SCHEDULE 3

Sheriff Appeal Court: General amendments

PART 1

Modification of primary legislation

Legal Aid (Scotland) Act 1986

1.—(1) The Legal Aid (Scotland) Act 1986 is amended as follows.

(2) In section 28D (availability of children's legal aid: child)(**1**)—

    (a) in subsection (1), for "sheriff principal" substitute "Sheriff Appeal Court"; and

    (b) in subsection (4) , for "sheriff principal" substitute "Sheriff Appeal Court".

(3) In section 28E (availability of children's legal aid: relevant person)(**2**)—

    (a) in subsection (1)(b), for "sheriff principal" substitute "Sheriff Appeal Court"; and

    (b) in subsection (4), for "sheriff principal" substitute "Sheriff Appeal Court".

(4) In section 28F(1) (availability of children's legal aid: appeals relating to deemed relevant person)(**3**)—

    (a) in paragraph (d), for "sheriff principal" substitute "Sheriff Appeal Court"; and

    (b) in paragraph (e)—

        (i) for "sheriff principal" substitute "Sheriff Appeal Court"; and

        (ii) for "sheriff principal's" substitute "Sheriff Appeal Court's".

(5) In section 28LA (power of Scottish Ministers to provide for children's legal aid to be available to other persons in relation to court proceedings)(**4**)—

    (a) in subsection (3)(d), for "sheriff principal" substitute "Sheriff Appeal Court"; and

    (b) in subsection (5)(c), for "sheriff principal" substitute "Sheriff Appeal Court".

Proceeds of Crime (Scotland) Act 1995

2. In section 30(5)(c) of the Proceeds of Crime (Scotland) Act 1995(**5**) (restraint orders in relation to forfeitable property), after ", as the case may be," insert "the Sheriff Appeal Court or".

Proceeds of Crime Act 2002

3. In section 92(13) of the Proceeds of Crime Act 2002(**6**) (making of confiscation order), after "High Court of Justiciary" insert ", the Sheriff Appeal Court".

(**1**)   Section 28D was inserted by section 191 of the Children's Hearings (Scotland) Act 2011 (asp 1; "the 2011 Act").
(**2**)   Section 28E was inserted by section 191 of the 2011 Act.
(**3**)   Section 28F was inserted by section 191 of the 2011 Act and amended by paragraph 3(2) of schedule 5 of the Children and Young People (Scotland) Act 2014 (asp 8).
(**4**)   Section 28LA was inserted by section 92 of the Children and Young People (Scotland) Act 2014.
(**5**)   1995 c.43.
(**6**)   2002 c.29. Section 92 was amended by the Serious Crime Act 2015 (c.9), schedule 4, paragraph 35.

Antisocial Behaviour etc. (Scotland) Act 2004

4. In section 72(6) of the Antisocial Behaviour etc. (Scotland) Act 2004(**7**) (appeals against orders under section 71), for "sheriff principal" substitute "Sheriff Appeal Court".

Tobacco and Primary Medical Services (Scotland) Act 2010

5. In section 18(2) of the Tobacco and Primary Medical Services (Scotland) Act 2010(**8**) (tobacco retailing banning orders etc.: notification to Scottish Ministers), for "sheriff principal" substitute "Clerk of the Sheriff Appeal Court".

Public Records (Scotland) Act 2011

6. In the schedule of the Public Records (Scotland) Act 2011(**9**) (authorities to which Part 1 applies), under the heading "Others", after the entry relating to the Sheriff courts insert—

"Sheriff Appeal Court".

Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011

7.—(1) The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011(**10**) is amended as follows.

(2) In section 4 (power to make forced marriage protection orders without application, etc.)—

    (a) in subsection (2)—

        (i) in paragraph (a), after "sheriff" insert ", the Sheriff Appeal Court"; and

        (ii) in paragraph (b), after "sheriff" insert ", the Sheriff Appeal Court"; and

    (b) in subsection (3), after "sheriff" insert ", the Sheriff Appeal Court".

(3) In section 14 (interpretation of Part), in the definition of "court", at the end insert "and in sections 1, 2, 4 and 5 includes the Sheriff Appeal Court".