

1974 No. 2087 (S. 191)

SHERIFF COURT, SCOTLAND

The Sheriffdoms Reorganisation Order 1974

Laid before Parliament in draft

Made - - - - 11th December 1974

Coming into Operation 1st January 1975

In exercise of the powers conferred on me by sections 2 and 43(2) of the Sheriff Courts (Scotland) Act 1971(a), and of all other powers enabling me in that behalf, I hereby make the following order:—

1.—(1) This order may be cited as the Sheriffdoms Reorganisation Order 1974 and shall come into operation on 1st January 1975.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

2.—(1) On and after 1st January 1975 Scotland shall be divided into the following new sheriffdoms, in place of the sheriffdoms existing immediately before such commencement, that is to say—

- the sheriffdom of Grampian, Highland and Islands,
- the sheriffdom of Tayside, Central and Fife,
- the sheriffdom of Lothian and Borders,
- the sheriffdom of Glasgow and Strathkelvin,
- the sheriffdom of North Strathclyde,
- the sheriffdom of South Strathclyde, Dumfries and Galloway,

each of which shall comprise the area described in relation thereto in column 2 of Schedule I to this order.

(2) On and after 16th May 1975 the said new sheriffdoms shall be altered so as to comprise areas described by reference to the local government areas under the Local Government (Scotland) Act 1973(c) and described in relation thereto in column 3 of Schedule I to this order.

3.—(1) Any person who immediately before 1st January 1975 held the office of sheriff principal of any sheriffdom shall cease to hold the office of sheriff principal of that sheriffdom.

(2) Where immediately before 1st January 1975 any person held the office of sheriff or honorary sheriff for any sheriffdom (hereafter in this article called “the former sheriffdom”), then on and after that date he shall, without the necessity of his receiving a new commission in that behalf, hold the office of sheriff or

(a) 1971 c. 58.

(b) 1889 c. 63.

(c) 1973 c. 65.

honorary sheriff as the case may be for the new sheriffdom in which the former sheriffdom is comprised or, where the former sheriffdom is not wholly so comprised, in the new sheriffdom in which is located the place at which he was formerly required or directed to discharge his duties.

(3) The whole powers and jurisdictions exercised by a sheriff as commissary in a commissariat before 1st January 1975 shall after that date be exercised by the sheriff of the new sheriffdom in which the commissariat is situated and where a commissariat is situated partly in one sheriffdom and partly in one or more other sheriffdoms by the sheriffs of these sheriffdoms in relation to the parts of the commissariat situated within their respective sheriffdoms.

(4) Any reference (however expressed) in any enactment or other document to the sheriff principal of, or a sheriff appointed for, a former sheriffdom shall be construed as a reference to the sheriff principal of, or a sheriff appointed for, the new sheriffdom in which that former sheriffdom is situated and where the area of the former sheriffdom is divided among two or more new sheriffdoms, it shall be construed as a reference to the sheriff principal of, or a sheriff appointed for, the new sheriffdom whose area includes, according to the latest census (not being a sample census), the greater part of the population of the former sheriffdom.

(5) Any function lawfully held by any person immediately before 1st January 1975 and exerciseable in an area comprising a former sheriffdom or a part thereof, but not outside that area, shall after 1st January 1975 be exerciseable in the same area and on the same terms in whichever new sheriffdom or sheriffdoms that area is situated but not outside that area.

4. All procedure in, or incidental proceedings arising out of, any sheriff court proceedings which on the date of the commencement of this order were either pending or had been concluded shall be conducted in and be deemed to be within the jurisdiction of the sheriff of the sheriffdom in which is located the place where the court was held in which these proceedings were pending or had been conducted.

5. Notwithstanding the provisions of article 4 hereof, in criminal proceedings jurisdiction to try any offence which has been committed prior to 16th May 1975 may be exercised either by a court in which the offence could have been tried before that date or by a court of the new sheriffdom in which is situated the place where the offence was committed.

6.—(1) The enactments mentioned in Schedule II to this order shall have effect subject to the amendments specified in relation thereto in that Schedule, being minor amendments and amendments consequential on the provisions of this order.

(2) The enactments mentioned in Schedule III to this order are hereby repealed or revoked to the extent specified in relation thereto in column 3 of that Schedule.

(3) Section 38 of the Interpretation Act 1889 shall apply as if this order were an Act of Parliament and as if the orders revoked by this order were Acts of Parliament repealed by an Act of Parliament.

William Ross,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.

11th December 1974.

SCHEDULE I

New Sheriffdoms	Existing Counties Comprised in New Sheriffdoms as at 1st January 1975	Local Government Regions, Islands Areas and Districts Comprised in New Sheriffdoms as at 16th May 1975
Grampian, Highland and Islands	The Counties of Inverness, Nairn, Ross and Cromarty, Moray, Caithness, Sutherland, Orkney, Zetland, Aberdeen, Kincardine and Banff; and that part of the County of Argyll comprised in the existing sheriff court district of Fort William.	The regions of Grampian and Highland, the Islands areas of Orkney, Shetland and Western Isles.
Tayside, Central and Fife	The Counties of Perth, Angus, Stirling, Clackmannan, Fife and Kinross.	The regions of Tayside, Central and Fife.
Lothian and Borders	The Counties of East Lothian, Midlothian, West Lothian, Berwick, Peebles, Roxburgh and Selkirk.	The regions of Lothian and Borders.
Glasgow and Strathkelvin	That part of the County of Lanark comprising the sheriff court district of Glasgow.	The districts of City of Glasgow and Strathkelvin.
North Strathclyde	The Counties of Renfrew, Argyll (without the part comprised in the existing sheriff court district of Fort William), Dunbarton, Bute and that part of the County of Ayr comprising the sheriff court district of Kilmarnock.	The districts of Argyll and Bute, Dunbarton, Clydebank, Bearsden and Milngavie, Renfrew, Eastwood, Inverclyde, Cunninghame and Kilmarnock and Loudoun.
South Strathclyde, Dumfries and Galloway	The Counties of Dumfries, Kirkcudbright and Wigton; that part of the County of Ayr comprising the sheriff court district of Ayr and that part of the County of Lanark comprising the sheriff court districts of Airdrie, Hamilton and Lanark.	The region of Dumfries and Galloway; the districts of Monklands, Cumbernauld, Hamilton, Motherwell, East Kilbride, Lanark, Kyle and Carrick and Cumnock and Doon Valley.

In this Schedule "existing" means existing immediately before the commencement of this order.

SCHEDULE II

MINOR AND CONSEQUENTIAL AMENDMENT OF ENACTMENTS

The Court of Session Act 1821 1821 c. 38.

In section 11 (which makes provisions as to certain briefes and services) for the word "Edinburgh" wherever it appears there shall be substituted the words "Lothian and Borders".

Merchant Shipping Act 1894 1894 c. 60.

For paragraph (d) of sub-section (1) of section 668 (incorporation of Commissioners of Northern Lights), there shall be substituted the following paragraph:—
“(d) The sheriffs principal of all the sheriffdoms in Scotland”.

The Commonwealth Secretariat Act 1966 1966 c. 10.

In sub-section (4) of section 1 (the Commonwealth Secretariat, its privileges and immunities) for the words "the Lothians and Peebles" there shall be substituted the words "Lothian and Borders".

The Fugitive Offenders Act 1967 1967 c. 68.

In sub-section (1) of section 6 (arrest for purposes of committal) and sub-section (1) of section 7 (proceedings for committal) for the words "the Lothians and Peebles" there shall be substituted the words "Lothian and Borders".

SCHEDULE III

REPEAL AND REVOCATION OF ENACTMENTS

Session and Chapter or Number	Short Title	Extent of Repeal or Revocation
11 Geo. 4 & 1 Will. 4 c. 37.	The Criminal Law (Scotland) Act 1830	In section 14 the words "the sheriff of the county of Argyle, and his substitutes, and to" and the word "other".
33 & 34 Vict. c. 86.	The Sheriff Courts (Scotland) Act 1870	The whole Act.
57 & 58 Vict. c. 60.	Merchant Shipping Act 1894	In section 668(3) the words "and the sheriff of any county abutting on those coasts".
S.R. & O. 1934/1299 (Rev. xx, p. 739: 1934 II, p. 513)	The Sheriffdom of Perth and Angus Order 1934	The whole Order.
S.R. & O. 1946/1037 (Rev. xx, p. 740: 1946 p. 1537).	The Union of Sheriffdoms Order 1946	The whole Order.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order abolishes the 12 existing sheriffdoms in Scotland and divides Scotland into 6 new sheriffdoms as at 1st January 1975. (Article 2(1) and Schedule I). It also alters the boundaries of these new sheriffdoms as at 16th May 1975 so that the sheriffdoms shall comprise areas described by reference to the local government areas under the Local Government (Scotland) Act 1973. (Article 2(2) and Schedule I).

The remaining provisions of the Order are transitional and consequential.

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