sheriff,
 - “(gb) the office of part-time summary sheriff.”.
- (5) In section 62(1)(c) (administrative support to be provided by the Scottish Courts and Tribunals Service), for “section 15 to 17 of the 1971 Act” substitute “ sections 27 and 28 of the Courts Reform (Scotland) Act 2014 ”.
- (6) In section 72 (interpretation)—
- (a) in the definition of “office of part-time sheriff” for “11A, or a reappointment under section 11B(5) or (7), of the 1971 Act” substitute “ 8(1), or a reappointment under section 9(1) or (3), of the Courts Reform (Scotland) Act 2014 ”,
 - (b) after the definition of “office of part-time sheriff” insert—
 - ““office of part-time summary sheriff” means an appointment under section 10(1), or a reappointment under section 11(1) or (3), of the Courts Reform (Scotland) Act 2014, and references to suspension from that office are to be construed accordingly.”,

Status: Point in time view as at 17/01/2017.

Changes to legislation: Courts Reform (Scotland) Act 2014 is up to date with all changes known to be in force on or before 24 January 2024. 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)

- (c) in the definition of “office of temporary sheriff principal” for “11(1) or (1A) of the 1971 Act” substitute “6(2) of the Courts Reform (Scotland) Act 2014”.

Commencement Information

I71 Sch. 5 para. 9 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

PART 2

SHERIFF APPEAL COURT

Sheriff Courts and Legal Officers (Scotland) Act 1927

- 10 In section 1 of the Sheriff Courts and Legal Officers (Scotland) Act 1927 (appointment of sheriff clerk and procurator fiscal), after subsection (5) insert—

“(6) For the purposes of subsection (3) above, the appointment of a sheriff clerk as Clerk of the Sheriff Appeal Court under section 59 of the Courts Reform (Scotland) Act 2014 is not a removal from office.”.

Commencement Information

I72 Sch. 5 para. 10 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Public Records (Scotland) Act 1937

- 11 (1) The Public Records (Scotland) Act 1937 is amended in accordance with this paragraph.
- (2) After section 1, insert—

“1A Sheriff Appeal Court records

- (1) The records of the Sheriff Appeal Court are to be transmitted to the Keeper at such times, and subject to such conditions as may be prescribed—
- (a) in relation to records relating to criminal proceedings, by act of adjournal,
 - (b) in relation to other records, by act of sederunt.
- (2) An act of adjournal or act of sederunt under subsection (1) may—
- (a) fix different times and conditions of transmission for different descriptions or records,
 - (b) make provision for—
 - (i) re-transmission of records to the High Court of Justiciary, the Court of Session or the Sheriff Appeal Court when such re-transmission is necessary for the purposes of proceedings in any of the Courts, and
 - (ii) the return to the Keeper of any records so re-transmitted as soon as they have ceased to be required for such a purpose.

Status: Point in time view as at 17/01/2017.

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- (3) Before making an act of adjournal or act of sederunt under subsection (1), the High Court of Justiciary or, as the case may be, the Court of Session must consult the Keeper.”.
- (3) In section 2(2) (re-transmission of sheriff court records from the Keeper to the courts)
-
- (a) after “Session” in the first place it occurs insert “ , the Sheriff Appeal Court ”,
- (b) after “Session” in the second place it occurs insert “ , of an Appeal Sheriff ”.
- (4) In section 2A(3) (re-transmission of JP court records from the Keeper to the courts)—
- (a) after “Session,” in the first place it occurs insert “ the Sheriff Appeal Court, ”,
- (b) after “Session” in the second place it occurs insert “ , of an Appeal Sheriff ”.
- (5) In section 14(1) (interpretation), after the definition of “records of the Court of Session” and “records of the High Court of Justiciary” insert—
- “the expression “records of the Sheriff Appeal Court” includes the registers, minute books, processes, writs or documents belonging to or in the custody of the Sheriff Appeal Court;”.

Commencement Information

I73 Sch. 5 para. 11 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Administration of Justice (Scotland) Act 1972

- 12 (1) Section 1 of the Administration of Justice (Scotland) Act 1972 (powers of courts to order inspection of documents or other property etc.) is amended in accordance with this paragraph.
- (2) In subsection (1), after “Session” insert “ , of the Sheriff Appeal Court ”.
- (3) In subsection (1A), after “Session” insert “ , of the Sheriff Appeal Court ”.
- (4) In subsection (3), after “sheriff court” insert “ and the Sheriff Appeal Court ”.

Commencement Information

I74 Sch. 5 para. 12(1)(4) in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

I75 Sch. 5 para. 12(2)(3) in force at 1.1.2016 by S.S.I. 2015/378, art. 2, Sch.

Civil Jurisdiction and Judgments Act 1982

- 13 In section 50 of the Civil Jurisdiction and Judgments Act 1982 (interpretation), in the definition of “court of law”, in paragraph (c) after “Session” insert “ , the Sheriff Appeal Court ”.

Commencement Information

I76 Sch. 5 para. 13 in force at 1.1.2016 by S.S.I. 2015/378, art. 2, Sch.

Status: Point in time view as at 17/01/2017.

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Legal Aid (Scotland) Act 1986

- 14 (1) The Legal Aid (Scotland) Act 1986 is amended in accordance with this paragraph.
- (2) In section 21(1) (criminal legal aid), in paragraph (a), after sub-paragraph (i) insert—
 “(ia) the Sheriff Appeal Court;”.
- (3) In section 25 (legal aid in appeals)—
- (a) in subsection (2)(b)—
 - (i) for “or 175(2)” substitute “, 175(2) or 194ZB(1) ”,
 - (ii) after “leave” insert “ or permission ”,
 - (b) in subsection (2A), after “High Court” insert “ or, in the case of an appeal to the Sheriff Appeal Court, that Court ”,
 - (c) in subsection (2B), after “High Court” insert “ or, in the case of an appeal to the Sheriff Appeal Court, that Court ”,
 - (d) in subsection (5)—
 - (i) for “or 187” substitute “, 187, 194ZD or 194ZE ”,
 - (ii) after “leave” in each place where it occurs insert “ or permission ”.
- (4) In Part 1 of Schedule 2 (courts in which civil legal aid is available), in paragraph 1, after the entry for the Scottish Land Court, insert— “ the Sheriff Appeal Court; ”.

Commencement Information

I77 Sch. 5 para. 14(1)-(3) in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch.

I78 Sch. 5 para. 14(4) in force at 1.1.2016 by S.S.I. 2015/378, art. 2, Sch.

Criminal Procedure (Scotland) Act 1995

- 15 In section 304 of the Criminal Procedure (Scotland) Act 1995 (Criminal Courts Rules Council), in subsection (2)(c), before sub-paragraph (i) insert—
 “(zi) one Appeal Sheriff;”.

Commencement Information

I79 Sch. 5 para. 15 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch.

Judiciary and Courts (Scotland) Act 2008

- 16 (1) The Judiciary and Courts (Scotland) Act 2008 is amended in accordance with this paragraph.
- (2) In section 2 (Head of the Scottish Judiciary)—
- (a) after subsection (2) insert—
 - “(2A) If, in carrying out the responsibility mentioned in subsection (2)(a), the Lord President gives a direction of an administrative character to the President of the Sheriff Appeal Court, the President must comply with the direction.”,
 - (b) in subsection (6), after paragraph (e) insert—
 “(ea) the Sheriff Appeal Court;”.

Status: Point in time view as at 17/01/2017.

Changes to legislation: Courts Reform (Scotland) Act 2014 is up to date with all changes known to be in force on or before 24 January 2024. 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)

- (3) In subsection (2) of section 43 (meaning of “judicial office holder”), after paragraph (c) insert—
“(ca) the office of Appeal Sheriff.”
- (4) In section 62 (Scottish Court Service to provide administrative support for other persons), in subsection (1), after paragraph (b) insert—
“(ba) the President of the Sheriff Appeal Court in the carrying out of functions under section 56 of the Courts Reform (Scotland) Act 2014.”

Commencement Information

180 Sch. 5 para. 16 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Criminal Justice and Licensing (Scotland) Act 2010

- 17 (1) The Criminal Justice and Licensing (Scotland) Act 2010 is amended in accordance with this paragraph.
- (2) In section 6 (effect of sentencing guidelines)—
(a) for subsection (4), substitute—
“(4) Subsection (5) applies where, on an appeal in any case—
(a) the High Court of Justiciary passes another sentence under one of the following provisions of the 1995 Act—
(i) section 118(3),
(ii) section 118(4)(b),
(iii) section 118(4A)(b),
(iv) section 118(4A)(c)(ii), or
(b) the Sheriff Appeal Court or the High Court passes another sentence under section 189(1)(b) of that Act.”,
(b) in subsection (5), after “Court” insert “ or, as the case may be, the Sheriff Appeal Court ”.
- (3) After section 8, insert—

“8A Sheriff Appeal Court's power to require preparation or review of sentencing guidelines

- (1) Where the Sheriff Appeal Court pronounces an opinion under section 189(7) of the 1995 Act, the Court may require the Council to—
(a) prepare, for the approval of the High Court of Justiciary, sentencing guidelines on any matter, or
(b) review any sentencing guidelines published by the Council on any matter.
- (2) On making a requirement under subsection (1), the Sheriff Appeal Court must state its reasons for doing so.

Status: Point in time view as at 17/01/2017.

Changes to legislation: *Courts Reform (Scotland) Act 2014 is up to date with all changes known to be in force on or before 24 January 2024. 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)*

- (3) The Council must comply with a requirement made under subsection (1) and, in doing so, must have regard to the Sheriff Appeal Court's reasons for making the requirement.”.
- (4) In section 9 (publication of High Court guideline judgments)—
 - (a) in subsection (1), for “or 189(7) of the 1995 Act” substitute “ of the 1995 Act and opinions of the Sheriff Appeal Court or the High Court pronounced under section 189(7) of that Act ”,
 - (b) in subsection (2), after “High Court” insert “ or the Sheriff Appeal Court ”,
 - (c) the title of the section becomes “ **Publication of High Court and Sheriff Appeal Court guideline judgments** ”.
- (5) In section 13 (annual report of the Scottish Sentencing Council), in subsection (3)—
 - (a) the word “and” immediately following paragraph (d) is repealed,
 - (b) after paragraph (e) insert “, and
 - (f) requirements made by the Sheriff Appeal Court under section 8A and of the Council's response to them.”.

Commencement Information

181 Sch. 5 para. 17 in force at 19.10.2015 by S.S.I. 2015/336, art. 2(d)

Scottish Civil Justice Council and Criminal Legal Assistance Act 2013

- 18 In section 2 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 (functions of the Scottish Civil Justice Council)—
- (a) in subsection (1)(b), after “in” where it fourth occurs insert “ the Sheriff Appeal Court or ”,
 - (b) in subsection (6)—
 - (i) the word “and” immediately following paragraph (a) is repealed,
 - (ii) after that paragraph insert—
 - “(aa) the Sheriff Appeal Court, and”.

Commencement Information

182 Sch. 5 para. 18 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

PART 3

CIVIL JURY TRIALS

Law Reform (Miscellaneous Provisions) (Scotland) Act 1980

- 19 (1) The Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 is amended in accordance with this paragraph.
- (2) In section 2(2) (fining of jurors in civil proceedings for non-attendance), after paragraph (a) insert—

Status: Point in time view as at 17/01/2017.

Changes to legislation: Courts Reform (Scotland) Act 2014 is up to date with all changes known to be in force on or before 24 January 2024. 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)

“(aa) by the sheriff where imposed in the sheriff court;”.

(3) In section 11 (no jury trial in civil actions in the sheriff court), after subsection (1) insert—

“(1A) Subsection (1) is subject to section 63 (civil jury trials in all-Scotland sheriff courts) of the Courts Reform (Scotland) Act 2014.”.

Commencement Information

183 Sch. 5 para. 19 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch.

PART 4

SIMPLE PROCEDURE

PROSPECTIVE

Heritable Securities (Scotland) Act 1894

20 In section 5 of the Heritable Securities (Scotland) Act 1894 (power to eject proprietor in personal occupation), after subsection (2) insert—
“(2A) Subsection (2) is subject to section 72(3) of the Courts Reform (Scotland) Act 2014 (which provides for certain proceedings for the recovery of heritable property to be subject to simple procedure).”.

PROSPECTIVE

Sheriff Courts (Civil Jurisdiction and Procedure) (Scotland) Act 1963

21 The Sheriff Courts (Civil Jurisdiction and Procedure) (Scotland) Act 1963 is repealed.

PROSPECTIVE

Conveyancing and Feudal Reform (Scotland) Act 1970

22 In section 24 of the Conveyancing and Feudal Reform (Scotland) Act 1970 (application by creditor to court for remedies on default), after subsection (1D) insert—
“(1E) Subsection (1D) is subject to section 72(3) of the Courts Reform (Scotland) Act 2014 (which provides for certain proceedings for the recovery of heritable property to be subject to simple procedure).”.

Status: Point in time view as at 17/01/2017.

Changes to legislation: Courts Reform (Scotland) Act 2014 is up to date with all changes known to be in force on or before 24 January 2024. 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)

Legal Aid (Scotland) Act 1986

- 23 (1) Part 2 of Schedule 2 to the Legal Aid (Scotland) Act 1986 (proceedings in which civil legal aid is not available) is amended in accordance with this paragraph.
- (2) In paragraph 3, sub-paragraph (c) (small claims) is repealed.
- (3) After paragraph 3, insert—
- “3A Civil legal aid shall not be available in relation to the following categories of simple procedure case (within the meaning of section 72(9) of the Courts Reform (Scotland) Act 2014) at first instance, namely—
- (a) proceedings for payment of a sum of money not exceeding £3,000 (exclusive of interest and expenses), other than—
- (i) proceedings in respect of aliment or interim aliment, and
- (ii) actions for personal injury,
- (b) actions ad factum praestandum and proceedings for the recovery of possession of moveable property in which (in either case) there is included, as an alternative to the claim, a claim for payment of a sum of money not exceeding £3,000 (exclusive of interest and expenses).
- 3B In paragraph 3A—
- (a) “actions for personal injury” means actions to which section 17 or 18 of the Prescription and Limitation (Scotland) Act 1973 applies, and
- (b) “actions ad factum praestandum” includes actions for delivery and actions for implement but does not include actions for count, reckoning and payment.”

Commencement Information

184 Sch. 5 para. 23 in force at 28.11.2016 by S.S.I. 2016/291, art. 2, sch. (with art. 3(1)(3))

PART 5

JUDICIAL REVIEW

Tribunals (Scotland) Act 2014

- 24 After section 57 of the Tribunals (Scotland) Act 2014 insert—

“57A Procedural steps where petition remitted

- (1) This section applies where the Court of Session remits a petition for judicial review under section 57(2).
- (2) It is for the Upper Tribunal to determine—
- (a) whether the petition has been made timeously, and
- (b) whether to grant permission for the petition to proceed under section 27B of the Court of Session Act 1988 (“the 1988 Act”) (requirement for permission).
- (3) Accordingly—

Status: Point in time view as at 17/01/2017.

Changes to legislation: Courts Reform (Scotland) Act 2014 is up to date with all changes known to be in force on or before 24 January 2024. 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)

- (a) the Upper Tribunal has the same powers in relation to the petition as the Court of Session would have had in relation to it under sections 27A to 27C of the 1988 Act,
 - (b) sections 27C and 27D of that Act apply in relation to a decision of the Upper Tribunal under section 27B(1) of that Act as they apply in relation to such a decision of the Court of Session.
- (4) The references in section 27C(3) and (4) of the 1988 Act (oral hearings where permission refused) to a different Lord Ordinary from the one who refused or granted permission are to be read as references to different members of the Tribunal from those of whom it was composed when it refused or granted permission.”.

Commencement Information

185 Sch. 5 para. 24 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch.

PART 6

REMIT OF CASES BETWEEN COURTS

Law Reform (Miscellaneous Provisions) (Scotland) Act 1985

- 25 In the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985, section 14 (remit from Court of Session to sheriff) is repealed.

Commencement Information

186 Sch. 5 para. 25 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 3(3))

PART 7

REGULATION OF PROCEDURE AND FEES

Courts of Law Fees (Scotland) Act 1895

- 26 In the Courts of Law Fees (Scotland) Act 1895, section 2 (power of Scottish Ministers to regulate court fees) is repealed.

Commencement Information

187 Sch. 5 para. 26 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch. (with art. 7)

Vexatious Actions (Scotland) Act 1898

- 27 The Vexatious Actions (Scotland) Act 1898 is repealed.

Status: Point in time view as at 17/01/2017.

Changes to legislation: Courts Reform (Scotland) Act 2014 is up to date with all changes known to be in force on or before 24 January 2024. 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)

Commencement Information

188 Sch. 5 para. 27 in force at 28.11.2016 by S.S.I. 2016/291, art. 2, sch. (with art. 4)

Execution of Diligence (Scotland) Act 1926

- 28 In the Execution of Diligence (Scotland) Act 1926, section 6 (regulations, forms and fees) is repealed.

Commencement Information

189 Sch. 5 para. 28 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch. (with art. 7)

Administration of Justice (Scotland) Act 1972

- 29 In section 1(3) of the Administration of Justice (Scotland) Act 1972 (powers of courts to order inspection of documents or other property etc.), for “section 32 of the Sheriff Courts (Scotland) Act 1971” substitute “section 104(1) of the Courts Reform (Scotland) Act 2014”.

Commencement Information

190 Sch. 5 para. 29 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Court of Session Act 1988

- 30 (1) The Court of Session Act 1988 is amended in accordance with this paragraph.
- (2) In section 2(4) (composition of the Court), for “section 5(ba) below,” substitute “an act of sederunt under section 103(1) of the Courts Reform (Scotland) Act 2014,”.
- (3) Sections 5 (power to regulate procedure etc. by act of sederunt), 5A (rules for lay representation) and 6 (allocation of business etc. by act of sederunt) are repealed.
- (4) In section 26(3) (summary trials), for “this Act” substitute “section 103(1) of the Courts Reform (Scotland) Act 2014”.

Commencement Information

191 Sch. 5 para. 30 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch. (with art. 7)

Scottish Civil Justice Council and Criminal Legal Assistance Act 2013

- 31 (1) The Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 is amended in accordance with this paragraph.
- (2) In section 2 (functions of the Council)—
- (a) in subsection (1)(c), after sub-paragraph (i) insert—
- “(ia) draft fees rules,”
- (b) after subsection (6), insert—

Status: Point in time view as at 17/01/2017.

Changes to legislation: Courts Reform (Scotland) Act 2014 is up to date with all changes known to be in force on or before 24 January 2024. 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)

“(6A) For the purposes of this Part, “draft fees rules” means drafts of such provision as the Court of Session may make by act of sederunt under section 105(1) or 106(1) of the Courts Reform (Scotland) Act 2014 (powers to regulate court fees).”.

- (3) In section 4 (Court of Session to consider rules)—
- (a) in subsection (1), after “rules” where it first occurs insert “, draft fees rules”,
 - (b) in subsection (2), after “rules” where it first occurs insert “, draft fees rules”,
 - (c) in subsection (3)—
 - (i) the words from “which” to “section 2(5)” become paragraph (a), and
 - (ii) after that paragraph insert—
 - “(b) under section 105(1) or 106(1) of the Courts Reform (Scotland) Act 2014.”.

Commencement Information

I92 Sch. 5 para. 31 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

PART 8

CIVIL APPEALS

Court of Session Act 1988

- 32 (1) The Court of Session Act 1988 is amended in accordance with this paragraph.
- (2) Section 24 (appeal to the Supreme Court in exchequer causes) is repealed.
- (3) In section 32 (appeals)—
- (a) in subsection (1), for “sheriff principal or sheriff under section 28 of the Sheriff Courts (Scotland) Act 1907” substitute “ Sheriff Appeal Court under section 113 of the Courts Reform (Scotland) Act 2014 or the judgment of a sheriff principal under section 114 of that Act ”,
 - (b) in each of subsections (2) and (4), for “sheriff principal or sheriff” substitute “ Sheriff Appeal Court or, as the case may be, the sheriff principal ”.
- (4) In section 52 (consequential amendments, repeals and savings), subsection (3) is repealed.

Commencement Information

I93 Sch. 5 para. 32(1)(2)(4) in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 5(1))

I94 Sch. 5 para. 32(3) in force at 1.1.2016 by S.S.I. 2015/378, art. 2, Sch.

Constitutional Reform Act 2005

- 33 In section 40 of the Constitutional Reform Act 2005 (jurisdiction of the Supreme Court), subsection (3) is repealed.

Status: Point in time view as at 17/01/2017.

Changes to legislation: *Courts Reform (Scotland) Act 2014 is up to date with all changes known to be in force on or before 24 January 2024. 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)*

Commencement Information

I95 Sch. 5 para. 33 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch.

PART 9

JUDGES OF THE COURT OF SESSION

Promissory Oaths Act 1868

- 34 In the Promissory Oaths Act 1868, in the Second Part of the Schedule, for “35(3) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990” substitute “20B(1) of the Judiciary and Courts (Scotland) Act 2008”.

Commencement Information

I96 Sch. 5 para. 34 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Administration of Justice Act 1973

- 35 In section 9 of the Administration of Justice Act 1973 (judicial salaries), subsection (5) is repealed.

Commencement Information

I97 Sch. 5 para. 35 in force at 1.4.2016 by S.S.I. 2016/13, art. 2, Sch.

Law Reform (Miscellaneous Provisions) (Scotland) Act 1985

- 36 Section 22 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (re-employment of retired judges) is repealed.

Commencement Information

I98 Sch. 5 para. 36 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

- 37 (1) The Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 is amended in accordance with this paragraph.
- (2) In section 35 (judicial appointments)—
- (a) subsections (1) and (3) are repealed,
 - (b) in subsection (2), for “the said Schedule” substitute “Schedule 4”.
- (3) In Schedule 4 (judicial appointments), paragraphs 1 to 3 and 5 to 11 are repealed.

Status: Point in time view as at 17/01/2017.

Changes to legislation: Courts Reform (Scotland) Act 2014 is up to date with all changes known to be in force on or before 24 January 2024. 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)

Commencement Information

I99 Sch. 5 para. 37 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Judiciary and Courts (Scotland) Act 2008

- 38 (1) The Judiciary and Courts (Scotland) Act 2008 is amended in accordance with this paragraph.
- (2) In section 43(1)(b) (meaning of “judicial office holder”), for “22(1) or (4) (re-employment of retired Court of Session judges) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73)” substitute “ 20E(1) (re-employment of former judges) or 20F(3) (re-employment of former judges: further provision) ”.
- (3) In section 64 (amendments of enactments relating to remuneration and allowances of re-employed retired judges and temporary judges), subsections (3) and (4) are repealed.
- (4) In section 72 (interpretation), in the definition of “office of temporary judge”, for “35(3) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40)” substitute “ 20B(1) (temporary judges) ”.

Commencement Information

I100 Sch. 5 para. 38 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

PART 10

JUSTICE OF THE PEACE COURTS

Criminal Procedure (Scotland) Act 1995

- 39 (1) The Criminal Procedure (Scotland) Act 1995 is amended in accordance with this paragraph.
- (2) In section 6(2) (constitution of JP courts), for “stipendiary magistrate” substitute “ summary sheriff ”.
- (3) In section 7 (jurisdiction and powers of JP courts), subsection (5) is repealed.
- (4) In section 245A (restriction of liberty orders), subsection (9) is repealed.
- (5) In section 248C(1) (power to prescribe courts to which sections 248A and 248B apply), the words from “and, without prejudice” to the end are repealed.
- (6) In section 249(8) (compensation orders)—
- (a) in paragraph (a), the words “, or a stipendiary magistrate,” are repealed, and
 - (b) in paragraph (b), the words “(other than a stipendiary magistrate)” are repealed.
- (7) In section 307(1) (interpretation)—

Status: Point in time view as at 17/01/2017.

Changes to legislation: Courts Reform (Scotland) Act 2014 is up to date with all changes known to be in force on or before 24 January 2024. 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)

- (a) in the definition of “justice”, the words “stipendiary magistrate or” are repealed, and
- (b) the definition of “stipendiary magistrate” is repealed.

Commencement Information

I101 Sch. 5 para. 39 in force at 1.4.2016 by S.S.I. 2016/13, art. 2, Sch. (with art. 3)

Criminal Proceedings etc. (Reform) (Scotland) Act 2007

- 40 (1) The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 is amended in accordance with this paragraph.
- (2) In section 61(3)(a) (efficient disposal of business in JP courts), for “stipendiary magistrate” substitute “summary sheriff”.
- (3) In section 62 (area and territorial jurisdiction of JP courts)—
- (a) in each of subsections (4), (5), (6) and (7), the words “or stipendiary magistrate” in each place they appear are repealed,
 - (b) in subsection (4), the words “or (as the case may be) magistrate” are repealed,
 - (c) in subsection (7)(a), the words “or (as the case may be) stipendiary magistrate” are repealed.
- (4) In section 63 (constitution and powers etc. of JP courts), in each of subsections (2) and (5)(a), for “stipendiary magistrate” substitute “summary sheriff”.
- (5) The following sections are repealed—
- (a) section 74 (appointment of stipendiary magistrates),
 - (b) section 74A (exercise of functions by stipendiary magistrates),
 - (c) section 75 (stipendiary magistrates: further provision).
- (6) In section 76 (signing functions)—
- (a) in subsection (1), the words “or a stipendiary magistrate” are repealed,
 - (b) in subsection (5), the words “, stipendiary magistrate” are repealed.
- (7) In section 77 (records and validity of appointment)—
- (a) in subsection (1), in each of paragraphs (a) and (b)(ii), the words “or stipendiary magistrate” are repealed,
 - (b) in subsection (2), the words “and stipendiary magistrates” are repealed,
 - (c) subsection (5) is repealed.

Commencement Information

I102 Sch. 5 para. 40 in force at 1.4.2016 by S.S.I. 2016/13, art. 2, Sch.

Judiciary and Courts (Scotland) Act 2008

- 41 In subsection (2) of section 43 of the Judiciary and Courts (Scotland) Act 2008 (meaning of “judicial office holder”), paragraph (h) is repealed.

Status: Point in time view as at 17/01/2017.

Changes to legislation: Courts Reform (Scotland) Act 2014 is up to date with all changes known to be in force on or before 24 January 2024. 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)

Commencement Information

I103 Sch. 5 para. 41 in force at 1.4.2016 by S.S.I. 2016/13, art. 2, Sch.

PART 11

MISCELLANEOUS

Judicial Offices (Salaries, &c.) Act 1952

42 The Judicial Offices (Salaries, &c.) Act 1952 is repealed.

Commencement Information

I104 Sch. 5 para. 42 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Court of Session Act 1988

43 In section 51 of the Court of Session Act 1988 (interpretation), in the definition of “enactment”, after “sederunt” insert “ and an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament ”.

Commencement Information

I105 Sch. 5 para. 43 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Criminal Procedure (Scotland) Act 1995

44 In section 85(4) of the Criminal Procedure (Scotland) Act 1995 (citation of jurors), the words “by registered post or recorded delivery” are repealed.

Commencement Information

I106 Sch. 5 para. 44 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Interpretation and Legislative Reform (Scotland) Act 2010

45 In schedule 1 to the Interpretation and Legislative Reform (Scotland) Act 2010 (definitions of words and expressions), for the entry for “sheriff” substitute—

““sheriff” is to be construed in accordance with section 134(2) and (3) of the Courts Reform (Scotland) Act 2014,”.

Commencement Information

I107 Sch. 5 para. 45 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Status:

Point in time view as at 17/01/2017.

Changes to legislation:

Courts Reform (Scotland) Act 2014 is up to date with all changes known to be in force on or before 24 January 2024. 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.