

Act of Court (Consolidation) 2005

I, EDWARD FARQUHARSON BOWEN, Queen's Counsel, Sheriff Principal of Glasgow and Strathkelvin, in respect that many of the Acts of Court in force within this Sheriffdom are spent or in need of modernisation, hereby repeal all Acts of Court other than those listed in the Schedule thereto and direct that the following will be given effect on or after 5 June 2005.

PART 1

STANDING ADVISORY COMMITTEE

Functions of the Committee

1.01. The Committee shall give consideration to any matter affecting the efficiency of the administrative arrangements of the Sheriff Court in Glasgow, which they are asked by any of the Constituents or by any member of the Committee to take into consideration, and shall make such recommendations as they think proper from time to time with regard to such matters to the Constituents or to any of them. Any such recommendation shall be communicated in writing by the Secretary to the Constituents or Constituent concerned.

Constitution

1.02. The Committee shall consist of three sheriffs nominated by the Sheriff Principal of Glasgow and Strathkelvin, two solicitors nominated by the Dean of the Royal Faculty of Procurators in Glasgow, two solicitors nominated by the President of the Glasgow Bar Association, one solicitor nominated by the Dean of Strathkelvin Association of Solicitors, two persons of the rank of Assistant Procurator Fiscal or Procurator Fiscal Depute nominated by the Area Procurator Fiscal of Glasgow and Strathkelvin, two persons of the rank of Sheriff Clerk Depute nominated by the Sheriff Clerk of Glasgow and Strathkelvin, one person of the rank of Inspector nominated by the Chief Constable of Strathclyde Police, one person of the rank of Authority Reporter nominated by the Reporter Manager, Glasgow, one person nominated by the Director of Social Work, Glasgow and the co-ordinator of the Glasgow Sheriff Court Witness Service. The Chairman shall be the senior sheriff present at any meeting and, failing the attendance of a sheriff, the person elected to as Chairman by the members present at the meeting. In the event of equality of votes with regard to any proposed recommendations, the Chairman for the time being shall have a casting vote. The Secretary of the Committee shall be a Sheriff Clerk Depute appointed by the Sheriff Clerk of Glasgow and Strathkelvin to perform that office. The Sheriff Principal of Glasgow and Strathkelvin, the Dean of the Royal Faculty of Procurators in Glasgow, the President of the Glasgow Bar Association, the Dean of Strathkelvin Association of Solicitors, the Area Procurator Fiscal of Glasgow and Strathkelvin, the Sheriff Clerk of Glasgow and Strathkelvin, the Chief Constable of Strathclyde Police and the Reporter Manager, Glasgow are hereinafter referred to as "the Constituents".

Appointment of Secretary and Nomination and period of service of members:

1.03. The name of the person appointed to be the Secretary shall be intimated to the Constituents by the Sheriff Clerk of Glasgow and Strathkelvin, and similar intimation will be made on the occasion of any change in an appointment. The names and addresses of the persons nominated as members of the Committee shall be sent to the Secretary by the Constituents on or before 31 March, in each year. The members will serve for one year from the first day of May following their nomination and they may be re-nominated for further periods of service. In the event of the death or resignation of a member during his/her period of service, another person shall be nominated by his/her Constituents to replace him/her for the remainder of the period. So far as the nominated solicitors are concerned, the appointees may authorise another solicitor to attend a meeting of the Committee on their behalf.

Dates and place of meetings etc:

1.04. Meetings will be held during each Session of the Court at times and places to be determined by the Committee. Members of the Committee will inform the Secretary, a fortnight before each meeting, of matters to be included in the agenda, and the Secretary will send a copy of the agenda, together with a draft minute of any previous meetings to each member a week before the meeting. Additional meetings may be held if the Committee so resolves, and the Committee may appoint sub-committees from time to time which will exercise the functions delegated to them by the Constituents. Persons other than members may be invited to meetings of the Committee or of sub-committees and to take part in their discussions.

PART 2

SIGNING OF INTERLOCUTORS

Signing of interlocutors

2.01. The classes of interlocutors which a sheriff clerk may write and sign in terms of rule 12 of the Rules contained in the First Schedule annexed to the Act of Sederunt (Sheriff Court Ordinary Cause Rules) 1993 shall not include any final interlocutor or any interlocutor which the sheriff concerned directs to be written or signed by him or her. Subject to the foregoing, an interlocutor dealing with a motion which has been determined by a sheriff clerk in terms of rule 15.4(2) shall be written and signed by that sheriff clerk.

2.02. The classes of unopposed motions which a sheriff clerk may determine in terms of the said rule 15.4(2) are set out below.

- (a) A motion to authorise re-service of an initial writ in terms of rule 5.9.
- (b) A motion to recall a sist and to re-enrol a cause for further procedure.
- (c) A motion, made under rule 10.3(1), to close the record before the expiry of the adjustment period provided by rule 10.1(1).
- (d) A motion to allow an amendment of a kind specified in rule 18.1.
- (e) A motion to allow a minute of amendment to be received and answered within a specified period in terms of rule 18.3(1)(a) and (b)(ii).
- (f) A motion for an order for service of a third party notice, made under rule 20.1(1) and (2).

- (g) A motion for fixing of a peremptory diet following withdrawal from agency under Rule 24.2(1).

PART 3

PRACTICE BY SOLICITORS

3.01. Solicitors who appear professionally at the Bar of all courts in open session, other than before the nominated Commercial Sheriff in a commercial action so defined by OCR 40.5 or in any appeal to the Sheriff Principal in such cause, shall wear gowns.

SCHEDULE

Any Act of Court anent Court Holidays

Any Act of Court anent Sessions and Vacation Courts.