

COURTS REFORM (SCOTLAND) ACT 2014

EXPLANATORY NOTES

THE ACT

Part 1 - Sheriff Courts

Chapter 4 - Competence and jurisdiction

Summary sheriffs: civil and criminal competence and jurisdiction

Section 44 – Summary sheriff: civil competence and jurisdiction

76. **Section 44** provides that a summary sheriff may exercise all of the jurisdiction and powers of the sheriff in relation to civil proceedings, but only with regard to the proceedings and matters listed in schedule 1 (subsection (1)). Subsection (2) provides that a sheriff still has jurisdiction and competence over the matters in schedule 1. Subsection (3) permits the Scottish Ministers by order (subject to the affirmative procedure) to amend schedule 1.

Section 45 – Summary sheriff: criminal competence and jurisdiction

77. **Section 45** provides that a summary sheriff may exercise all of the jurisdiction and powers of the sheriff in criminal investigations and proceedings (subsection (1)) including the powers of a sheriff under the 1995 Act (subsection (2)). This is subject to subsection (3), which exempts most aspects of solemn criminal proceedings from the powers and jurisdiction of the summary sheriff. Therefore a summary sheriff will deal with summary criminal proceedings and certain preliminary procedural steps in solemn criminal proceedings (and in none of these proceedings will sit with a jury). The provisions of this section are without prejudice to the jurisdiction and competence of a sheriff in relation to summary or solemn criminal investigations and proceedings (subsection (4)).