

## SCHEDULE

(introduced by section 12)

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *Sheriff Courts (Scotland) Act 1971 (c. 58)*

- 1 (1) In section 5 (qualification for offices of sheriff principal and sheriff) of the Sheriff Courts (Scotland) Act 1971, in subsection (2)—
- (a) for “section 11(3)” there is substituted “sections 11(3) and 11A”; and
  - (b) for “temporary” where it second occurs there is substituted “part-time”.
- (2) In section 5A (retiring age for sheriff principal and sheriff) of that Act, after subsection (2) there is inserted—
- “(3) Without prejudice to sections 11(4A) and (4B) and 11B(3) of this Act, in this section, “sheriff principal” does not include a temporary sheriff principal and “sheriff” does not include a part-time sheriff.”.
- (3) In section 6 (disqualification of sheriffs principal and sheriffs) of that Act, in subsection (5), for “temporary” where it second occurs there is substituted “part-time”.
- (4) Section 7 (jurisdiction of sheriff) of that Act is renumbered as subsection (1) of that section and after that subsection there is inserted—
- “(2) Without prejudice to section 11A(4) of this Act, in this section, “sheriff” does not include a part-time sheriff.”.
- (5) Section 9 (power of Scottish Ministers to give administrative directions) of that Act is renumbered as subsection (1) of that section and after that subsection there is inserted—
- “(2) In this section, “sheriff” does not include a part-time sheriff.”.
- (6) In section 10 (Scottish Ministers may authorise sheriff principal or direct sheriff to act in another sheriffdom) of that Act, in subsection (5), after “honorary” there is inserted “or a part-time”.
- (7) In section 11 (appointment of temporary sheriffs principal and sheriffs) of that Act—
- (a) in subsection (3)—
    - (i) the words “or a temporary sheriff”;
    - (ii) in paragraph (a), the words “in the case of an appointment as a temporary sheriff principal”; and
    - (iii) paragraph (b);
  - (b) in subsection (4), the words “or of a temporary sheriff”;
  - (c) in subsection (4A), the words “or temporary sheriff”;
  - (d) in subsection (5), the words “or a temporary sheriff”;
  - (e) in subsection (6)—
    - (i) the words “, or a temporary sheriff for,”; and
    - (ii) the words “or, as the case may be, sheriff”;
  - (f) in subsection (8), the words “or a temporary sheriff”,
- are repealed.

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*Status: This is the original version (as it was originally enacted).*

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- (8) In section 12 (removal from office, and suspension, of sheriff principal or sheriff) of that Act, in subsection (7), for “temporary” where it second occurs there is substituted “part-time”.
- (9) In section 14 (functions of Scottish Ministers with respect to number, residence and place of duties of sheriffs) of that Act, in subsection (5), for the words from “sheriff” where it second occurs to “sheriff” where it third occurs there is substituted “or a part-time”.
- (10) In section 15 (general functions of sheriff principal) of that Act, in subsection (2), after “sheriffdom,” where it second occurs there is inserted “any part-time sheriff”.
- (11) In section 16 (functions of sheriff principal with respect to duties and leave of absence of sheriffs) of that Act—
  - (a) in subsection (1)—
    - (i) in paragraph (a), the word “and” where it first occurs is repealed and, after “sheriffdom”, there is inserted “, and any part-time sheriffs”;
    - (ii) in paragraph (b), after “sheriffdom” where it third occurs there is inserted “or by any part-time sheriffs”; and
    - (iii) after “sheriff” where it last occurs there is inserted “or part-time sheriff”;
  - (b) in subsection (3), after “include” there is inserted “a part-time or”.
- (12) In section 45 (interpretation) of that Act, in subsection (1)(b), for “temporary” in both places where it occurs there is substituted “part-time”.

*District Courts (Scotland) Act 1975 (c. 20)*

- 2 (1) In section 9 (appointment and removal of justices) of the District Courts (Scotland) Act 1975—
  - (a) in subsection (2), the words from “and”, where thirdly occurring, onward are repealed;
  - (b) in subsection (6), for the words from “an” onward, there is substituted “if it were an instrument made under subsection (7) below removing the justice from office”;
  - (c) in subsection (7), for the words from “under” where it second occurs to “is” where it second occurs there is substituted “in the name of Her Majesty under the hand of the Scottish Ministers, if they are”;
  - (d) in subsection (9), after paragraph (b), there is inserted—
    - “(bb) a record of orders under section 9A(1) of this Act which have come into operation;”;
  - (e) in subsection (10)—
    - (i) for “above” there is substituted “, (2C) or (7) above or section 11(7) of this Act”; and
    - (ii) for “who have been transferred to” there is substituted “whose names have been entered in”.
- (2) In section 11 (ex officio justices) of that Act—
  - (a) after subsection (2), there is inserted—
    - “(2A) The name of a person appointed as an ex officio justice under subsection (2) above shall be entered in the supplemental list.”;

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- (b) in subsection (7)—
  - (i) there is inserted at the beginning “Subject to section 12 of this Act,”; and
  - (ii) for the words “in like manner” to the end there is substituted “by an instrument in the name of Her Majesty under the hand of the Scottish Ministers.”.
- (3) In section 15 (supplemental list) of that Act—
  - (a) subsections (2) and (7) are repealed; and
  - (b) after subsection (8) there is inserted—
    - “(8A) A justice whose name is, under this section, entered in the supplemental list is a signing justice within the meaning of section 9(12) of this Act.”.
- (4) In section 16 (justices' committees) of that Act, after subsection (2) there is inserted—
  - “(2A) For the purposes of subsection (2) above, “justices” includes signing justices who are or have become such by operation of section 12 of this Act.”.

*Education (Scotland) Act 1980 (c. 44)*

- 3 (1) In section 36 (power of education authority in relation to irregular attendance of child at a public school) of the Education (Scotland) Act 1980—
  - (a) in subsection (1)—
    - (i) after “may” where it second occurs there is inserted —
      - “(a)”;
      - and
    - (ii) for “or may” there is substituted
      - “in the court of summary jurisdiction in which proceedings may be taken for the offence, not being the district court; or
      - (b) report the circumstances to the procurator fiscal or”;
  - (b) for the words “to prosecute” there is substituted “so to report”.
- (2) In section 43 (prosecutions and penalties) of that Act, in subsection (2) after “section” there is inserted “, other than in the district court”.

*Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40)*

- 4 In Schedule 4 (judicial appointments) to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, in paragraph 2—
  - (a) the words “or sheriff” are repealed; and
  - (b) after “sheriffs)” there is inserted “or on a part-time sheriff appointed under section 11A (appointment of part-time sheriffs)”.

*Judicial Pensions and Retirement Act 1993 (c. 8)*

- 5 (1) In section 27 (completion of proceedings after retirement) of the Judicial Pensions and Retirement Act 1993, in subsection (3), after paragraph (f) there is inserted—
  - “(ff) a part-time sheriff”.

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- (2) In Schedule 5 (retirement provisions: the relevant offices) to that Act, the words “or temporary sheriff” are repealed.

*Scottish Land Court Act 1993 (c. 45)*

- 6 In section 1 (the Land Court) of the Scottish Land Court Act 1993, in subsection (4)—
- (a) the words “or sheriff” are repealed; and
  - (b) after “11” there is inserted “or on a part-time sheriff appointed under section 11A (appointment of part-time sheriffs)”.

*Criminal Procedure (Scotland) Act 1995 (c. 46)*

- 7 (1) In section 23 (bail applications) of the Criminal Procedure (Scotland) Act 1995—
- (a) in subsection (1)—
    - (i) the words “which is by lawailable” are repealed; and
    - (ii) after “any” where it second occurs there is inserted “(other than the first)”;
  - (b) in subsection (5) the words “except murder or treason” are repealed; and
  - (c) for subsection (6) there is substituted—
 

“(6) Any person charged on complaint with an offence shall, on any (other than the first) occasion on which he is brought before a judge having jurisdiction to try the offence, be entitled to apply to the judge for bail and the prosecutor shall be entitled to be heard against any such application.”.
- (2) In section 32 (bail appeal) of that Act—
- (a) in subsections (1), (2), (5), (7) and (10), for the words “applicant” and “applicant's”, wherever they occur, there are substituted respectively “accused” and “accused's”;
  - (b) in subsection (2), the words “an application for” are repealed; and
  - (c) in subsection (7), for the words “the application” there is substituted “bail”.
- (3) In section 33 (bail: no fees exigible) of that Act—
- (a) for “his” there is substituted “a decision on bail under section 22A above, an”; and
  - (b) after “such” there is inserted “a decision or”.
- (4) In section 186 (appeals against sentence only) of that Act, in subsection (5)(b), for “temporary” there is substituted “part-time”.
- (5) In section 194 (appeals against sentence only) of that Act, in subsection (2)(b), for “temporary” there is substituted “part-time”.