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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 152**

**The Sheriff Court Districts Amendment Order 2013**

**Transitional provisions**

**14.**—(1) Anything which prior to the appointed date would be dealt with by reference to the closing court may—

- (a) in respect of any period on or after the appointed date; and
- (b) in the interests of ensuring continuity on or after the appointed date,

be dealt with prior to the appointed date, by reference to the receiving court.

(2) Without prejudice to the generality and conditions of paragraph (1), any function may be exercised in terms of that paragraph by reference to the receiving court, or as the case may be, the sheriff court district of the receiving court despite the fact that the closing court has not yet been closed, or the sheriff court district of the closing court has not yet been abolished.

(3) For the purposes of this article and without prejudice to the generality of paragraphs (1) and (2) “function” includes—

- (a) the fixing, adjournment, postponement, discharge, continuation, or deferral of any sentence, diet, calling, sitting, hearing or other court process and the extending of any period;
- (b) the citation of any witness or accused person;
- (c) ordering the production of documents;
- (d) the summoning of jurors;
- (e) the administration and management of any case, proceedings or matter.

(4) The operation of this article does not—

- (a) affect the competence of any person to continue to exercise any function by reference to the closing court or the sheriff court district of the closing court until the appointed date;
- (b) prevent, where it would be otherwise competent to do so, the overturning or variation of any action taken under this article prior to the appointed date;
- (c) permit anything to be done in the receiving court which would not have been permitted in the closing court had the closing court continued to operate on or after the appointed date;
- (d) affect any power any person has apart from this article, to provide for the receiving court to deal with any matter prior to the appointed date;
- (e) limit the operation of article 15.