POLICY NOTE

THE COURTS REFORM (SCOTLAND) ACT 2014 (CONSEQUENTIAL PROVISIONS) ORDER 2015

SSI 2015/xxx

The above instrument is made in exercise of the powers conferred by section 137 of the Courts Reform (Scotland) Act 2014 ("the Act").

Policy objectives of the 2014 Act

The Act delivers an enabling framework to reform the civil courts both structurally and functionally in line with many of the recommendations of the Scottish Civil Courts Review. Reform of the civil courts forms part of the Scottish Government and multi-agency programme, 'Making Justice Work'.

The policy objectives relating to the Act are fully described in the Policy Memorandum which accompanied the Bill. The link below shows the passage of the Bill through Parliament and includes the Policy Memorandum.

http://www.scottish.parliament.uk/parliamentarybusiness/Bills/72771.aspx

Policy objectives of this instrument

The Act repeals and re-enacts provisions of the Courts of Law Fees (Scotland) Act 1895; the Sheriff Courts (Scotland) Acts 1907 and 1971; and the Court of Session Act 1988. This Order makes consequential amendments to other enactments to take account of these changes. It also makes amendments in consequence of the creation by the Act of the office of summary sheriff.

Commencement

The order is scheduled to come into force on 1 April 2015 to coincide with the commencement of provisions in the Courts Reform (Scotland) Act 2014 (Commencement No.2, Transitional and Saving Provisions) Order 2015.

Consultation

No formal consultation has taken place on the Order as it is being made as a consequence of the 2014 Act which has already been the subject of separate consultation exercises.

The consultations can be viewed on the Scottish Government website at www.scotland.gov.uk/Publications/2013/02/5302 and www.scotland.gov.uk/Publications/2013/05/6753

Analyses of responses can be found at www.scotland.gov.uk/Publications/2013/09/8038 and www.scotland.gov.uk/Publications/2013/05/6753

Impact Assessments

An equality impact assessment and a Business and Regulatory Impact Assessment have already been completed on the Courts Reform (Scotland) Bill – see links below.

http://www.scotland.gov.uk/Publications/2014/03/9822
http://www.scotland.gov.uk/Publications/2014/03/9314

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