



# Sheriff Courts (Scotland) Act 1971

## 1971 CHAPTER 58

### PART III

#### CIVIL JURISDICTION, PROCEDURE AND APPEALS

##### *Regulation of procedure in civil proceedings*

### 33 Sheriff Court Rules Council

- (1) There shall be established a body (to be known as the Sheriff Court Rules Council, and hereafter in this section and in section 34 of this Act called "the Council") which shall have the functions conferred on it by the said section 34, and which shall consist of fourteen members, that is to say—
  - two sheriffs principal,
  - three sheriffs,
  - one member of the Faculty of Advocates,
  - five solicitors, and
  - two persons each of whom is a whole-time sheriff clerk,appointed by the Lord President of the Court of Session after consultation with such persons as may appear to him appropriate, and one person appointed by the Secretary of State, being a person appearing to the Secretary of State to have qualifications suitable for such appointment.
- (2) The members of the Council shall, so long as they retain the respective qualifications mentioned in subsection (1) above, hold office for three years and be eligible for re-appointment.
- (3) Any vacancy in the membership of the Council occurring by reason of death, resignation or other cause before the expiry of the period for which the member whose place is so vacated was appointed shall be filled—
  - (a) if the member was appointed by the Lord President of the Court of Session, by the appointment by the Lord President, after consultation with such persons

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*Status: This is the original version (as it was originally enacted).*

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as may appear to him appropriate, of a person having the same qualifications as that member,

- (b) if the member was appointed by the Secretary of State, by the appointment by the Secretary of State of another person appearing to the Secretary of State to have qualifications suitable for such appointment,

and a person so appointed to fill a vacancy shall hold office only until the expiry of the said period.

- (4) The Lord President of the Court of Session shall appoint one of the two sheriffs principal who are members of the Council as chairman thereof, and the Secretary of State shall appoint a whole-time sheriff clerk as secretary to the Council.
- (5) The Council shall have power to regulate the summoning of meetings of the Council and the procedure at such meetings, so however that—
  - (a) the Council shall meet within one month of its being established and thereafter at intervals of not more than six months, and shall meet at any time on a requisition in that behalf made by the chairman of the Council or any three members thereof, and
  - (b) at any meeting of the Council six members shall be a quorum.
- (6) The Rules Council for the sheriff court established under section 35 of the Administration of Justice (Scotland) Act 1933 is hereby dissolved, and the said section 35 shall cease to have effect.