



Judiciary and Courts (Scotland) Act 2008

2008 asp 6

JUDICIARY AND COURTS (SCOTLAND) ACT 2008

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Judiciary and Courts (Scotland) Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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65 Provision of advice etc. to the Scottish Ministers

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SCHEDULE 1 — The Judicial Appointments Board for Scotland

Status of the Board

1 The Board is not a servant of the Crown and...

Membership

2 The Board consists of— (a) judicial members appointed by the...

The judicial and legal members

3 (1) The judicial members comprise— (a) one person holding the...

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The lay members

4 (1) The number of lay members is to be equal...

Persons disqualified from membership

5 A person is disqualified from appointment, and from holding office,...

Term of office

6 (1) A member holds office for such period of not...

Resignation of members

7 (1) A member may resign office by giving notice in...

Removal of members

8 (1) The Lord President may, by notice in writing, remove...

Chairing Member: appointment and tenure

9 (1) The Scottish Ministers must appoint one of the lay...

Chairing Member: resignation, removal, vacancy etc.

10 (1) The Chairing Member may resign office as such by...

Temporary members

11 (1) Where the Chairing Member is satisfied that a member...

Conflicts of interest

12 (1) Sub-paragraph (2) applies where the Chairing Member is satisfied...

Fees and expenses

13 (1) Each member of the Board is entitled to such...

Administrative support

14 (1) The Scottish Ministers must provide, or ensure the provision...

Procedure

15 (1) The Board may determine its own procedure (including the...

Committees and delegation

16 (1) The Board may establish committees and may delegate the...

Validity of proceedings

17 The validity of any proceedings or actings of the Board...

Board to fall within remit of Commissioner for Public Appointments in Scotland

18 (1) In the Public Appointments and Public Bodies etc. (Scotland)...

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Code of conduct for members

19 In the Ethical Standards in Public Life etc. (Scotland) Act...

Maladministration

20 (1) In the Scottish Public Services Ombudsman Act 2002 (asp...

Freedom of information

21 In the Freedom of Information (Scotland) Act 2002 (asp 13),...

Transitional provision: constitution of the first Board

22 (1) The first members of the Board are to be...

SCHEDULE 2 — Panels established under section 19(2)

Constitution of panel

1 (1) A panel established under section 19(2) in connection with...

Vacancies etc.

2 (1) If the Chairing Member of the Board is unable...

Qualifying judges

3 (1) The qualifying judges are— (a) those judges of the...

Fees and expenses

4 (1) Each member of a panel is entitled to such...

SCHEDULE 3 — The Scottish Court Service

Status of SCS

1 The SCS is the holder of an office, which office...

Membership

2 (1) The SCS consists of judicial members and non-judicial members....

Procedure for appointment of members

3 (1) It is for the Lord President to appoint the...

Persons disqualified from membership

4 A person is disqualified from appointment, and from holding office,...

Term of office

5 (1) This paragraph applies to a member of the SCS...

Reappointment

6 A person who is, or has been, a member of...

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Resignation and removal of members

7 (1) This paragraph applies to a member of the SCS...

Suspension of judicial members

8 A judicial member is suspended from acting as such during...

Chairing of the SCS

9 (1) The Lord President is to chair meetings of the...

Committees

10 (1) The SCS may establish committees. (2) A person who...

Proceedings

11 The SCS may determine— (a) its own procedure (including the...

Validity of actings

12 The validity of any proceedings or actings of the SCS...

Remuneration and expenses

13 (1) The SCS may pay to— (a) its members, and...

Chief Executive and other staff

14 (1) The SCS must appoint a Chief Executive.

Ancillary powers

15 (1) The SCS may do anything which it considers necessary...

Power to use local authority premises

16 (1) The SCS may, where it considers it necessary for...

Delegation

17 (1) Any function of the SCS may be carried out...

Freedom of information

18 In the Freedom of Information (Scotland) Act 2002 (asp 13),...

Transfer of staff

19 (1) Sub-paragraph (2) applies to persons who, on the coming...

Transfer of property and liabilities

20 (1) The Scottish Ministers may by order provide for the...

SCHEDULE 4 — Appointment etc. of office holders: consequential amendments

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The Administration of Justice (Scotland) Act 1933 (c. 41)

- 1 (1) The Administration of Justice (Scotland) Act 1933 is amended...

The Sheriff Courts and Legal Officers (Scotland) Act 1927 (c. 35)

- 2 (1) The Sheriff Courts and Legal Officers (Scotland) Act 1927...

SCHEDULE 5 — Consequential amendments and repeals

The Courts of Law Fees (Scotland) Act 1895 (c. 14)

- 1 In the Courts of Law Fees (Scotland) Act 1895, in...

The Sheriff Courts (Scotland) Act 1971 (c. 58)

- 2 (1) The 1971 Act is amended as follows.

The Scotland Act 1998 (Transitory and Transitional Provisions) (Removal of Judges) Order 1999 (S.I. 1999/1017)

- 3 The Scotland Act 1998 (Transitory and Transitional Provisions) (Removal of...

The Senior Judiciary (Vacancies and Incapacity) (Scotland) Act 2006 (asp 9)

- 4 The Senior Judiciary (Vacancies and Incapacity) (Scotland) Act 2006 is...

The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6)

- 5 (1) The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 is...

Changes to legislation:

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Commencement Orders yet to be applied to the Judiciary and Courts (Scotland) Act 2008:

Commencement Orders bringing provisions within this Act into force:

- [S.S.I. 2010/39 art. 2 Sch.](#) commences (2008 asp 6)