



Judiciary and Courts (Scotland) Act 2008

2008 asp 6

JUDICIARY AND COURTS (SCOTLAND) ACT 2008

PART 1

JUDICIAL INDEPENDENCE

- 1 Guarantee of continued judicial independence

PART 2

THE JUDICIARY

CHAPTER 1

HEAD OF THE SCOTTISH JUDICIARY

- 2 Head of the Scottish Judiciary
- 3 Delegation of functions

CHAPTER 2

SENIOR JUDICIARY: VACANCY, INCAPACITY AND SUSPENSION

- 4 Lord President
- 5 Lord Justice Clerk
- 6 Periods when both sections 4 and 5 apply
- 7 Supplementary
- 8 Interpretation of Chapter 2

CHAPTER 3

JUDICIAL APPOINTMENTS

Judicial Appointments Board for Scotland

- 9 The Judicial Appointments Board for Scotland

Changes to legislation: There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008. (See end of Document for details)

- 10 Judicial offices within the Board's remit
- 11 Recommendations of the Board
- 12 Selection criteria
- 13 Assessment of legal knowledge, skills and competence
- 14 Encouragement of diversity
- 15 Guidance
- 16 Guidance: procedure
- 17 Confidentiality of information
- 18 Annual report

Lord President and Lord Justice Clerk

- 19 Appointment
- 20 Selection criteria

Other Court of Session judges

- 20A Qualification of certain individuals for appointment as Court of Session judge
- 20B Temporary judges
- 20C Reappointment of temporary judges
- 20D Cessation of appointment of temporary judges
- 20E Re-employment of former Court of Session and Supreme Court judges
- 20F Re-employment of former judges: further provision
- 20G Remuneration and expenses of temporary and former judges

Sheriffs principal, sheriffs and part-time sheriffs

- 24 Appointment of temporary sheriffs principal
- 25 Re-employment of retired sheriffs principal and sheriffs
- 26 Appointment of part-time sheriffs
- 27 Sheriffs and part-time sheriffs: official oaths

CHAPTER 4

JUDICIAL CONDUCT

Judicial conduct

- 28 Rules about investigations etc.
- 29 Powers of Lord President

Judicial Complaints Reviewer

- 30 Judicial Complaints Reviewer
- 31 Judicial Complaints Reviewer: tenure etc.
- 32 Guidance
- 33 Lord President's powers on referral

Suspension

- 34 Suspension

Changes to legislation: There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008. (See end of Document for details)

CHAPTER 5

REMOVAL FROM OFFICE

Judges

- 35 Tribunal to consider fitness for judicial office
- 36 Suspension during investigation
- 37 Further provision about tribunals
- 38 Report of tribunal
- 39 Temporary judges: removal from office

Sheriffs

- 40 Consideration of fitness for, and removal from, shrieval office

Justices of the peace

- 41 Provision relating to tribunal considering fitness for office of justices of the peace

CHAPTER 6

TRAINING AND APPRAISAL OF JUSTICES OF THE PEACE

- 42 Training and appraisal of justices of the peace

CHAPTER 7

MEANING OF “JUDICIAL OFFICE HOLDER”

- 43 Meaning of “judicial office holder”

PART 3

THE COURTS

The Court of Session

- 44 Maximum number of judges
- 45 Number of judges of the First and Second Divisions of the Inner House
- 46 Divisions of the Inner House

Sheriff courts

- 47 Sheriff principal's responsibility
- 48 Repeal of certain responsibilities of Scottish Ministers
- 49 Lord President's default power
- 50 Alteration of boundaries of sheriffdoms
- 51 Sheriff court districts and places where sheriff courts are to be held
- 52 Repeal of power to appoint sheriff to assist Scottish Ministers
- 53 Sheriffs principal and sheriffs acting in other sheriffdoms
- 54 Residence and leave of absence of sheriffs principal
- 55 Number, residence and deployment of sheriffs
- 56 Leave of absence of sheriffs

Changes to legislation: There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008. (See end of Document for details)

Justice of the peace courts

- 57 Establishment, constitution etc.
- 58 Sheriff principal's responsibility

Court holidays

- 59 Court holidays in sheriff courts and justice of the peace courts

PART 4

THE SCOTTISH COURTS AND TRIBUNALS SERVICE

Establishment

- 60 The Scottish Courts and Tribunals Service

Functions

- 61 Administrative support for the Scottish courts and judiciary
- 61A Administrative support for the Scottish Tribunals and their members etc.
- 62 Administrative support for other persons
- 63 Appointment etc. of office holders
- 64 Payment of remuneration etc. of certain judicial office holders

Provision of advice etc. to the Scottish Ministers

- 65 Provision of advice etc. to the Scottish Ministers

Plan and report

- 66 Corporate plan
- 67 Annual report

Ministerial powers

- 68 Provision of information
- 69 Guidance
- 70 Default power

PART 5

GENERAL

- 71 Orders and regulations
- 72 Interpretation
- 73 Consequential amendments and repeals
- 74 Ancillary provision
- 75 Transitional provision etc.
- 76 Commencement and short title

SCHEDULE 1 — The Judicial Appointments Board for Scotland

Status of the Board

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

Changes to legislation: There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008. (See end of Document for details)

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...

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...

Appointment of persons to assist the Board

13A (1) The Board may appoint persons (other than Board members)...

13B (1) A person appointed under paragraph 13A(1) as a legal...

Powers and conduct of persons appointed to assist the Board

Administrative support

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

Changes to legislation: There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008. (See end of Document for details)

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...

Proceedings relating to the Scottish Tribunals

- 16A (1) Sub-paragraph (2) applies where the Board is exercising any...

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)...

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 COURTS AND TRIBUNALS SERVICE

Status of SCTS

- 1 THE SCOTTISH COURTS AND TRIBUNALS SERVICE

Changes to legislation: There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008. (See end of Document for details)

Membership

2 (1) The SCTS 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 SCTS...

Reappointment

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

Resignation and removal of members

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

Suspension of judicial members

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

Chairing of the SCTS

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

Committees

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

Proceedings

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

Validity of actings

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

Remuneration and expenses

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

Chief Executive and other staff

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

Ancillary powers

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

Power to use local authority premises

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

Changes to legislation: There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008. (See end of Document for details)

Delegation

- 17 (1) Any function of the SCTS 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

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:

There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008.