

## SCHEDULE

Article 4

### Modification of enactments

## PART 1

### Modification of primary legislation

#### **Sheriff Courts Consignations (Scotland) Act 1893**

1. After section 2 of the Sheriff Courts Consignations (Scotland) Act 1893(1) (definition), insert—

##### **“2A Application of this Act to the Sheriff Appeal Court**

(1) This Act applies to the Sheriff Appeal Court as it applies to each sheriff court, subject to the following modifications.

(2) References to the sheriff court or to the ordinary sheriff court are to be read as references to the Sheriff Appeal Court.

(3) References to the sheriff principal are to be read as references to the President of the Sheriff Appeal Court.

(4) References to the sheriff clerk or to the sheriff clerk of the sheriffdom are to be read as references to the Clerk of the Sheriff Appeal Court.

(5) Section 3 has effect as if, for the words from “At” to “purpose” there is substituted “All consignations must be entered into a book kept at the office of the Clerk to the Sheriff Appeal Court for that purpose”.

#### **Local Government (Scotland) Act 1973**

2. In section 103J(6) of the Local Government (Scotland) Act 1973(2) (appeals from Accounts Commission for Scotland), for “section 28 (appeals to the Court of Session) of the Sheriff Courts (Scotland) Act 1907 (c.51)” substitute “section 114(1) (appeal from the sheriff principal to the Court of Session) of the Courts Reform (Scotland) Act 2014”.

#### **Criminal Procedure (Scotland) Act 1995**

3. In section 44A(6)(c) of the Criminal Procedure (Scotland) Act 1995(3) (appeal against detention in secure accommodation), for “sheriff principal” substitute “Sheriff Appeal Court”.

#### **Ethical Standards in Public Life etc. (Scotland) Act 2000**

4. In section 22(7) of the Ethical Standards in Public Life etc. (Scotland) Act 2000(4) (appeals from Standards Commission for Scotland), for “section 28 (appeals to the Court of Session) of the Sheriff Courts (Scotland) Act 1907 (c.51)” substitute “section 114(1) (appeal from the sheriff principal to the Court of Session) of the Courts Reform (Scotland) Act 2014”.

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(1) 1893 c.44, as relevantly amended by the Sheriff Courts (Scotland) Act 1971 (c.58).

(2) 1973 c.65. Section 103J was inserted by the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7), section 33(3).

(3) 1995 c.46. Section 44A was inserted by the Children and Young People (Scotland) Act 2014 (asp 8), section 91.

(4) 2000 asp 7.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

#### **Antisocial Behaviour etc. (Scotland) Act 2004**

5. In section 112(1)(b) of the Antisocial Behaviour etc. (Scotland) Act 2004<sup>(5)</sup> (conduct of proceedings by reporters), for “a sheriff principal” substitute “the Sheriff Appeal Court”.

#### **Scottish Commission for Human Rights Act 2006**

6. In section 14(9) of the Scottish Commission for Human Rights Act 2006<sup>(6)</sup> (power to intervene)—

- (a) in the definition of “children’s hearing proceedings”, after “otherwise” insert “or in the Sheriff Appeal Court”; and
- (b) in the definition of “court”, after “appeal,” insert “the Sheriff Appeal Court”.

#### **Children’s Hearings (Scotland) Act 2011**

7.—(1) The Children’s Hearings (Scotland) Act 2011<sup>(7)</sup> is amended as follows.

(2) In section 19(1)(a) (rights of audience), for “or the sheriff principal” substitute “, the sheriff principal or the Sheriff Appeal Court”.

(3) In section 162(8)(d) (appeal to sheriff against decision to implement secure accommodation authorisation), for “sheriff principal” substitute “Sheriff Appeal Court”.

## **PART 2**

### **Modification of secondary legislation**

#### **The Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 2003**

8. In regulation 6(1)(a) of the Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 2003<sup>(8)</sup> (summary criminal proceedings) omit the words “to the High Court of Justiciary”.

#### **The Children’s Hearings (Scotland) Act 2011 (Rights of Audience of the Principal Reporter) Regulations 2012**

9. In regulation 2 of the Children’s Hearings (Scotland) Act 2011 (Rights of Audience of the Principal Reporter) Regulations 2012<sup>(9)</sup> (interpretation)—

- (a) after “Children’s Hearings (Scotland) Act 2011” omit “and”; and
- (b) at the end, insert—  
“; and  
references to the sheriff principal include the Sheriff Appeal Court”.

(5) 2004 asp 8. Section 112 was amended by S.S.I. 2013/211, Schedule 1, paragraph 14(2).

(6) 2006 asp 16.

(7) 2011 asp 1.

(8) S.S.I. 2003/179; relevant amending instruments are S.S.I. 2006/345 and S.S.I. 2008/251.

(9) S.S.I. 2012/335.