

SCHEDULE 5 MODIFICATIONS OF ENACTMENTS

PART 1

SHERIFF COURTS

Promissory Oaths Act 1868

- 1 In the Promissory Oaths Act 1868, in the second part of the Schedule (persons to take oaths of allegiance and judicial oaths), after “part-time sheriffs” insert “, summary sheriffs, part-time summary sheriffs”.

Promissory Oaths Act 1871

- 2 In section 2 of the Promissory Oaths Act 1871 (persons before whom oaths are to be taken), for “or sheriff, or, for a part-time sheriff,” substitute “, sheriff or summary sheriff, or, for a part-time sheriff or part-time summary sheriff,”.

Sheriff Courts (Scotland) Act 1876

- 3 In the Sheriff Courts (Scotland) Act 1876, section 54 (courts to make acts of sederunt) is repealed (so far as not previously repealed).

Sheriff Courts (Scotland) Act 1907

- 4 The following provisions of the Sheriff Courts (Scotland) Act 1907 are repealed—
- (a) sections 4 to 7 (jurisdiction, extension of jurisdiction, power of sheriff to order sheriff clerk to execute deeds relating to heritage, action competent in sheriff court and privative jurisdiction in causes under one thousand five hundred pounds value),
 - (b) sections 10 and 11 (privilege not to exempt from jurisdiction and appointment of sheriffs and salaried sheriffs-substitute),
 - (c) section 14 (salaries of sheriffs and sheriffs-substitute),
 - (d) section 17 (honorary sheriff-substitute),
 - (e) sections 27 to 29 (appeal to sheriff, appeal to Court of Session and effect of appeal),
 - (f) sections 39 and 40 (procedure rules and Court of Session to regulate fees etc.),
 - (g) section 50 (summary applications),
 - (h) Schedule 1 (ordinary cause rules 1993).

Sheriff Courts and Legal Officers (Scotland) Act 1927

- 5 (1) Section 8 of the Sheriff Courts and Legal Officers (Scotland) Act 1927 (issuing of instructions to sheriff clerks and procurators fiscal) is amended in accordance with this paragraph.
- (2) In subsection (1), for “as regards sheriff clerks and the Lord Advocate as regards procurators fiscal may from time to time issue” substitute “may from time to time issue to sheriff clerks”.

Status: This is the original version (as it was originally enacted).

(3) After subsection (1) insert—

“(1A) The Lord Advocate may from time to time issue to procurators fiscal such instructions as may be deemed necessary for the purpose of—

- (a) giving effect to the provisions of this Act, or
- (b) the efficient disposal of business in the sheriff courts.”.

Sheriff Courts (Scotland) Act 1971

- 6 (1) The Sheriff Courts (Scotland) Act 1971 is amended in accordance with this paragraph.
- (2) The whole Act, apart from sections 2(3) and 3(4), is repealed.
- (3) In section 2(3) (compensation for loss of office), for “subsection (1) above includes, by virtue of subsection (2)(a) above,” substitute “section 2(1) of the Courts Reform (Scotland) Act 2014 includes”.
- (4) In section 3(4) (compensation for loss of employment), for “subsection (2) above” substitute “section 2(1) of the Courts Reform (Scotland) Act 2014”.

Civil Jurisdiction and Judgments Act 1982

- 7 In section 20(3) of the Civil Jurisdiction and Judgments Act 1982 (rules as to jurisdiction in Scotland)—
- (a) for the opening words substitute “Section 43 of the Courts Reform (Scotland) Act 2014 does not apply—”,
 - (b) in paragraph (a), the words “to the extent that it determines jurisdiction” are repealed.

Judicial Pensions and Retirement Act 1993

- 8 In Schedule 5 to the Judicial Pensions and Retirement Act 1993 (relevant offices for the purposes of retirement provisions)—
- (a) for the entry for “Sheriff principal or sheriff in Scotland” substitute—
“Sheriff principal, sheriff or summary sheriff in Scotland”,
 - (b) after the entry for “Part-time sheriff in Scotland”, insert—
“Part-time summary sheriff in Scotland”,
 - (c) the entry for “Stipendiary magistrate in Scotland” is repealed.

Judiciary and Courts (Scotland) Act 2008

- 9 (1) The Judiciary and Courts (Scotland) Act 2008 is amended in accordance with this paragraph.
- (2) The following provisions are repealed—
- (a) sections 24 to 26 (amendments of Sheriff Courts (Scotland) Act 1971 relating to sheriffs principal, sheriffs and part-time sheriffs),
 - (b) section 40 (amendments of the 1971 Act relating to consideration of fitness for, and removal from, shrieval office),
 - (c) sections 47 to 56 (miscellaneous amendments of the 1971 Act relating to the sheriff courts),

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

- (d) section 64(1) and (2) (amendments of the 1971 Act relating to remuneration and allowances of certain judicial office holders),
 - (e) in section 72 (interpretation), the definition of “the 1971 Act”,
 - (f) in schedule 5, paragraph 2 (consequential amendments of the 1971 Act).
- (3) In subsection (1) of section 10 (judicial offices within the remit of the Judicial Appointments Board for Scotland), after paragraph (f) insert—
- “(fza) the office of summary sheriff,
 - (fzb) the office of part-time summary sheriff,”.
- (4) In section 43 (meaning of “judicial office holder”)—
- (a) in subsection (1), for paragraph (c) substitute—
 - “(c) a person acting as a sheriff or as a summary sheriff by virtue of section 12(1) or 13(5) of the Courts Reform (Scotland) Act 2014.”,
 - (b) in subsection (2), after paragraph (g) insert—
 - “(ga) the office of summary sheriff,
 - (gb) the office of part-time summary sheriff,”.
- (5) In section 62(1)(c) (administrative support to be provided by the Scottish Courts and Tribunals Service), for “section 15 to 17 of the 1971 Act” substitute “sections 27 and 28 of the Courts Reform (Scotland) Act 2014”.
- (6) In section 72 (interpretation)—
- (a) in the definition of “office of part-time sheriff” for “11A, or a reappointment under section 11B(5) or (7), of the 1971 Act” substitute “8(1), or a reappointment under section 9(1) or (3), of the Courts Reform (Scotland) Act 2014”,
 - (b) after the definition of “office of part-time sheriff” insert—
 - ““office of part-time summary sheriff” means an appointment under section 10(1), or a reappointment under section 11(1) or (3), of the Courts Reform (Scotland) Act 2014, and references to suspension from that office are to be construed accordingly,”
 - (c) in the definition of “office of temporary sheriff principal” for “11(1) or (1A) of the 1971 Act” substitute “6(2) of the Courts Reform (Scotland) Act 2014”.