

SCHEDULE 5 MODIFICATIONS OF ENACTMENTS

PART 9

JUDGES OF THE COURT OF SESSION

Promissory Oaths Act 1868

- 34 In the Promissory Oaths Act 1868, in the Second Part of the Schedule, for “35(3) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990” substitute “20B(1) of the Judiciary and Courts (Scotland) Act 2008”.

Administration of Justice Act 1973

- 35 In section 9 of the Administration of Justice Act 1973 (judicial salaries), subsection (5) is repealed.

Law Reform (Miscellaneous Provisions) (Scotland) Act 1985

- 36 Section 22 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (re-employment of retired judges) is repealed.

Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

- 37 (1) The Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 is amended in accordance with this paragraph.
- (2) In section 35 (judicial appointments)—
- (a) subsections (1) and (3) are repealed,
 - (b) in subsection (2), for “the said Schedule” substitute “Schedule 4”.
- (3) In Schedule 4 (judicial appointments), paragraphs 1 to 3 and 5 to 11 are repealed.

Judiciary and Courts (Scotland) Act 2008

- 38 (1) The Judiciary and Courts (Scotland) Act 2008 is amended in accordance with this paragraph.
- (2) In section 43(1)(b) (meaning of “judicial office holder”), for “22(1) or (4) (re-employment of retired Court of Session judges) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73)” substitute “20E(1) (re-employment of former judges) or 20F(3) (re-employment of former judges: further provision)”.
- (3) In section 64 (amendments of enactments relating to remuneration and allowances of re-employed retired judges and temporary judges), subsections (3) and (4) are repealed.
- (4) In section 72 (interpretation), in the definition of “office of temporary judge”, for “35(3) of the [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c.40\)](#)” substitute “20B(1) (temporary judges)”.