



# Sheriff Courts (Scotland) Act 1971

## 1971 CHAPTER 58

### PART IV

#### MISCELLANEOUS AND GENERAL

#### 43 Orders, etc.

- (1) Any power conferred by this Act to make an order shall include a power exercisable in the like manner and subject to the like conditions (if any) to vary or revoke the order by a subsequent order.
- (2) It is hereby declared that any power conferred by this Act to include incidental, consequential or supplemental provisions in any instrument made under this Act includes a power to include transitional provisions in that instrument.

#### 44 Expenses

- (1) There shall be paid out of moneys provided by Parliament any sums payable by the Secretary of State in consequence of the provisions of this Act.
- (2) Any sums payable under or by virtue of this Act to the Secretary of State shall be paid into the Consolidated Fund.
- (3) In the application of section 4(1) of the Local Government (Scotland) Act 1966 (variation of rate support grant orders) to a rate support grant order made before the transfer date appointed under section 30 of this Act for a grant period ending after that date, the Secretary of State shall take into account any relief obtained, or likely to be obtained, by local authorities—
  - (a) which is attributable to the coming into operation of Part II of this Act, and
  - (b) which was not taken into account in making the rate support grant order the variation of which is in question.

The provisions of this subsection are without prejudice to section 4(4) of the said Act of 1966 (under which an order under that section may vary the matters prescribed by a rate support grant order).

## **45 Interpretation**

- (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 temporary sheriff and an honorary sheriff, and references to the office of sheriff include references to an appointment as a temporary 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 Sheriff Courts (Scotland) Act 1907 shall have the same meanings in this Act as in that Act.

## **46 Amendment and repeal of enactments**

- (1) Schedule 1 to this Act (which contains certain minor and consequential amendments of enactments) shall have effect.
- (2) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in relation thereto in column 3 of that Schedule.

## **47 Short title, commencement and extent**

- (1) This Act may be cited as the Sheriff Courts (Scotland) Act 1971.
- (2) This Act shall come into operation on such date as the Secretary of State may appoint by order made by statutory instrument, and different dates may be appointed for different provisions of this Act, or for different purposes.

Any reference in any provision of this Act to 'the commencement of this Act shall, unless otherwise provided by any such order, be construed as a reference to the date on which that provision comes into operation.

- (3) This Act, except section 4 (offices of sheriff principal and sheriff) and section 21 (amendment of the House of Commons Disqualification Act 1957), shall extend to Scotland only.