



# Courts Reform (Scotland) Act 2014

## 2014 asp 18

### PART 1

#### SHERIFF COURTS

#### CHAPTER 3

#### ORGANISATION OF BUSINESS

VALID FROM 01/04/2015

#### *Deployment of judiciary*

#### **30 Power to authorise a sheriff principal to act in another sheriffdom**

- (1) Subsection (2) applies where, in relation to a sheriffdom (“sheriffdom A”)—
  - (a) a vacancy occurs in the office of sheriff principal,
  - (b) the Lord President of the Court of Session believes that the sheriff principal is unable to perform all or some of the functions of the office, or
  - (c) the sheriff principal rules that he or she is precluded from performing all or some of those functions.
- (2) The Lord President may authorise the sheriff principal of another sheriffdom (“sheriffdom B”) to perform the functions of sheriff principal in sheriffdom A (in addition to sheriffdom B) until the Lord President decides otherwise.
- (3) The authorisation may be made for the purpose of the performance of—
  - (a) all of the functions of the sheriff principal of sheriffdom A, or
  - (b) only those functions that that sheriff principal is unable to perform or is precluded from performing.
- (4) The Lord President may make an authorisation in the circumstances specified in subsection (1)(a) only if the Lord President considers such an authorisation to be

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necessary or expedient in order to avoid a delay in the administration of justice in sheriffdom A.

- (5) A sheriff principal authorised under this section to perform the functions of sheriff principal in another sheriffdom may exercise the jurisdiction and powers that attach to the office of sheriff principal in the other sheriffdom and does not need a commission for that purpose.
- (6) References in this section to the sheriff principal of a sheriffdom include references to any temporary sheriff principal of the sheriffdom.

### **31 Power to direct a sheriff or summary sheriff to act in another sheriffdom**

- (1) The Lord President of the Court of Session may direct a sheriff or summary sheriff of a sheriffdom (“sheriffdom A”) to perform the functions of sheriff or, as the case may be, summary sheriff in another sheriffdom (“sheriffdom B”) until the Lord President decides otherwise.
- (2) The direction may require the sheriff or summary sheriff to perform the functions in sheriffdom B either in addition to or instead of performing the functions in sheriffdom A.
- (3) The Lord President may at any time give a further direction to the sheriff or summary sheriff directing the sheriff or, as the case may be, summary sheriff to perform the functions of sheriff or, as the case may be, summary sheriff in another sheriffdom until the Lord President decides otherwise.
- (4) Where a further direction is given under subsection (3) requiring functions to be carried out in another sheriffdom, the direction may require the sheriff or summary sheriff to perform the functions in that other sheriffdom in addition to or instead of performing the functions—
  - (a) in sheriffdom A, or
  - (b) in any other sheriffdom by virtue of—
    - (i) a direction under subsection (1), or
    - (ii) a further direction under subsection (3).
- (5) A sheriff or summary sheriff directed under this section to perform the functions of sheriff or summary sheriff in another sheriffdom may exercise the jurisdiction and powers that attach to the office of sheriff or, as the case may be, summary sheriff in the other sheriffdom and does not need a commission for that purpose.

### **32 Power to re-allocate sheriffs principal, sheriffs and summary sheriffs between sheriffdoms**

- (1) The Lord President of the Court of Session may direct that—
  - (a) the sheriff principal of a sheriffdom is to cease to be the sheriff principal of that sheriffdom and is instead to be sheriff principal of such other sheriffdom as is specified in the direction,
  - (b) a sheriff of a sheriffdom is to cease to be a sheriff of that sheriffdom and is instead to be a sheriff of such other sheriffdom as is specified in the direction,
  - (c) a summary sheriff of a sheriffdom is to cease to be a summary sheriff of that sheriffdom and is instead to be a summary sheriff of such other sheriffdom as is specified in the direction.

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- (2) A direction under subsection (1) takes effect on such date as is specified in the direction.
- (3) The reference in subsection (1) to the sheriff principal, a sheriff or summary sheriff of a sheriffdom is to one—
  - (a) appointed for the sheriffdom, or
  - (b) who is the sheriff principal, a sheriff or, as the case may be, summary sheriff of the sheriffdom by virtue of a previous direction under subsection (1).
- (4) A sheriff principal, sheriff or summary sheriff directed under subsection (1) to be the sheriff principal, a sheriff or summary sheriff of another sheriffdom may exercise the jurisdiction and powers that attach to the office of sheriff principal, sheriff or, as the case may be, summary sheriff in the other sheriffdom and does not need a commission for that purpose.

### **33 Allocation of sheriffs and summary sheriffs to sheriff court districts**

- (1) On the appointment of a sheriff or summary sheriff of a sheriffdom, the Lord President of the Court of Session must give the sheriff or summary sheriff a direction designating the sheriff court district or districts in which the sheriff or summary sheriff is to sit and perform the functions of sheriff or, as the case may be, summary sheriff.
- (2) The Lord President may at any time give a further direction to the sheriff or summary sheriff designating a different sheriff court district in which the sheriff or summary sheriff is to sit and perform the functions of sheriff or, as the case may be, summary sheriff.
- (3) A direction given to a sheriff or summary sheriff of a sheriffdom under this section is subject to any direction given under section 27 to the sheriff or summary sheriff by the sheriff principal of the sheriffdom for the purpose of giving effect to special provision made under subsection (3)(b) of that section.
- (4) Subsection (1) applies in the case where a direction under section 32(1) is made in relation to a sheriff or summary sheriff as it applies in the case where a sheriff or, as the case may be, summary sheriff is appointed.

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