



F¹ Sheriff Courts (Scotland) Act 1971

CHAPTER 58

SHERIFF COURTS (SCOTLAND) ACT 1971

PART I

CONSTITUTION, ORGANISATION AND ADMINISTRATION

General duty of the Secretary of State

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

Sheriffdoms

- 2 Power of Secretary of State to alter sheriffdoms.

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.

Sheriffs principal and sheriffs

- 4 Offices of sheriff principal and sheriff.
- 5 Qualification for offices of sheriff principal and sheriff.
- 5A Retiring age for sheriff principal and sheriff.
- 6 Disqualification of sheriffs principal and sheriffs.
- 7 Jurisdiction of sheriff.
- 8 Sheriff may be appointed to assist Secretary of State.

Functions of the Secretary of State in relation to sheriffs principal, sheriffs, et cetera etc.

- 9 Power of Secretary of State to give administrative directions.
- 10 Secretary of State may authorise sheriff principal or direct sheriff to act in another sheriffdom.

Changes to legislation: Sheriff Courts (Scotland) Act 1971 is up to date with all changes known to be in force on or before 11 April 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) View outstanding changes

- 11 Secretary of State may appoint temporary sheriffs principal and sheriffs.
- 11A Appointment of part-time sheriffs
- 11B Limitation, termination etc. of appointment of part-time sheriffs
- 11C Removal of part-time sheriffs from office
- 11D Regulations and orders under sections 11A and 11C
- 12 Removal from office, and suspension, of sheriff principal or sheriff.

Consideration of fitness for, and removal from, shrieval office

- 12A Tribunal to consider fitness for shrieval office
- 12B Suspension during investigation
- 12C Further provision about tribunals
- 12D Report of tribunal
- 12E Removal from office
- 12F Interpretation of sections 12A to 12E
- 13 Functions of Secretary of State with respect to residence and leave of absence of sheriffs principal.
- 14 Functions of Secretary of State with respect to number, residence and place of duties of sheriffs.
- 14A Re-employment of retired sheriffs principal and sheriffs

Functions of the sheriff principal in relation to sheriffs, et cetera

- 15 Efficient disposal of business in sheriff courts
- 16 Functions of sheriff principal with respect to duties and leave of absence of sheriffs.
- 17 Sheriff principal may fix sittings and business of sheriff courts in shrievaldom, and sessions for civil business.
- 17A Lord President's power to exercise functions in sections 15 to 17
- 18 Secretary of State may exercise certain functions of sheriff principal in certain circumstances.

Miscellaneous

- 19 Travelling allowances for sheriffs principal.
- 20 Extension of purposes for which Lord Advocate may give instructions to procurators fiscal.
- 21 Miscellaneous
- 22 Saving for existing functions.

PART II

COURT HOUSES, BUILDINGS AND OFFICES

- 23 Transfer of court houses to Secretary of State.
- 24 Provision and maintenance of court houses by Secretary of State.
- 25 Use of public buildings for holding of courts.
- 26 Use of court houses by third parties.
- 27 Compensation for officers and servants.
- 28 Repeal and amendment of local enactments.
- 29 Determination of disputes.
- 30 Interpretation of Part II.

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PART III

CIVIL JURISDICTION, PROCEDURE AND APPEALS

- 31 Upper limit to privative jurisdiction of sheriff court to be £250.

Regulation of procedure in civil proceedings

- 32 Power of Court of Session to regulate civil procedure in sheriff court.
32A Rules for lay representation
33 Sheriff Court Rules Council.
34 Functions of Sheriff Court Rules Council.

Summary causes

- 35 Summary causes.
36 Procedure in summary causes.
36A Further provisions as to small claims.
36B Expenses in small claims.
37 Remits.
38 Appeal in summary causes.

Miscellaneous and supplemental

- 39 Miscellaneous and supplemental
40 Miscellaneous and supplemental
41 Power of Her Majesty to vary limit to privative jurisdiction of sheriff court, etc.
42 Application of provisions regarding jurisdiction and summary causes.

PART IV

MISCELLANEOUS AND GENERAL

- 43 Orders, etc.
44 Expenses.
45 Interpretation.
46 Amendment and repeal of enactments.
47 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — Minor and Consequential Amendment of Enactments

General

- 1 Minor and Consequential Amendment of Enactments

The Execution of Diligence (Scotland) Act 1926

- 2 Minor and Consequential Amendment of Enactments

The Tenancy of Shops (Scotland) Act 1949

- 3 Minor and Consequential Amendment of Enactments
4 Minor and Consequential Amendment of Enactments

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SCHEDULE 2 — Repeal of Enactments

Part I — GENERAL REPEALS

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Part II — REPEALS CONSEQUENT ON SECTIONS 35 TO 38 OF THIS ACT

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Changes and effects yet to be applied to :

- s. 2(3) words substituted by [2014 asp 18 sch. 5 para. 6\(3\)](#)
- s. 3(4) words substituted by [2014 asp 18 sch. 5 para. 6\(4\)](#)