
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Courts Reform (Scotland) Act 2014 (“the Act”). Section 23(5) of the Act, which permits the Court of Session to make rules regulating a tribunal established under section 21 of the Act, comes into force on 12th March 2015. The provisions specified in column 1 of the table in the schedule to the Order come into force on 1st April 2015. The subject matter of these provisions is set out in column 2 of the table, and where provisions are brought into force only for a limited purpose, this purpose is given in column 3.

Articles 3 to 7 contain transitional and saving provisions.

Article 3 applies until the commencement of section 16(12) of the Act (which provides for all of the salaries and remuneration payable under that section to be paid by the Scottish Courts and Tribunals Service). It provides that the Scottish Ministers shall be responsible for the payment of the salaries and remuneration of sheriffs principal, sheriffs and summary sheriffs, and that the sums required for these payments shall be charged on the Scottish Consolidated Fund. It also provides that the remuneration of other judicial officers under that section shall be paid by the Scottish Courts and Tribunals Service.

Article 4 permits a tribunal constituted under section 21 of the Act (tribunal to consider fitness for office), to consider judicial conduct which took place prior to the commencement of that section.

Article 5 enables former sheriffs principal who have not reached the age of 75 to be appointed to act as Appeal Sheriffs in terms of section 51(1) of the Act (re-employment of former Appeal Sheriffs).

Article 6 saves acts of sederunt made under section 54 of the Sheriff Courts (Scotland) Act 1876 regulating commissary business from the repeal of that section by paragraph 3 of schedule 5 to the Act, and provides for that section to continue to have effect for the purpose of enabling their revocation.

Article 7 provides for existing subordinate legislation made under the powers specified in paragraph (2) of that Article to continue to have effect despite the repeal of those powers.