

*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**

---

## **EXPLANATORY NOTES**

### **THE ACT**

#### **Part 2 – the Judiciary**

#### *Chapter 5 – Removal from office*

#### **Justices of the Peace**

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

90. This section amends section 71 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (“the 2007 Act”) to provide that the provisions as respects the tribunal (including procedures for the tribunal and the tribunal’s ability to suspend a JP during an investigation) and authorising a specified body or class of persons to recommend that an investigation be carried out should be made by the Court of Session by act of sederunt instead of by Scottish Ministers.