Status: Point in time view as at 01/04/2010.
_Changes to legislation: There are currently no known outstanding effects for the
Judiciary and Courts (Scotland) Act 2008, Part 5. (See end of Document for details)_

Judiciary and Courts (Scotland) Act 2008

2008 asp 6

PART 5

GENERAL

71   Orders and regulations

(1) Any power of the Scottish Ministers to make orders or regulations under this Act is
exercisable by statutory instrument.

(2) Any such power includes power to make—

   (a)   such incidental, supplementary, consequential, transitional, transitory or
         saving provision as the Scottish Ministers think necessary or expedient,

   (b)   different provision for different purposes.

(3) A statutory instrument containing an order or regulations under this Act except—

   (a)   an order under section 70(2), 76(1) or paragraph 2(5) of schedule 3, and

   (b)   where subsection (4) applies, an order under section 74(1),

is subject to annulment in pursuance of a resolution of the Scottish Parliament.

(4) No—

   (a)   order under paragraph 2(5) of schedule 3, or

   (b)   order under section 74(1) containing provisions which add to, replace or omit
         any part of the text of an Act,

is to be made unless a draft of the statutory instrument containing the order has been
laid before, and approved by resolution of, the Parliament.

72   Interpretation

In this Act—

   "the 1971 Act" means the Sheriff Courts (Scotland) Act 1971 (c. 58),

   "the Inner House" means the Inner House of the Court of Session,

   "the Lord President" means the Lord President of the Court of Session,

"office of part-time sheriff" means an appointment under section 11A, or a reappointment under section 11B(5) or (7), of the 1971 Act, and references to suspension from that office are to be construed accordingly,

"office of temporary judge" means an appointment under section 35(3) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40), and references to removal or suspension from that office are to be construed accordingly,

"office of temporary sheriff principal" means an appointment under section 11(1) or (1A) of the 1971 Act, and references to suspension from that office are to be construed accordingly.

73 Consequential amendments and repeals

Schedule 5, which contains consequential amendments and repeals of enactments, has effect.

Commencement Information

I1 S. 73 partly in force; s. 73 not in force at Royal Assent see s. 76; s. 73 in force for specified purposes at 1.6.2009 by S.S.I. 2009/192, **art. 2**, Sch.

I2 S. 73 in force at 1.4.2010 in so far as not already in force by S.S.I. 2010/39, art. 2(b), **Sch.**

74 Ancillary provision

(1) The Scottish Ministers may by order make such supplementary, incidental or consequential provision as they consider appropriate for the purposes of, in consequence of, or for giving full effect to, any provision of this Act.

(2) An order under subsection (1) may modify any enactment (including this Act).

75 Transitional provision etc.

(1) The Scottish Ministers may by order make such provision as they consider necessary or expedient for transitory, transitional or saving purposes in connection with the coming into force of any provision of this Act.

(2) An order under subsection (1) may modify any enactment (including this Act).

76 Commencement and short title

(1) The provisions of this Act, other than this section and sections 71, 72, 74 and 75, come into force in accordance with provision made by order by the Scottish Ministers.

(2) This Act may be cited as the Judiciary and Courts (Scotland) Act 2008.

Subordinate Legislation Made

P1 S. 76(1) power partly exercised; 16.3.2009 appointed for specified provisions and purposes by S.S.I. 2009/83, **art. 2**; 1.6.2009 appointed for specified provisions and purposes by S.S.I. 2009/192, **art. 2**, Sch. ; 1.10.2009 appointed for specified provisions and purposes by S.S.I. 2009/318, **art. 2**, Sch.

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