

*These notes relate to the Judiciary and Courts (Scotland) Act 2008 (asp 6) which received Royal Assent on 29 October 2008*

# **JUDICIARY AND COURTS (SCOTLAND) ACT 2008**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### **Part 2 – the Judiciary**

#### **Chapter 3 - Judicial Appointments**

#### **Other Court of Session judges**

#### **Section 21 – Eligibility of solicitors for appointment as judges**

60. At present those who are eligible for appointment as a judge of the Court of Session are: in terms of article xix of the Union with England Act 1707 advocates of 5 years standing and Writers to the Signet of 10 years standing who have passed the civil law exam two years before appointment; and by paragraph 1 of schedule 4 to the [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c.40\)](#) (“the 1990 Act”) sheriffs principal and sheriffs who have served 5 years and solicitors with rights of audience in *both* the Court of Session and High Court of Justiciary for 5 years.
61. This section amends schedule 4 of the 1990 Act to further extend eligibility to include solicitors with rights of audience for 5 years in *either* the Court of Session or the High Court of Justiciary. Recommendation for appointment to judicial office is the function of the Judicial Appointments Board for Scotland.