



Sheriff Courts (Scotland) Act 1971

1971 CHAPTER 58

PART I

CONSTITUTION, ORGANISATION AND ADMINISTRATION

Functions of the sheriff principal in relation to sheriffs, etc.

15 General functions of sheriff principal.

- (1) Subject generally to the provisions of this Act, and in particular to the provisions of this or any other Act conferring functions on the Secretary of State or anything done under any such provision, the sheriff principal of each sheriffdom shall be under a duty to secure the speedy and efficient disposal of business in the sheriff courts of that sheriffdom, and for the purpose of carrying out that duty shall have, in addition to any functions conferred on him by or under any other enactment, the functions conferred on him by the following provisions of this Act.
- (2) For the purpose of securing the effective discharge of any of the said functions the sheriff principal of any sheriffdom may give such instructions of an administrative nature as appear to him to be necessary or expedient, and any sheriff appointed for that sheriffdom, and any officer or servant engaged in the administration of the sheriff courts in the sheriffdom, to whom an instruction is given under this section shall, subject to the provisions of this Act, give effect to that instruction.

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

- (1) The sheriff principal of each sheriffdom shall make such arrangements as appear to him necessary or expedient for the purpose of securing the speedy and efficient disposal of business in the sheriff courts of that sheriffdom, and in particular, but without prejudice to the generality of the foregoing words, may—
 - (a) subject to any direction given by the Secretary of State under section 9 of this Act, provide for the division of such business as aforesaid between the sheriff

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principal and the sheriffs appointed for the sheriffdom, and for the distribution of the business (so far as allocated to the sheriffs) amongst those sheriffs;

- (b) where any of those sheriffs is by reason of illness or otherwise unable to perform his duties as sheriff, or a vacancy occurs in the office of sheriff in the sheriffdom, or for any other reason it appears to the sheriff principal expedient so to do in order to avoid delay in the administration of justice in the sheriffdom, make special provision of a temporary nature for the disposal of any part of the said business either by the sheriff principal or by any of the sheriffs appointed for the sheriffdom, in addition to or in place of the sheriff principal's or, as the case may be, that sheriff's own duties;

so, however, that nothing done under this subsection shall enable a sheriff to dispose of business which he does not otherwise have power to dispose of.

- (2) The sheriff principal of any sheriffdom may approve such leave of absence for any sheriff appointed for that sheriffdom as appears to the sheriff principal to be proper, but the amount of leave so approved (other than leave granted on account of ill-health) shall not, unless the Secretary of State for special reasons otherwise permits, exceed seven weeks in any year.
- (3) In subsection (2) above "sheriff" shall not include an honorary sheriff.

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

- (1) The sheriff principal of each sheriffdom may by order prescribe—
 - (a) the number of sheriff courts to be held at each of the places within that sheriffdom at which a court is required under or by virtue of this Act to be held,
 - (b) subject to section 25(2) of this Act, the days on which and the times at which those courts are to be held,
 - (c) the descriptions of business to be disposed of at those courts.
- (2) The sheriff principal of each sheriffdom shall by order prescribe the dates of the sessions to be held in the sheriff courts of that sheriffdom for the disposal of civil business, and may prescribe different dates in relation to different courts, so however that—
 - (a) there shall be held in the courts of each sheriffdom three sessions in each year for the disposal of civil business, that is to say, a winter session, a spring session and a summer session;
 - (b) the dates of the sessions prescribed under this subsection shall not be such as to allow, in any court, a vacation of longer than two weeks at Christmas time, four weeks in the spring and eight weeks in the summer.
- (3) The sheriff principal of each sheriffdom shall, before the end of the spring session in each year, fix in respect of each sheriff court in that sheriffdom at least one day during the vacation immediately following that session for the disposal of civil business in that court, and shall, before the end of the summer session in each year, fix in respect of each court at least two days during the vacation immediately following that session for the said purpose; but civil proceedings in the sheriff courts may proceed during vacation as during session, and interlocutors may competently be pronounced during vacation in any such proceedings.

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- (4) A sheriff principal shall give notice of any matter prescribed or fixed by him under the foregoing provisions of this section in such manner as he may think sufficient for bringing that matter to the attention of all persons having an interest therein.
- (5) Subject to anything done under subsection (1) above, or by an order under section 2(1) or section 3(2) of this Act, after the commencement of this Act—
- (a) there shall be held at each of the places at which a sheriff court was in use to be held immediately before such commencement the same number of courts as was in use to be held there immediately before such commencement;
 - (b) the court days and times in use to be observed in any sheriff court immediately before such commencement (whether in pursuance of any enactment or other instrument or otherwise) shall continue to be observed in that court;
 - (c) the descriptions of business in use to be dealt with on court days in any sheriff court immediately before such commencement shall continue to be dealt with on those days.
- (6) Without prejudice to subsection (5) above, any enactment or other instrument in force immediately before the commencement of this Act shall, to the extent that it contains provisions with respect to any matter which the sheriff principal has power to prescribe under subsection (1) above, cease to have effect.

Modifications etc. (not altering text)

C1 S. 17(1)(b) amended by [Bail etc. \(Scotland\) Act 1980 \(c. 4, SIF 39:1\)](#), s. 10(2)

VALID FROM 01/04/2010

^{F1}**Lord President's power to exercise functions in sections 15 to 17**

^{F2}17A

- (1) Subsection (2) applies where in any case the Lord President considers that the exercise by the sheriff principal of a sheriffdom of a function conferred by any of sections 15 to 17 of this Act—
- (a) is prejudicial to the efficient disposal of business in the sheriff courts of that sheriffdom,
 - (b) is prejudicial to the efficient organisation or administration of those sheriff courts, or
 - (c) is otherwise against the interests of the public.
- (2) The Lord President may in that case—
- (a) rescind the sheriff principal's exercise of the function, and
 - (b) exercise the function.
- (3) Subsection (2)(b) applies where in any case the Lord President considers that the failure of the sheriff principal of a sheriffdom to exercise a function conferred by any of sections 15 to 17 of this Act—
- (a) is prejudicial to the efficient disposal of business in the sheriff courts of that sheriffdom,
 - (b) is prejudicial to the efficient organisation or administration of those sheriff courts, or
 - (c) is otherwise against the interests of the public.

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(4) The exercise of a function by the Lord President by virtue of subsection (2)(b) is to be treated as if it were the exercise of the function by the sheriff principal.]]

Textual Amendments

- F1** Ss. 12A-12F and cross-heading substituted (20.2.2010 for the insertion of s. 12C(5) and 1.4.2010 otherwise) for s. 12 by [Judiciary and Courts \(Scotland\) Act 2008 \(asp 6\)](#), **ss. 40, 76**; S.S.I. 2010/39, **art. 2**, Sch. (with art. 3)
- F2** S. 17A inserted (1.4.2010) by [Judiciary and Courts \(Scotland\) Act 2008 \(asp 6\)](#), **ss. 49(2)**, 76; S.S.I. 2010/39, **art. 2(b)**, Sch.

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

If in any case the Secretary of State considers—

- (a) that the exercise by the sheriff principal of any sheriffdom of any of the functions conferred on him by sections 15 to 17 of this Act, or
- (b) that the failure of the sheriff principal of any sheriffdom to exercise any of the said functions,

is prejudicial to the speedy and efficient disposal of business in the sheriff courts of that sheriffdom or to the efficient organisation or administration of the sheriff courts generally, or is otherwise against the interests of the public, the Secretary of State may—

- (i) (in the circumstances mentioned in paragraph (a) above) rescind that exercise of that function by the sheriff principal and, if he thinks fit, himself exercise that function in that case;
- (ii) (in the circumstances mentioned in paragraph (b) above) himself exercise that function in that case,

and the exercise of any function of a sheriff principal by the Secretary of State under this section shall have effect as if it were an exercise of that function by the sheriff principal.

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