



Courts Reform (Scotland) Act 2014

2014 asp 18

PART 2

THE SHERIFF APPEAL COURT

CHAPTER 2

APPEAL SHERIFFS

49 Sheriffs principal to be Appeal Sheriffs

- (1) Each person who holds office as a sheriff principal also holds office as an Appeal Sheriff by virtue of this subsection.
- (2) A person holding office as a sheriff principal ceases to hold office as an Appeal Sheriff if the person ceases to hold office as a sheriff principal.
- (3) If a person holding office as a sheriff principal is suspended from that office for any period, the person is also suspended from office as an Appeal Sheriff for the same period.

50 Appointment of sheriffs as Appeal Sheriffs

- (1) The Lord President of the Court of Session may appoint persons holding the office of sheriff to hold office also as Appeal Sheriffs.
- (2) The Lord President may appoint as many Appeal Sheriffs under subsection (1) as the Lord President considers necessary for the purposes of the Sheriff Appeal Court.
- (3) A person may be appointed under subsection (1) only if the individual has held office as a sheriff for at least 5 years.
- (4) The appointment of a sheriff as an Appeal Sheriff does not affect the sheriff's appointment as a sheriff and the sheriff may accordingly continue to act in that capacity.
- (5) A person holding office as an Appeal Sheriff under this section ceases to hold that office if the person ceases to hold office as a sheriff.

Status: This is the original version (as it was originally enacted).

- (6) If a person holding office as an Appeal Sheriff under this section is suspended from the office of sheriff for any period, the person is also suspended from office as an Appeal Sheriff for the same period.
- (7) The Lord President may, with the consent of a majority of the sheriffs principal, remove a sheriff from office as an Appeal Sheriff.
- (8) Removal of a sheriff from the office of Appeal Sheriff under subsection (7) does not affect the sheriff's appointment as a sheriff.

51 Re-employment of former Appeal Sheriffs

- (1) The Lord President of the Court of Session may appoint a qualifying former Appeal Sheriff to act as an Appeal Sheriff during such periods or on such occasions as the Lord President may determine.
- (2) The Lord President may make such an appointment only if the appointment appears to the Lord President to be expedient as a temporary measure in order to facilitate the disposal of business in the Sheriff Appeal Court.
- (3) A “qualifying former Appeal Sheriff” is an individual who—
 - (a) ceased to hold that office other than by virtue of—
 - (i) an order under section 25 (as read with sections 49(2) and 50(5)), or
 - (ii) removal from office under section 50(7), and
 - (b) has not reached the age of 75.
- (4) An individual appointed under subsection (1) is to be treated for all purposes (other than for the purposes of section 50) as an Appeal Sheriff and may exercise the jurisdiction and powers that attach to the office of Appeal Sheriff.
- (5) An individual's appointment under subsection (1) ceases when the individual reaches the age of 75.
- (6) Despite the ending (whether by virtue of subsection (5) or otherwise) of an individual's appointment under subsection (1)—
 - (a) the individual may continue to deal with, give judgment in or deal with an ancillary matter relating to, a case begun before the individual 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 individual is to be treated as acting or, as the case may be, having acted under that appointment.
- (7) An individual appointed under subsection (1) is to be paid such remuneration as the Scottish Ministers may determine.
- (8) The Scottish Ministers may determine different amounts of remuneration for—
 - (a) different individuals so appointed, or
 - (b) different descriptions of individuals so appointed.
- (9) Remuneration under subsection (7) is to be paid by the Scottish Courts and Tribunals Service.

52 Expenses

- (1) The Scottish Courts and Tribunals Service may pay to an Appeal Sheriff such sums as it may determine in respect of expenses reasonably incurred by the Appeal Sheriff in the performance of, or in connection with, the Appeal Sheriff's duties as such.
- (2) The Scottish Courts and Tribunals Service may—
 - (a) determine the circumstances in which such sums may be paid, and
 - (b) determine different circumstances for different Appeal Sheriffs.

53 Temporary provision

Schedule 2 (which makes further provision, for a temporary period, in relation to Appeal Sheriffs) has effect.