
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”). The provisions specified in column 1 of the table in the Schedule to the Order come into force on 1st January 2016. 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.

Section 109 of the Act, which is brought into force by this Order with effect from 1st January 2016, abolishes appeals from the sheriff to the sheriff principal and provides for any such appeals to be heard instead by the Sheriff Appeal Court. Article 3 preserves the pre-existing statutory provisions for appeals from decisions of sheriffs or sheriffs principal in sections 27 to 29 of the Sheriff Courts (Scotland) Act 1907 (“the 1907 Act”), in relation to decisions of sheriffs before 1st January 2016. Where an appeal process begins before 1st January 2016 the 1907 Act provisions will apply in relation to any appeals to sheriffs principal or to the Inner House of the Court of Session.

Article 4 modifies the application of section 38 of the Sheriff Courts (Scotland) Act 1971 (“the 1971 Act”) in relation to decisions of sheriffs on or after 1st January 2016 to refer to the Sheriff Appeal Court rather than to the sheriff principal (given the abolition of appeals from the sheriff to the sheriff principal by section 109 of the Act). (It is intended that the commencement of the repeal of section 38 of the 1971 Act by paragraph 6(2) of schedule 5 to the Act will coincide with the replacement of summary cause procedure by the new simple procedure provided for by sections 72 to 83 of the Act).

Article 5 preserves the transitory provision in article 8 of the Courts Reform (Scotland) Act 2014 (Commencement No. 3, Transitional and Saving Provisions) Order 2015 for cases where applications relating to Sheriff Personal Injury Court proceedings are made to the sheriff principal before 1st January 2016.

The Act received Royal Assent on 10th November 2014. Sections 133, 134(1) and (3) and 135 to 139 came into force the following day.