These notes relate to the Judiciary and Courts (Scotland) Act 2008 (asp 6) which received Royal Assent on 29 October 2008

JUDICIARY AND COURTS (SCOTLAND) ACT 2008

EXPLANATORY NOTES

THE ACT

Part 3 – the Courts

Sheriff Courts

Section 50 – Alteration of boundaries of sheriffdoms

101. There are at present 6 sheriffdoms in Scotland, each headed by a sheriff principal. Scottish Ministers have powers under section 2 of the 1971 Act to alter the boundaries of these sheriffdoms, to form new sheriffdoms and to provide for the abolition of sheriffdoms. These powers are exercisable by order. The Act shifts responsibility for the deployment of the judiciary to the Lord President in his capacity as head of the Scottish judiciary and the SCS becomes responsible for the provision and resourcing of courts in Scotland. Section 50 therefore makes the exercise of this power subject to the consent of the Lord President for all alterations and subject to the consent of the SCS where an order includes provision for the abolition of any office, the alteration of sheriff court districts, the formation of new districts, the abolition of districts or are that sheriff courts shall be held or shall cease to be held at any place. .The SCS's role reflects the fact that such changes will have an impact on its budget. Subsection (3) provides that before giving such consent the SCS must consult such persons as it considers appropriate. Subsection (6) provides that such an order shall be subject to the negative resolution procedure of the Scottish Parliament.