

SHERIFFDOM OF LoTHIAN AND BORDERS

Practice Note: Non-availability of Temporary Sheriffs

I, Gordon Nicholson, Queen's Counsel, Sheriff Principal of Lothian and Borders, in pursuance of the powers conferred by Section 15(2) of the Sheriff Courts (Scotland) Act 1971, and all common law powers enabling me in that behalf, Order and Direct as follows:-

1. With immediate effect the business of the courts in the Sheriffdom of Lothian and Borders shall, so far as is practicable, be programmed and dealt with in accordance with the following order of priority:-
 - (1) Cases involving a person or persons appearing from custody.
Trials, both solemn and summary, in which a statutory time limit is imminent.
Trials involving witnesses who are children or otherwise vulnerable.
Pleas courts.
First diet courts and intermediate diet courts.
 - (2) Referrals and appeals from children's hearings.
Mental health applications.
 - (3) Family actions involving disputes about children.
Adoption and freeing for adoption cases.
Ordinary courts, options hearings courts, and motions courts.
Sequestrations and liquidations.
Summary cause and small claim courts (excluding proofs and full hearings).
 - (4) Trials, both solemn and summary, which are not covered by the provisions of sub-paragraph (1) hereof.
 - (5) Ordinary proofs and debates (other than those in family actions involving children).
Summary cause proofs and small claim full hearings.
Fatal accident inquiries (unless the subject matter is of considerable public importance).
 - (6) Any other business not specified above.
2. Sheriff clerks shall have regard to the above order of priorities when allocating business.

3. Where a court is unable to complete all of the business allocated on any given day, business having the lowest order of priority shall be discharged in order to ensure that business having higher priority is completed.
4. This direction shall subsist until further notice.

I appoint this Practice Note to be inserted in the Act Book at Edinburgh and to be published on the Notice Boards of all Sheriff Courts within the Sheriffdom of Lothian and Borders.

EDINBURGH, 11 November 1999

(signed) Gordon Nicholson