

COURTS REFORM (SCOTLAND) ACT 2014

EXPLANATORY NOTES

THE ACT

Schedule 5 – Modifications of enactments

Part 2 – Sheriff Appeal Court

Paragraph 10 – Sheriff Courts and Legal Officers (Scotland) Act 1927

304. This paragraph amends section 1 of the Sheriff Courts and Legal Officers (Scotland) Act 1927 by inserting a new subsection (6) as a consequence of the creation of the office of Clerk of the Sheriff Appeal Court by section 57 of the Act (see section 62). New subsection (6) sets out that the appointment of a sheriff clerk as Clerk to the Sheriff Appeal Court under section 57 of the Act is not to be considered as a removal from office.

Paragraph 11 – Public Records (Scotland) Act 1937

305. The Public Records (Scotland) Act 1937 is amended by this paragraph to reflect the creation of the Sheriff Appeal Court by the Act. The new section 1A inserted into the 1937 Act makes provision for the keeping of Sheriff Appeal Court records. (This mirrors provision in section 1 of the 1937 Act which deals with the transmission of High Court and Court of Session records by act of adjournal or sederunt (as the case may be.))

Paragraph 12 – Administration of Justice (Scotland) Act 1972

306. This paragraph amends section 1 of the Administration of Justice (Scotland) Act 1972 by amending subsections (1), (1A) and (3), extending the powers therein concerning the inspection of documents or other property to the Sheriff Appeal Court.

Paragraph 13 – Civil Jurisdiction and Judgments Act 1982

307. The definition of “court of law” in section 50 of the Civil Jurisdiction and Judgments Act 1982 is amended by this paragraph to include a reference to the Sheriff Appeal Court.

Paragraph 14 – Legal Aid (Scotland) Act 1986

308. This paragraph extends the provisions of sections 21(1) and 25 and paragraph 1 of Part 1 of Schedule 2 to the Legal Aid (Scotland) Act 1986 in relation to legal aid for proceedings in the Sheriff Appeal Court.

Paragraph 15 – Criminal Procedure (Scotland) Act 1995

309. This paragraph has the effect of requiring one Appeal Sheriff to be appointed to the Criminal Courts Rules Council by amending section 304(2)(c) of the 1995 Act.

*These notes relate to the Courts Reform (Scotland) Act 2014
(asp 18) which received Royal Assent on 10 November 2014*

Paragraph 16 – Judiciary and Courts (Scotland) Act 2008

310. This paragraph makes further amendments to the Judiciary and Courts (Scotland) Act 2008 to take into account the creation of the Sheriff Appeal Court and the offices of Appeal Sheriff and President of the Sheriff Appeal Court.

Paragraph 17 – Criminal Justice and Licensing (Scotland) Act 2010

311. This paragraph makes consequential amendments to the provisions of the Criminal Justice and Licensing (Scotland) Act 2010 that deal with sentencing guidelines from the Scottish Sentencing Council, to take account of the transfer of summary criminal appeal jurisdiction from the High Court to the Sheriff Appeal Court by section 118.

Paragraph 18 – Scottish Civil Justice Council and Criminal Legal Assistance Act 2013

312. This paragraph has the effect of bringing the Sheriff Appeal Court within the remit of the Scottish Civil Justice Council, in terms of the Council's function of reviewing practice and procedure in civil proceedings.