



Courts Reform (Scotland) Act 2014

2014 asp 18

PART 2

THE SHERIFF APPEAL COURT

CHAPTER 4

ADMINISTRATION

Clerks

59 Clerk of the Sheriff Appeal Court

- (1) The Scottish Courts and Tribunals Service must appoint a person holding office as a sheriff clerk also to hold the office of Clerk of the Sheriff Appeal Court.
- (2) A person's appointment as Clerk of the Sheriff Appeal Court does not affect the person's appointment as a sheriff clerk.
- (3) A person holding office as Clerk of the Sheriff Appeal Court ceases to hold that office if the person ceases to hold office as a sheriff clerk.
- (4) Otherwise, a person's appointment as Clerk of the Sheriff Appeal court—
 - (a) lasts for such period, and
 - (b) is on such other terms and conditions,as the Scottish Courts and Tribunals Service may determine.
- (5) In this section, "sheriff clerk" does not include sheriff clerk depute.

60 Deputy Clerks of the Sheriff Appeal Court

- (1) The Scottish Courts and Tribunals Service may appoint individuals to be Deputy Clerks of the Sheriff Appeal Court.
- (2) The number of Deputy Clerks is for the Scottish Courts and Tribunals Service to determine.

Status: This is the original version (as it was originally enacted).

- (3) An individual's appointment as Deputy Clerk—
 - (a) lasts for such period, and
 - (b) is on such other terms and conditions,as the Scottish Courts and Tribunals Service may determine.
- (4) An individual may hold office as a Deputy Clerk of the Sheriff Appeal Court at the same time as holding office as clerk, or deputy or assistant clerk, of another court.

61 Clerk and Deputy Clerks: further provision

- (1) The Clerk and Deputy Clerks of the Sheriff Appeal Court are also members of staff of the Scottish Courts and Tribunals Service.
- (2) Accordingly, a reference in any enactment to the staff of the Scottish Courts and Tribunals Service includes, except where the context requires otherwise, a reference to the Clerk and Deputy Clerks of the Sheriff Appeal Court.
- (3) The Clerk of the Sheriff Appeal Court may, with the consent of the Scottish Courts and Tribunals Service, delegate the carrying out of any of the Clerk's functions to—
 - (a) a Deputy Clerk of the Sheriff Appeal Court, or
 - (b) any other member of staff of the Scottish Courts and Tribunals Service.
- (4) Subsection (5) applies in relation to any period during which—
 - (a) the office of Clerk of the Sheriff Appeal Court is vacant, or
 - (b) the holder of that office is for any reason unable to carry out the functions of the office.
- (5) The Scottish Courts and Tribunals Service may make arrangements for the functions of the Clerk of the Sheriff Appeal Court to be carried out during the period referred to in subsection (4) by—
 - (a) a Deputy Clerk of the Sheriff Appeal Court, or
 - (b) any other member of staff of the Scottish Courts and Tribunals Service.
- (6) The Scottish Courts and Tribunals Service may give such instructions to the Clerk of the Sheriff Appeal Court, or a person carrying out the Clerk's functions under subsection (5), as it considers necessary for the purposes of this Act; and the Clerk or, as the case may be, such person must comply with any such instructions.

Records

62 Records of the Sheriff Appeal Court

- (1) A record of the Sheriff Appeal Court is authenticated by being signed by—
 - (a) an Appeal Sheriff, or
 - (b) the Clerk of the Court.
- (2) A record authenticated in accordance with subsection (1), or a certified copy of such a record or of an extract of such a record, is sufficient evidence of the facts recorded in the record.
- (3) The Sheriff Appeal Court may keep (and produce) records in electronic form.

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

- (4) For the purposes of this section, a reference to a record or a copy of a record being signed or, as the case may be, certified, includes a reference to the record or copy being authenticated by means of—
- (a) an electronic signature, or
 - (b) such other means of authentication as may be specified for that purpose by an act of sederunt under section 104(1).
- (5) In this section—
- “certified copy” means a copy certified by the Clerk of the Sheriff Appeal Court as a true copy,
 - “electronic signature” is to be construed in accordance with section 7(2) of the Electronic Communications Act 2000, but includes a version of an electronic signature which is reproduced on a paper document,
 - “record” means any interlocutor, decree, minute or other document by which the proceedings and decisions of the Sheriff Appeal Court are recorded.