



# Courts Reform (Scotland) Act 2014

## 2014 asp 18

### PART 2

#### THE SHERIFF APPEAL COURT

### CHAPTER 3

#### ORGANISATION OF BUSINESS

##### *President and Vice President*

#### **54 President and Vice President of the Sheriff Appeal Court**

- (1) The Lord President of the Court of Session is to appoint, in accordance with this section—
  - (a) one of the sheriffs principal to be the President of the Sheriff Appeal Court, and
  - (b) another sheriff principal to be the Vice President of the Court.
- (2) A sheriff principal holds office as President or Vice President for such period as the Lord President may determine.
- (3) The President or Vice President may at any time resign office by giving notice in writing to the Lord President.
- (4) The Lord President may at any time remove a sheriff principal from office as President or Vice President.
- (5) If a person holding office as President or Vice President is suspended from office as a sheriff principal for any period, the person is also suspended from office as President or, as the case may be, Vice President for the same period.

#### **Commencement Information**

**II** S. 54 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

*Status: Point in time view as at 28/11/2016.*

*Changes to legislation: Courts Reform (Scotland) Act 2014, CHAPTER 3 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 55 President and Vice President: incapacity and suspension

- (1) Subsection (2) applies during any period when the President of the Sheriff Appeal Court—
  - (a) is unable (for any reason) to carry out the functions of the office, or
  - (b) is suspended from office.
- (2) During such a period—
  - (a) the functions of the President are to be carried out instead by the Vice President, and
  - (b) anything that falls to be done in relation to the President falls to be done instead in relation to the Vice President.
- (3) Subsection (4) applies during any period when—
  - (a) subsection (2) would, but for subsection (4), apply, and
  - (b) the Vice President of the Sheriff Appeal Court—
    - (i) is unable (for any reason) to carry out the functions of the President, or
    - (ii) is suspended from office.
- (4) During such a period, subsection (2) does not apply and, instead—
  - (a) the functions of the President are to be carried out instead by such sheriff principal (other than the President or Vice President) as the Lord President of the Court of Session may appoint to act in place of the President, and
  - (b) anything that falls to be done in relation to the President falls to be done instead in relation to that sheriff principal.

### Commencement Information

**I2** S. 55 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

### *Disposal of business*

## 56 President's responsibility for efficient disposal of business

- (1) The President of the Sheriff Appeal Court is responsible for ensuring the efficient disposal of business in the Sheriff Appeal Court.
- (2) The President must make such arrangements as appear necessary or expedient for the purpose of carrying out the responsibility imposed by subsection (1).
- (3) In particular, the President may provide for the allocation of business among the Appeal Sheriffs.
- (4) If, in carrying out the responsibility imposed by subsection (1), the President gives a direction of an administrative character to a person specified in subsection (5), the person must comply with the direction.
- (5) Those persons are—
  - (a) an Appeal Sheriff,
  - (b) a member of the staff of the Scottish Courts and Tribunals Service.

*Status: Point in time view as at 28/11/2016.*

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- (6) This section is subject to section 2(2)(a) and (2A) of the Judiciary and Courts (Scotland) Act 2008 (the Head of the Scottish Judiciary's responsibility for efficient disposal of business in the Scottish courts).

#### Commencement Information

**I3** S. 56 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

### Sittings

#### 57 Sittings of the Sheriff Appeal Court

- (1) Sittings of the Sheriff Appeal Court may be held at any place in Scotland designated by virtue of this Act for the holding of sheriff courts.
- (2) More than one sitting of the Court may take place at the same time, and at different places.
- (3) The President of the Sheriff Appeal Court may by order prescribe—
- the number of sittings of the Court that are to be held at each place at which they may be held,
  - the days on which, and the times at which, those sittings are to be held, and
  - the descriptions of business to be disposed of at those sittings.
- (4) The President must publish notice of the matters prescribed by an order under subsection (3) in such manner as the President thinks appropriate in order to bring those matters to the attention of persons having an interest in them.
- (5) Subsection (3) is subject to section 2(2)(a) and (2A) of the Judiciary and Courts (Scotland) Act 2008.

#### Commencement Information

**I4** S. 57(1)(2) in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch.

**I5** S. 57(3)-(5) in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

#### 58 Rehearing of pending case by a larger Court

- (1) Subsection (2) applies where, in relation to any appeal pending before the Sheriff Appeal Court—
- the Appeal Sheriff or Appeal Sheriffs constituting the Court consider the appeal to be one of particular difficulty or importance, or
  - where the Court is constituted by more than one Appeal Sheriff, they are equally divided on any matter, whether of fact or law.
- (2) The Appeal Sheriff or Appeal Sheriffs may appoint the appeal to be reheard at another sitting of the Court constituted by such larger number of Appeal Sheriffs as may be necessary for the proper disposal of the appeal.

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**Commencement Information**

**16** [S. 58](#) in force at 22.9.2015 by [S.S.I. 2015/247](#), art. 2, [Sch.](#)

**Status:**

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**Changes to legislation:**

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