

THE OFFICE OF SHERIFF PRINCIPAL

Provided by the Judicial Office for Scotland

Introduction

1. The requirements for the office of Sheriff Principal are: first, leadership and management skills in order to ensure the efficient operation of the courts within the sheriffdom; and, secondly, the intellectual and legal standing to perform the appellate functions of the office. The latter involves knowledge and experience not only of civil law and practice but also that relating to summary crime.
2. Sheriffs Principal have the statutory responsibility for ensuring the efficient disposal of business in the courts in their sheriffdom. The Sheriff Principal has a unique position as judge, manager and administrator. The Sheriff Principal is at the centre of the planning of court business within the sheriffdom. They are consulted on matters of practice, policy and legislation. They act as intermediaries between those with statutory responsibility to support the courts and the judiciary (Scottish Courts and Tribunal Service) and the judiciary itself. They are responsible not only for the Sheriff Courts within their sheriffdom but also the Justice of the Peace (JP) Courts.
3. The Sheriffs Principal assist the Lord President in considering how best to deploy sheriffs and summary sheriffs across the whole country. This requires significant leadership skills to fulfil the need to ensure the efficient disposal of business, having regard to the skills and experience of the existing office holders and their personal aspirations.
4. A Sheriff Principal is paid £154,527 *per annum*. A new reformed Judicial Pension Scheme is to be introduced for all judges in April 2022. Details of the 2022 scheme can be found in draft Regulations which follow a UK wide consultation on the issue¹. Once enacted, the provisions of the Public Services Pensions and Judicial Offices Bill will also increase the Mandatory Retirement Age for all judicial office holders from the current age of 70 to 75.

Management Functions

5. Every Sheriff Principal has a direct responsibility to the Lord President for the efficient disposal of business in the sheriffdom. It is the responsibility of each Sheriff Principal to identify, manage and resolve problems that impact on the efficiency of the courts within their jurisdiction. They also have responsibility for preparing sheriffdom practice notes. Some of the routine activities of the Sheriff Principal include:

- oversight of the administration of the sheriffdom court programme and the allocation of sheriffs/summary sheriffs to each court to secure its achievement;

¹ [Judicial Pension Scheme 2022: Scheme Regulations - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/judicial-pension-scheme-2022-scheme-regulations)

- arranging and confirming sitting dates and court holidays;
- ensuring that the shrieval complement is adequate and properly deployed;
- allocating sheriffs/summary sheriffs to particular duties; e.g. adoptions, commissary and insolvencies;
- regulating shrieval leave; and dealing with exceptional requests for leave;
- dealing with requests for leave of absence to engage in official activities such as judicial training, meetings with local authorities and other agencies and conferences;
- monitoring cases at avizandum, dealing with requests for writing time and taking action to deal with unacceptable delays;
- addressing the demands of the High Court of Justiciary for temporary judges and Tribunals for shrieval assistance;
- dealing with problems when insufficient shrieval cover is available;
- meeting with representatives of the Crown, whether at national, regional or local level, to discuss levels of business and anticipated developments; and
- managing the use and deployment of part-time sheriffs.

6. The Sheriff Principal is responsible for the pastoral care and development of sheriffs and summary sheriffs with the sheriffdom. He or she has to deal with issues of health and welfare brought to his or her attention² and discussions about career prospects, potential transfers and matters of a similar nature.

7. The Sheriff Principal has a responsibility for controlling activities within courthouses. This involved regular meetings and liaison with SCTS officials, the Area Procurator Fiscal, Social Work Departments, Police Scotland and GEOAmev staff. The Sheriff Principal will also deal with requests from outside agencies (e.g. schools, Law Faculties) for the use of court facilities.

8. Sheriffs Principal have responsibility for the administration of the Justice of the Peace Courts within the sheriffdom by virtue of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007. The responsibilities include selecting those persons who will sit on the Sheriffdom JP Advisory Committee (with responsibility for recruitment), and the Sheriffdom Training and Appraisal Committees. The Sheriff Principal chairs the JPAC which requires to meet regularly to monitor patterns of business and JP availability. He or she also has a responsibility for the interviewing and recommending the appointment of Justices of the Peace.

² The Lord President has overall responsibility for the welfare of the judiciary and is supported by the Judicial Office in fulfilling that function.

9. Other miscellaneous duties include:

- acting as an Investigating Judge for complaints made under the Complaints Against the Judiciary (Scotland) Rules 2017³ in respect of sheriffs, part-time sheriffs, summary sheriffs and part-time summary sheriffs or justices of the peace. This may be in respect of judicial office holders within his or her sheriffdom or elsewhere;
- conducting inquiries into the fitness for office of Sheriff Officers (section 79 of the Debtors (Scotland) Act 1987);
- investigating the fitness for office of Justices of the Peace (section 71 of the Criminal Proceedings etc. Reform) (Scotland) Act 2007);
- attending meetings of the Commissioners of the Northern Lighthouse Board. Sheriffs Principal are required to exercise a supervisory role as statutory Commissioners and will be called upon to sit on various of the Board's administrative committees;
- acting as a member of the Scottish Civil Justice Council and/or its committees and the Scottish Sentencing Council;
- serving on the Judicial Appointments Board for Scotland;
- sitting as members of the Advisory Council of Messengers at Arms and Sheriff Officers;
- being on the Board of the SCTS;
- sitting on the Advisory Council Committee of the Judicial Institute;
- chairing the Justices of the Peace Training Committee of the Judicial Institute;
- considering proposals for legislative change, or to take a leading part in the process of procedural and substantive law reform. A Sheriff Principal is often called upon to be a member of working groups and committees established for these purposes; and
- meeting with other Sheriffs Principal and with SCTS executive officials to discuss national strategic, and management issues.

³ For complaints about the conduct of judicial office holders, the Lord President has published the Complaints about the Judiciary (Scotland) Rules 2017.

Appellate Functions

10. Sheriffs Principal may sit in any civil or criminal case in their sheriffdom. Their primary function is as an appellate judge in the Sheriff Appeal Court. Decisions of the Sheriff Appeal Court are binding on itself (when constituted by an equal or smaller quorum) and all sheriff and JP courts.

11. Civil appeals are often heard by three appeal Sheriffs, but a single appeal Sheriff can preside in certain cases. In summary criminal appeals against sentence, the appeal is heard by two appeal Sheriffs and against conviction by three appeal Sheriffs. The Sheriff Appeal Court hears appeals against bail decisions.

12. Sheriffs Principal conduct significant Fatal Accident Inquiries. The findings and recommendations made in Fatal Accident Inquiries can be highly influential and lead to changes in the practice and procedure of many organisations;

13. A Sheriff Principal may conduct inquiries or preside over tribunals under particular statutes. These include inquiries into constituency boundaries and matters such as the registration of residential homes and police disciplinary appeals.

14. Appeals can arise from a range of civil cases, including commercial causes, family actions, adoption, personal injury, litigation and licensing. A Sheriff Principal should have a sound knowledge of, and experience in, civil law and procedure. He or she should also be able to preside over appeals in summary criminal cases. Experience in that area is an advantage.

15. Criminal appeals are presented in written form and supplemented by succinct oral argument. Some sentence appeals may be straightforward, but a decision must be reached and adequate reasons given quickly. A court can hear up to ten cases a day. Each case requires advance preparation. In exceptional criminal cases, and in some civil cases, an appeal may take a day or longer.

16. Sheriffs Principal have the responsibility of hearing appeals from the Mental Health Tribunal brought under Section 320 of the Mental Health (Care and Treatment) (Scotland) Act 2003 and Section 131 of the Licensing (Scotland) Act 2005.

The first few months of appointment

17. Measures are in place during the early stages of a new Sheriff Principal's appointment. They are intended to provide support and reassurance to any new appointees and to accord with best international practice.

18. The Judicial Institute will provide induction training over five days. This will include presentations, problem exercises and facilitated discussions on a range of topics, tailored to the needs of the new Sheriff Principal and taking account of any

deficiencies in the Sheriff Principal's has prior judicial and management/leadership experience.

19. The Sheriff Principal member of the Advisory Council of the Judicial Institute, in conjunction with the Director of the Judicial Institute, will create a role specific induction programme for the new Sheriff Principal, taking account of the nature of the position and the candidate's own strengths and potential weaknesses. Specific coaching in a particular area may be provided.

20. The Judicial Institute will organise and deliver training for the new Sheriff Principal. This will include: modules designed to enhance individual management and administration skills; HR training; strategic planning in conjunction with SCTS and Judicial Office; judicial leadership; the creation and development of legal policy for the management of the shrieval judiciary and other similar subjects.

21. New appointees must complete at least three sitting-in days with an experienced Sheriff Principal in order to familiarise themselves with the judicial environment, observe the work undertaken, and have the opportunity to discuss how best to approach, and organise for, the challenges ahead.

22. A newly appointed Sheriff Principal will be offered the assistance and guidance of a mentor, drawn from among the other Sheriffs Principal, to whom he or she can turn on a confidential basis for support in the early period of his or her appointment. The scheme is voluntary. If a newly appointed Sheriff Principal opts for a mentor, the scheme envisages a mentoring relationship which lasts for one year. The relationship may last for a judicial career.

23. A new Sheriff Principal will have the assistance and support of the other Sheriffs Principal. A new Sheriff Principal will also be able to seek the advice and guidance of the Lord President and the Lord Justice Clerk. Finally, the successful candidate can expect direct support from the Judicial Office in the exercise of their judicial leadership responsibilities.

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