

Changes to legislation: There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, Paragraph 16A. (See end of Document for details)

SCHEDULE 1 THE JUDICIAL APPOINTMENTS BOARD FOR SCOTLAND

^{F1}Proceedings relating to the Scottish Tribunals

Textual Amendments

F1 Sch. 1 para. 16A and cross-heading inserted (1.4.2015) by Tribunals (Scotland) Act 2014 (asp 10), s. 83(2), Sch. 9 para. 12(5) (with Sch. 9 para. 810(1)(b)); S.S.I. 2015/116, art. 2

- 16A (1) Sub-paragraph (2) applies where the Board is exercising any function under this Act in connection with a position mentioned in section 10(2A).
- (2) At least one member of the Scottish Tribunals is to take part in any proceedings relating to the function (whether or not also a member of the Board).
- (3) It is for the President of Tribunals to select a member of the Scottish Tribunals to take part as mentioned in sub-paragraph (2).
- (4) Before making a selection under sub-paragraph (3), the President of Tribunals must consult the Chairing Member.
- (5) Sub-paragraph (6) applies where a person taking part as mentioned in sub-paragraph (2) is not a member of the Board.
- (6) The person is to be treated as if a member of the Board for the purposes of—
- (a) sections 11 to 15 and 17, and
 - (b) paragraphs 5, 12 and 13 of this schedule.
- [Sub-paragraph (6B) applies if—
- ^{F2}(6A) (a) the Board is exercising any function under this Act in connection with a position mentioned in section 10(2A),
- (b) the Board authorises a person appointed under paragraph 13A(1) to assist it in relation to any proceedings relating to the function, and
- (c) the person authorised to assist the Board in relation to the proceedings is a member of the Scottish Tribunals.
- (6B) The member of the Scottish Tribunals selected under sub-paragraph (3) may elect not to take part in the proceedings in respect of which the assistant is authorised to assist.]
- (7) The Board may not make a determination under paragraph 15 which is inconsistent with this paragraph.
- (8) In this paragraph, “ President of Tribunals ” is to be construed in accordance with the Tribunals (Scotland) Act 2014 and the references to a member of the Scottish Tribunals are to be construed in accordance with section 13(3) of that Act.]

Textual Amendments

F2 Sch. 1 para. 16A(6A)(6B) inserted (1.4.2015) by Courts Reform (Scotland) Act 2014 (asp 18), ss. 131(1)(b), 138(2); S.S.I. 2015/77, art. 2(2)(3), Sch.

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