



F¹ Sheriff Courts (Scotland) Act 1971

1971 CHAPTER 58

S

An Act to amend the law with respect to sheriff courts in Scotland, and for purposes connected therewith.

Textual Amendments

F1 Act (except for ss. 2(3), 3(4)) repealed (S.) (1.4.2015 except for the repeal of ss. 31, 35, 36(2)(3), 36A, 36B, 37, 38, 45, 22.9.2015 for the repeal of ss. 31, 37(1)(b)(2A)(2D), 28.11.2016 for the repeal of ss. 35(2)-(4), 36A, 36B, 37(2B)(2C) and the repeal of specified words in s. 38(b)) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\), s. 138\(2\), sch. 5 para. 6\(2\)](#); S.S.I. 2015/77, art. 2(2)(3), sch. (with art. 7); S.S.I. 2015/247, art. 2, sch. (with art. 9); S.S.I. 2016/291, art. 2, sch. (with art. 3(1)(2))

PART I **S**

CONSTITUTION, ORGANISATION AND ADMINISTRATION

F1 General duty of the Secretary of State

1 Secretary of State to be responsible for organisation and administration of sheriff courts. **S**

.....

Sheriffdoms

2 Power of Secretary of State to alter sheriffdoms. **S**

^{F1}(1)

^{F1}(2)

Status: Point in time view as at 01/04/2015.

Changes to legislation: Sheriff Courts (Scotland) Act 1971 is up to date with all changes known to be in force on or before 05 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)

- F1(2A)
- F1(2B)
- F2(3)
- F1(4)
- F1(5)

Textual Amendments

- F1** Act (except for ss. 2(3), 3(4)) repealed (S.) (1.4.2015 except for the repeal of ss. 31, 35, 36(2)(3), 36A, 36B, 37, 38, 45, 22.9.2015 for the repeal of ss. 31, 37(1)(b)(2A)(2D), 28.11.2016 for the repeal of ss. 35(2)-(4), 36A, 36B, 37(2B)(2C) and the repeal of specified words in s. 38(b)) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **sch. 5 para. 6(2)**; S.S.I. 2015/77, art. 2(2)(3), sch. (with art. 7); S.S.I. 2015/247, art. 2, sch. (with art. 9); S.S.I. 2016/291, art. 2, sch. (with art. 3(1)(2))
- F2** S. 2(3) repealed (1.4.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions and Modifications\) Order 2015 \(S.I. 2015/700\)](#), arts. 1(4), **2(3)**

Sheriff court districts and places where sheriff courts are to be held

3 Sheriff court districts and places where sheriff courts are to be held. S

- F1(1)
- F1(2)
- F1(2A)
- F1(2B)
- F1(3)
- F3(4)
- F1(5)
- F1(5A)
- F1(6)

Textual Amendments

- F1** Act (except for ss. 2(3), 3(4)) repealed (S.) (1.4.2015 except for the repeal of ss. 31, 35, 36(2)(3), 36A, 36B, 37, 38, 45, 22.9.2015 for the repeal of ss. 31, 37(1)(b)(2A)(2D), 28.11.2016 for the repeal of ss. 35(2)-(4), 36A, 36B, 37(2B)(2C) and the repeal of specified words in s. 38(b)) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **sch. 5 para. 6(2)**; S.S.I. 2015/77, art. 2(2)(3), sch. (with art. 7); S.S.I. 2015/247, art. 2, sch. (with art. 9); S.S.I. 2016/291, art. 2, sch. (with art. 3(1)(2))
- F3** S. 3(4) repealed (1.4.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions and Modifications\) Order 2015 \(S.I. 2015/700\)](#), arts. 1(4), **2(3)**

Status: Point in time view as at 01/04/2015.

Changes to legislation: Sheriff Courts (Scotland) Act 1971 is up to date with all changes known to be in force on or before 05 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)

^{F1} Sheriffs principal and sheriffs

4 Offices of sheriff principal and sheriff. U.K.

F4F5

Textual Amendments

- F4** S. 4 repealed (E.W.N.I) (1.4.2015 for specified purposes, 22.9.2015 for specified purposes) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions and Modifications\) Order 2015 \(S.I. 2015/700\)](#), art. 1(11)(e), **Sch. para. 6**
- F5** Act (except for ss. 2(3), 3(4)) repealed (S.) (1.4.2015 except for the repeal of ss. 31, 35, 36(2)(3), 36A, 36B, 37, 38, 45, 22.9.2015 for the repeal of ss. 31, 37(1)(b)(2A)(2D)) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **sch. 5 para. 6(2)**; S.S.I. 2015/77, art. 2(2)(3), **sch.** (with art. 7); S.S.I. 2015/247, art. 2, sch. (with art. 9)

5 Qualification for offices of sheriff principal and sheriff. S

.....

5A Retiring age for sheriff principal and sheriff. S

.....

6 Disqualification of sheriffs principal and sheriffs. S

.....

7 Jurisdiction of sheriff. S

.....

8 Sheriff may be appointed to assist Secretary of State. S

.....

^{F1} Functions of the Secretary of State in relation to sheriffs principal, sheriffs, et ceteralaetc.

9 Power of Secretary of State to give administrative directions. S

.....

10 Secretary of State may authorise sheriff principal or direct sheriff to act in another sheriffdom. S

.....

11 Secretary of State may appoint temporary sheriffs principal and sheriffs. S

.....

Status: Point in time view as at 01/04/2015.

Changes to legislation: Sheriff Courts (Scotland) Act 1971 is up to date with all changes known to be in force on or before 05 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)

11A Appointment of part-time sheriffs **S**
.....

11B Limitation, termination etc. of appointment of part-time sheriffs **S**
.....

11C Removal of part-time sheriffs from office **S**
.....

11D Regulations and orders under sections 11A and 11C **S**
.....

12 Removal from office, and suspension, of sheriff principal or sheriff. **S**
.....

^{F1}Consideration of fitness for, and removal from, shrieval office

12A Tribunal to consider fitness for shrieval office **S**
.....

12B Suspension during investigation **S**
.....

12C Further provision about tribunals **S**
.....

12D Report of tribunal **S**
.....

12E Removal from office **S**
.....

12F Interpretation of sections 12A to 12E **S**
.....

13 Functions of Secretary of State with respect to residence and leave of absence of sheriffs principal. **S**
.....

Status: Point in time view as at 01/04/2015.

Changes to legislation: Sheriff Courts (Scotland) Act 1971 is up to date with all changes known to be in force on or before 05 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)

14 Functions of Secretary of State with respect to number, residence and place of duties of sheriffs. S

.....

14A Re-employment of retired sheriffs principal and sheriffs S

.....

^{FI} Functions of the sheriff principal in relation to sheriffs, et cetera etc.

15 Efficient disposal of business in sheriff courts S

.....

16 Functions of sheriff principal with respect to duties and leave of absence of sheriffs. S

.....

17 Sheriff principal may fix sittings and business of sheriff courts in sheriffdom, and sessions for civil business. S

.....

17A Lord President's power to exercise functions in sections 15 to 17 S

.....

18 Secretary of State may exercise certain functions of sheriff principal in certain circumstances. S

.....

^{FI} Miscellaneous

19 Travelling allowances for sheriffs principal. S

.....

20 Extension of purposes for which Lord Advocate may give instructions to procurators fiscal. S

.....

21 S

Status: Point in time view as at 01/04/2015.

Changes to legislation: Sheriff Courts (Scotland) Act 1971 is up to date with all changes known to be in force on or before 05 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)

22 Saving for existing functions. S

.....

^{F1}PART II S

COURT HOUSES, BUILDINGS AND OFFICES

23 Transfer of court houses to Secretary of State. S

.....

24 Provision and maintenance of court houses by Secretary of State. S

.....

25 Use of public buildings for holding of courts. S

.....

26 Use of court houses by third parties. S

.....

27 Compensation for officers and servants. S

.....

28 Repeal and amendment of local enactments. S

.....

29 Determination of disputes. S

.....

30 Interpretation of Part II. S

.....

PART III S

CIVIL JURISDICTION, PROCEDURE AND APPEALS

^{X1}31 Upper limit to privative jurisdiction of sheriff court to be £250. S

Section 7 of the ^{M1}Sheriff Courts (Scotland) Act 1907 (which provides that all causes not exceeding fifty pounds in value which are competent in the sheriff court are to be brought in that court only, and are not to be subject to review by the Court of Session)

Status: Point in time view as at 01/04/2015.

Changes to legislation: Sheriff Courts (Scotland) Act 1971 is up to date with all changes known to be in force on or before 05 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)

shall have effect as if for the words “fifty pounds” there were substituted the words “^{F6}£5000”.

Editorial Information

X1 The text of ss. 31, 46, Sch. 1 paras. 2, 3 and Sch. 2 is in the form in which it was originally enacted; it was not reproduced in Statutes in Force and does not reflect any repeals or amendments which may have been made prior to 1.2.1991

Textual Amendments

F6 Words in s. 31 substituted (14.1.2008) by [The Sheriff Courts \(Scotland\) Act 1971 \(Private Jurisdiction and Summary Cause\) Order 2007 \(S.S.I. 2007/507\)](#), **art. 2** (with art. 4)

Marginal Citations

M1 1907 c. 51.

^{F1} Regulation of procedure in civil proceedings

32 Power of Court of Session to regulate civil procedure in sheriff court. S

.....

32A Rules for lay representation S

.....

33 Sheriff Court Rules Council. S

.....

34 Functions of Sheriff Court Rules Council. S

.....

Summary causes

35 Summary causes. S

(1) The definition of “summary cause” contained in paragraph (i) of section 3 of the ^{M2}Sheriff Courts (Scotland) Act 1907 shall cease to have effect, and for the purposes of the procedure and practice in civil proceedings in the sheriff court there shall be a form of process, to be known as a “summary cause”, which shall be used for the purposes of all civil proceedings brought in that court, being proceedings of one or other of the following descriptions, namely—

- (a) actions for payment of money not exceeding [^{F7}£5000] in amount (exclusive of interest and expenses);
- (b) actions of multiplepoinding, actions of furthcoming ^{F8}. . . , where the value of the fund *in medio*, or the value of the arrested fund or subject, ^{F8}. . . as the case may be, does not exceed [^{F9}£5000](exclusive of interest and expenses);

Status: Point in time view as at 01/04/2015.

Changes to legislation: Sheriff Courts (Scotland) Act 1971 is up to date with all changes known to be in force on or before 05 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)

- (c) actions *ad factum praestandum* and actions for the recovery of possession of heritable or moveable property, other than actions in which there is claimed in addition, or as an alternative, to a decree *ad factum praestandum* or for such recovery, as the case may be, a decree for payment of money exceeding [^{F10}£5000] in amount (exclusive of interest and expenses);
- (d) proceedings which, according to the law and practice existing immediately before the commencement of this Act, might competently be brought in the sheriff's small debt court or were required to be conducted and disposed of in the summary manner in which proceedings were conducted and disposed of under the Small Debt Acts;

and any reference in the following provisions of this Act, or in any other enactment (whether passed or made before or after the commencement of this Act) relating to civil procedure in the sheriff court, to a summary cause shall be construed as a reference to a summary cause within the meaning of this subsection.

[^{F11}(1A) For the avoidance of doubt it is hereby declared that nothing in subsection (1) above shall prevent the Court of Session from making different rules of procedure and practice in relation to different descriptions of summary cause proceedings.]

[^{F12}(2) There shall be a form of summary cause process, to be known as a “small claim”, which shall be used for the purposes of such descriptions of summary cause proceedings as are prescribed by the Lord Advocate by order.

(3) No enactment or rule of law relating to admissibility or corroboration of evidence before a court of law shall be binding in a small claim.

(4) An order under subsection (2) above shall be by statutory instrument but shall not be made unless a draft of it has been approved by a resolution of each House of Parliament.]

Textual Amendments

- F7** Words in s. 35(1)(a) substituted (14.1.2008) by [The Sheriff Courts \(Scotland\) Act 1971 \(Privative Jurisdiction and Summary Cause\) Order 2007 \(S.S.I. 2007/507\)](#), **art. 3** (with art. 4)
- F8** Words in s. 35(1)(b) repealed (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), ss. 226, 227, **Sch. 6** (with s. 223); S.S.I. 2008/115, **art. 3(1)(h)(2)(3)**, Sch. 2 (with arts. 4-6, 10)
- F9** Words in s. 35(1)(b) substituted (14.1.2008) by [The Sheriff Courts \(Scotland\) Act 1971 \(Privative Jurisdiction and Summary Cause\) Order 2007 \(S.S.I. 2007/507\)](#), **art. 3** (with art. 4)
- F10** Words in s. 35(1)(c) substituted (14.1.2008) by [The Sheriff Courts \(Scotland\) Act 1971 \(Privative Jurisdiction and Summary Cause\) Order 2007 \(S.S.I. 2007/507\)](#), **art. 3** (with art. 4)
- F11** S. 35(1A) inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 36:1\)](#), s. 59, **Sch. 2 para. 14**
- F12** S. 35(2)–(4) substituted for s. 35(2) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 36:1\)](#), **s. 18(1)**

Modifications etc. (not altering text)

- C1** S. 35: power to transfer functions conferred (19.5.1999) by [S.I. 1999/678](#), art. 2(1), **Sch.**
- C2** S. 35(1)(c) excluded by [Land Tenure Reform \(Scotland\) Act 1974 \(c. 38\)](#), **s. 9(6)**

Marginal Citations

- M2** 1907 c. 51.

Status: Point in time view as at 01/04/2015.

Changes to legislation: Sheriff Courts (Scotland) Act 1971 is up to date with all changes known to be in force on or before 05 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)

36 Procedure in summary causes. **S**

^{F1}(1)

(2) A summary cause shall be commenced by a summons in, or as nearly as is practicable in, such form as may be prescribed by rules under the said section 32.

(3) The evidence, if any, given in a summary cause shall not be recorded.

^{F1}(4)

Textual Amendments

F1 Act (except for ss. 2(3), 3(4)) repealed (S.) (1.4.2015 except for the repeal of ss. 31, 35, 36(2)(3), 36A, 36B, 37, 38, 45, 22.9.2015 for the repeal of ss. 31, 37(1)(b)(2A)(2D), 28.11.2016 for the repeal of ss. 35(2)-(4), 36A, 36B, 37(2B)(2C) and the repeal of specified words in s. 38(b)) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 5 para. 6\(2\)](#); S.S.I. 2015/77, art. 2(2)(3), [sch.](#) (with art. 7); S.S.I. 2015/247, art. 2, [sch.](#) (with art. 9); S.S.I. 2016/291, art. 2, [sch.](#) (with art. 3(1)(2))

Modifications etc. (not altering text)

C3 S. 36(3) excluded by [Maintenance Orders \(Reciprocal Enforcement\) Act 1972 \(c. 18\)](#), s. 4(4)(b)

[^{F13}36A Further provisions as to small claims. **S**

Where the pursuer in a small claim is not—

- (a) a partnership or a body corporate; or
- (b) acting in a representative capacity,

he may require the sheriff clerk to effect service of the summons on his behalf.]

Textual Amendments

F13 Ss. 36A, 36B inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73\)](#), SIF 36:1), s. 18(2)

[^{F14}36B Expenses in small claims. **S**

(1) No award of expenses shall be made in a small claim in which the value of the claim does not exceed such sum as the Lord Advocate shall prescribe by order.

(2) Any expenses which the sheriff may award in any other small claim shall not exceed such sum as the Lord Advocate shall prescribe by order.

(3) Subsections (1) and (2) above do not apply to a party to a small claim—

- (a) who being a defender—
 - (i) has not stated a defence; or
 - (ii) having stated a defence, has not proceeded with it; or
 - (iii) having stated and proceeded with a defence, has not acted in good faith as to its merits; or
- (b) on whose part there has been unreasonable conduct in relation to the proceedings or the claim;

nor do they apply in relation to an appeal to the sheriff principal.

Status: Point in time view as at 01/04/2015.

Changes to legislation: Sheriff Courts (Scotland) Act 1971 is up to date with all changes known to be in force on or before 05 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)

- (4) An order under this section shall be by statutory instrument but shall not be made unless a draft of it has been approved by a resolution of each House of Parliament.]

Textual Amendments

F14 Ss. 36A, 36B inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 36:1\)](#), [s. 18\(2\)](#)

Modifications etc. (not altering text)

C4 s. 36B: power to transfer functions conferred (19.5.1999) by [S.I. 1999/678](#), [art. 2\(1\)](#), [Sch.](#)

37 Remits. **S**

- (1) In the case of any ordinary cause brought in the sheriff court the sheriff ^[F15]—
- (a) shall at any stage, on the joint motion of the parties to the cause, direct that the cause be treated as a summary cause, and in that case the cause shall be treated for all purposes (including appeal) as a summary cause and shall proceed accordingly ^[F16];
 - (b) may, subject to section 7 of the Sheriff Courts (Scotland) Act 1907, on the motion of any of the parties to the cause, if he is of the opinion that the importance or difficulty of the cause make it appropriate to do so, remit the cause to the Court of Session.]

- (2) In the case of any summary cause, the sheriff at any stage—
- (a) shall, on the joint motion of the parties to the cause, and
 - (b) may, on the motion of any of the parties to the cause, if he is of the opinion that the importance or difficulty of the cause makes it appropriate to do so, direct that the cause be treated as an ordinary cause, and in that case the cause shall be treated for all purposes (including appeal) as an ordinary cause and shall proceed accordingly:

Provided that a direction under this subsection may, in the case of an action for the recovery of possession of heritable or moveable property, be given by the sheriff of his own accord.

^[F17](2A) In the case of any action in the sheriff court ^[F18], being an action for divorce or an action] in relation to ^[F19]parental responsibilities or parental rights (within the meaning of sections 1(3) and 2(4) respectively of the Children (Scotland) Act 1995) in relation to a child or the^[F20] guardianship] or adoption of a child the sheriff may, of his own accord, at any stage remit the action to the Court of Session.]

^[F21](2B) In the case of any small claim the sheriff at any stage—

- (a) may, if he is of the opinion that a difficult question of law or a question of fact of exceptional complexity is involved, of his own accord or on the motion of any party to the small claim;
- (b) shall, on the joint motion of the parties to the small claim, direct that the small claim be treated as a summary cause (not being a small claim) or ordinary cause, and in that case the small claim shall be treated for all purposes (including appeal) as a summary cause (not being a small claim) or ordinary cause as the case may be.

Status: Point in time view as at 01/04/2015.

Changes to legislation: Sheriff Courts (Scotland) Act 1971 is up to date with all changes known to be in force on or before 05 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)

(2C) In the case of any cause which is not a small claim by reason only of any monetary limit applicable to a small claim or to summary causes, the sheriff at any stage shall, on the joint motion of the parties to the cause, direct that the cause be treated as a small claim and in that case the cause shall be treated for all purposes (including appeal) as a small claim and shall proceed accordingly.]

[^{F22}(2D) In the case of any action in the sheriff court where the matter to which the action relates could competently be determined by the Land Court by virtue of the Agricultural Holdings (Scotland) Act 1991 (c. 55) or the Agricultural Holdings (Scotland) Act 2003 (asp 11), the sheriff may (of his own accord or on the motion of any of the parties) at any stage remit the case to the Land Court if he is of the opinion that it is appropriate to do so.]

[^{F23}(3) A decision—

- (a) to remit, or not to remit, under subsection (2A) [^{F24}(2B) or (2C)] above; or
- (b) to make, or not to make, a direction by virtue of paragraph (b) of, or the proviso to, subsection (2) above,

shall not be subject to review; but from a decision to remit, or not to remit, under subsection (1)(b) above an appeal shall lie to the Court of Session.]

(4) In this section “sheriff” includes a sheriff principal.

Textual Amendments

- F15** “—(a)” inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55, SIF 36:3), s. 16(a)(i)(ii)
- F16** S. 37(1)(b) added by Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55, SIF 36:3), s. 16(a)(i)(ii)
- F17** S. 37(2A) inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55, SIF 36:3), s. 16(b)
- F18** Words inserted by Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c. 12, SIF 36:3), s. 6(1), **Sch. 1 para. 12**
- F19** Words in s. 37(2A) substituted (1.11.1996) by 1995 c. 36, s. 105(4), **Sch. 4 para. 18(3)** (with s. 103(1)); S.I. 1996/2203, art. 3(3), **Sch.**
- F20** Word in S.37(2A) substituted (25.9.1991) by virtue of Age of Legal Capacity (Scotland) Act 1991 (c.50 SIF 49:1), s. 10(1), Sch. 1 para 35.
- F21** S. 37(2B)(2C) inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 36:1), s. 18(3)(a)
- F22** S. 37(2D) inserted (27.11.2003) by Agricultural Holdings (Scotland) Act 2003 (asp 11), ss. 86(1), 95(3) (with s. 95(2)); S.S.I. 2003/548, art. 2(g) (with art. 3, Sch.)
- F23** S. 37(3) substituted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55, SIF 36:3), s. 16(c)
- F24** Words inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 36:1), s. 18(3)(b)

38 Appeal in summary causes. **S**

In the case of [^{F25}—

- (a) any summary cause an appeal shall lie to the sheriff principal on any point of law from the final judgment of the sheriff; and

Status: Point in time view as at 01/04/2015.

Changes to legislation: Sheriff Courts (Scotland) Act 1971 is up to date with all changes known to be in force on or before 05 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)

(b) any summary cause other than a small claim an appeal shall lie] to the Court of Session on any point of law from the final judgment of the sheriff principal, if the sheriff principal certifies the cause as suitable for such an appeal,

but save as aforesaid an interlocutor of the sheriff or the sheriff principal in any such cause shall not be subject to review.

Textual Amendments

F25 Words substituted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 36:1), s. 18(4)

Modifications etc. (not altering text)

C5 S. 38 excluded by Debtors (Scotland) Act 1987 (c. 18, SIF 45:2), ss. 103(1), 108(2), Sch. 7 paras. 5, 9(1)

F1 *Miscellaneous and supplemental*

39 **S**

40 **S**

41 **Power of Her Majesty to vary limit to privative jurisdiction of sheriff court, etc.** **S**

.....

42 **Application of provisions regarding jurisdiction and summary causes.** **S**

.....

PART IV **S**

MISCELLANEOUS AND GENERAL

F1 **43** **Orders, etc.** **S**

.....

Textual Amendments

F1 Act (except for ss. 2(3), 3(4)) repealed (S.) (1.4.2015 except for the repeal of ss. 31, 35, 36(2)(3), 36A, 36B, 37, 38, 45, 22.9.2015 for the repeal of ss. 31, 37(1)(b)(2A)(2D), 28.11.2016 for the repeal of ss. 35(2)-(4), 36A, 36B, 37(2B)(2C) and the repeal of specified words in s. 38(b)) by Courts Reform (Scotland) Act 2014 (asp 18), s. 138(2), sch. 5 para. 6(2); S.S.I. 2015/77, art. 2(2)(3), sch. (with art. 7); S.S.I. 2015/247, art. 2, sch. (with art. 9); S.S.I. 2016/291, art. 2, sch. (with art. 3(1)(2))

Status: Point in time view as at 01/04/2015.

Changes to legislation: Sheriff Courts (Scotland) Act 1971 is up to date with all changes known to be in force on or before 05 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)

F1 44 Expenses. S

.....

Textual Amendments

F1 Act (except for ss. 2(3), 3(4)) repealed (S.) (1.4.2015 except for the repeal of ss. 31, 35, 36(2)(3), 36A, 36B, 37, 38, 45, 22.9.2015 for the repeal of ss. 31, 37(1)(b)(2A)(2D), 28.11.2016 for the repeal of ss. 35(2)-(4), 36A, 36B, 37(2B)(2C) and the repeal of specified words in s. 38(b)) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 5 para. 6\(2\)](#); S.S.I. 2015/77, art. 2(2)(3), sch. (with art. 7); S.S.I. 2015/247, art. 2, sch. (with art. 9); S.S.I. 2016/291, art. 2, sch. (with art. 3(1)(2))

45 Interpretation. S

- (1) In this Act, unless the contrary intention appears—
- (a) references to a sheriff principal include references to a temporary sheriff principal, and references to the office of sheriff principal include references to an appointment as a temporary sheriff principal;
 - (b) references to a sheriff include references to a [^{F26}part-time] sheriff and an honorary sheriff, and references to the office of sheriff include references to an appointment as a [^{F26}part-time]sheriff and to the office of honorary sheriff;
 - (c) references to an honorary sheriff are references to a person holding the office of honorary sheriff in his capacity as such.
- (2) In this Act—
- (a) “enactment” includes an order, regulation, rule or other instrument having effect by virtue of an Act;
 - (b) any reference to any enactment shall, unless the contrary intention appears, be construed as a reference to that enactment as amended or extended, and as including a reference thereto as applied, by or under any other enactment (including this Act).
- (3) Subject to the foregoing provisions of this section and to any other express provision of this Act, expressions used in this Act and in the ^{M3}Sheriff Courts (Scotland) Act 1907 shall have the same meanings in this Act as in that Act.

Textual Amendments

F26 Words in s. 45(1)(b) substituted (9.8.2000) by [2000 asp 9](#), s. 12, [Sch. para. 1\(12\)](#)

Marginal Citations

M3 [1907 c. 51](#).

F1 46 Amendment and repeal of enactments. S

.....

Textual Amendments

F1 Act (except for ss. 2(3), 3(4)) repealed (S.) (1.4.2015 except for the repeal of ss. 31, 35, 36(2)(3), 36A, 36B, 37, 38, 45, 22.9.2015 for the repeal of ss. 31, 37(1)(b)(2A)(2D), 28.11.2016 for the repeal of

Status: Point in time view as at 01/04/2015.

Changes to legislation: Sheriff Courts (Scotland) Act 1971 is up to date with all changes known to be in force on or before 05 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)

ss. 35(2)-(4), 36A, 36B, 37(2B)(2C) and the repeal of specified words in s. 38(b)) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **sch. 5 para. 6(2)**; S.S.I. 2015/77, art. 2(2)(3), sch. (with art. 7); S.S.I. 2015/247, art. 2, sch. (with art. 9); S.S.I. 2016/291, art. 2, sch. (with art. 3(1)(2))

F147 Short title, commencement and extent. S

.....

Textual Amendments

F1 Act (except for ss. 2(3), 3(4)) repealed (S.) (1.4.2015 except for the repeal of ss. 31, 35, 36(2)(3), 36A, 36B, 37, 38, 45, 22.9.2015 for the repeal of ss. 31, 37(1)(b)(2A)(2D), 28.11.2016 for the repeal of ss. 35(2)-(4), 36A, 36B, 37(2B)(2C) and the repeal of specified words in s. 38(b)) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **sch. 5 para. 6(2)**; S.S.I. 2015/77, art. 2(2)(3), sch. (with art. 7); S.S.I. 2015/247, art. 2, sch. (with art. 9); S.S.I. 2016/291, art. 2, sch. (with art. 3(1)(2))

Status: Point in time view as at 01/04/2015.

Changes to legislation: Sheriff Courts (Scotland) Act 1971 is up to date with all changes known to be in force on or before 05 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)

SCHEDULES

^{F1}SCHEDULE 1 **S**

Section 46(1).

.....

^{F1} SCHEDULE 2 **S**

Section 46(2).

.....

Status:

Point in time view as at 01/04/2015.

Changes to legislation:

Sheriff Courts (Scotland) Act 1971 is up to date with all changes known to be in force on or before 05 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.