



# Sheriff Courts and Legal Officers (Scotland) Act 1927

## 1927 CHAPTER 35

### PART II

#### MISCELLANEOUS PROVISIONS

#### **14 Appointment of interim sheriff substitute pending vacancy**

An appointment in pursuance of section sixteen of the Sheriff Courts (Scotland) Act, 1907, of a person to act ad interim, in the place of a sheriff substitute to whom leave of absence has been granted, shall, in the event of a vacancy occurring in the office of such sheriff substitute prior to the expiry of the period of leave of absence, have effect as an appointment to act as sheriff substitute until the vacancy shall be filled.

#### **15 Fees in workmen's compensation proceedings**

Paragraph 13 of the First Schedule to the Workmen's Compensation Act, 1925, in so far as it excludes from application to Scotland paragraph 12 of the said Schedule shall cease to have effect and accordingly in the said paragraph 13 the words from "and in its application " to the end of the paragraph shall be repealed.

#### **16 Court of Session may prescribe forms, & c**

The Court of Session may from time to time by Act of Sederunt prescribe any form of procedure in the sheriff's ordinary or small debt court or in proceedings for the confirmation of executors, or any other form required in connection with any duty devolving on a sheriff clerk or the form of any register required to be kept by a sheriff clerk and the particulars to be entered therein, and, where any such form as aforesaid is prescribed by any Act of Parliament, the Court may, notwithstanding anything in such Act contained, in the exercise of the power hereinbefore conferred, alter or amend any such form or cancel the same and substitute another form therefor. The foregoing

provisions shall not extend to forms of procedure under the Summary Jurisdiction (Scotland) Acts.

**17 Recording of memoranda in workmen's compensation proceedings**

Where a sheriff clerk is required under section twenty-three of the Workmen's Compensation Act, 1925, to record a memorandum in the special register, it shall be sufficient compliance with such requirement if the sheriff clerk endorses and signs a note on the memorandum specifying the date of recording of the same and retains such memorandum, which shall in any such case be deemed to be recorded in and to form part of such special register.

**18 Fee for consent to exemption of dogs from, excise licence**

On an application to the sheriff or sheriff substitute under section five of the Dogs Act, 1906, for consent to the grant of a certificate of exemption from duty in respect of a dog, there shall be chargeable such fee, not exceeding one shilling, as may be prescribed by Act of Sederunt under the said section, and the words in subsection (2) of the said section from " No fee " to the end of the subsection are hereby repealed.

**19 Calendar of confirmations**

It shall be lawful for the Secretary of State by Order to direct that the calendar of confirmations and inventories prepared under section forty-five of the Sheriff Courts (Scotland) Act, 1876, shall contain, in lieu of the particulars specified in the said section, such particulars as may be prescribed in the Order and that copies of such calendar shall be sent to such persons as may be prescribed in lieu of the persons specified in the said section, and to prescribe the particulars which shall be included in the lists or registers furnished by the sheriff clerk to the commissary clerk in pursuance of the said section.

**20 Summary complaints at instance of procurator fiscal**

A complaint under the Summary Jurisdiction (Scotland) Acts at the instance of a person discharging the duties of procurator fiscal for any district, may, in the event of that person dying or ceasing to be entitled to discharge the duties of procurator fiscal for such district, be taken up and proceeded with by any other person entitled to discharge such duties.

**21 Amendment of 7 Edw.7 c.51**

Rule 85 of the First Schedule to the Sheriff Courts (Scotland) Act, 1907, shall be amended by the substitution for the words " if the same shall not have " been sooner appealed against" of the words "unless " either an appeal has been taken or leave to appeal has " been applied for," and by the addition at the end of the Rule of the words " provided that an application for " leave to appeal shall not preclude the issuing of extract " unless leave is granted and an appeal is taken within " seven days after leave is granted."

**22 Commencement of sections 14 to 20**

The foregoing provisions of this Part of this Act shall come into operation on the passing thereof.

**23 Repeals**

The enactments specified in the Schedule are hereby repealed to the extent mentioned in the third column of that Schedule.

**24 Commencement, extent and short title**

- (1) This Act shall (save as otherwise expressly provided) come into operation on such date not later than the expiry of three months after the passing of the Act, as may be fixed by the Secretary of State.
- (2) This Act shall extend to Scotland only, and may be cited as the Sheriff Courts and Legal Officers (Scotland) Act, 1927.