



# Judiciary and Courts (Scotland) Act 2008

## 2008 asp 6

### PART 4

#### [<sup>F1</sup>THE SCOTTISH COURTS AND TRIBUNALS SERVICE]

#### *Functions*

#### **61 Administrative support for the Scottish courts and judiciary**

- (1) The [<sup>F1</sup>SCTS] has the function of providing, or ensuring the provision of, the property, services, officers and other staff required for the purposes of—
  - (a) the Scottish courts, and
  - (b) the judiciary of those courts.
- (2) In carrying out that function, the [<sup>F1</sup>SCTS] must—
  - (a) take account, in particular, of the needs of members of the public and those involved in proceedings in the Scottish courts, and
  - (b) so far as practicable and appropriate, co-operate and co-ordinate activity with any other person having functions in relation to the administration of justice.
- (3) In this Part, “the Scottish courts” has the meaning given by section 2(6).

#### **Textual Amendments**

- F1** Word in Act substituted (2.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [Sch. 4 para. 1\(2\)](#); S.S.I. 2015/12, art. 2; S.S.I. 2015/77, art. 2(2)(3), Sch.

#### **Commencement Information**

- II** S. 61 in force at 1.4.2010 by [S.S.I. 2010/39](#), art. 2(b), [Sch.](#)

#### **[<sup>F2</sup> 61A Administrative support for the Scottish Tribunals and their members etc.**

- (1) The SCTS has the function of providing, or ensuring the provision of, the property, services, officers and other staff required for the purposes of—

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- (a) the Scottish Tribunals,
  - (b) the members of those Tribunals, and
  - (c) such other tribunals (and their members) as the Scottish Ministers may by order specify.
- (2) In carrying out that function, the SCTS must—
- (a) take account, in particular, of the needs of members of the public and those involved in proceedings in the tribunals, and
  - (b) so far as practicable and appropriate, co-operate and co-ordinate activity with any other person having functions in relation to the administration of justice.
- (3) In this Part, references to—
- (a) the Scottish Tribunals are to the First-tier Tribunal for Scotland and the Upper Tribunal for Scotland,
  - (b) the members of the Scottish Tribunals are to be construed in accordance with the Tribunals (Scotland) Act 2014.]

#### Textual Amendments

**F2** S. 61A inserted (2.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), **ss. 130(2)**, 138(2); S.S.I. 2015/12, art. 2; S.S.I. 2015/77, art. 2(2)(3), Sch.

#### Modifications etc. (not altering text)

**C1** S. 61A applied (temp.) (2.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **Sch. 4 para. 3(1)**; S.S.I. 2015/12, art. 2; S.S.I. 2015/77, art. 2(2)(3), Sch.

## 62 Administrative support for other persons

- (1) The [<sup>F1</sup>SCTS] has the function of providing, or ensuring the provision of, the property, services and staff required for the purposes of—
- (a) the Lord President in the carrying out of—
    - (i) functions conferred on the Lord President as Head of the Scottish Judiciary, and
    - [<sup>F3</sup>(ia) functions conferred on the Lord President as Head of the Scottish Tribunals,]
    - (ii) other non-judicial functions of the Lord President,
  - (b) any judicial office holder in the carrying out of functions delegated to the office holder by the Lord President,
  - [<sup>F4</sup>(ba) the President of the Sheriff Appeal Court in the carrying out of functions under section 56 of the Courts Reform (Scotland) Act 2014,]
  - (c) the sheriffs principal in the carrying out of their functions under [<sup>F5</sup>sections 27 and 28 of the Courts Reform (Scotland) Act 2014],
  - [<sup>F6</sup>(ca) the President of the Scottish Tribunals in the carrying out of—
    - (i) functions delegated to the President of the Scottish Tribunals by the Lord President as Head of the Scottish Tribunals, and
    - (ii) other non-judicial functions of the President of the Scottish Tribunals,]

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- (d) the Public Guardian (established by section 6 of the Adults with Incapacity (Scotland) Act 2000 (asp 4)),
  - <sup>F7</sup>(e) .....
  - [<sup>F8</sup>(ea) the Scottish Civil Justice Council,]
  - (f) the Criminal Courts Rules Council,
  - <sup>F9</sup>(g) .....
  - (h) such other persons, or persons of such description, as the Scottish Ministers may by order specify.
- (2) Before making an order under subsection (1)(h), the Scottish Ministers must consult the Lord President.

#### Textual Amendments

- F1** Word in Act substituted (2.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **Sch. 4 para. 1(2)**; S.S.I. 2015/12, art. 2; S.S.I. 2015/77, art. 2(2)(3), Sch.
- F3** S. 62(1)(a)(ia) inserted (1.4.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **Sch. 4 para. 1(4)(a)**; S.S.I. 2015/77, art. 2(2)(3), Sch.
- F4** S. 62(1)(ba) inserted (1.4.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **Sch. 5 para. 16(4)**; S.S.I. 2015/77, art. 2(2)(3), Sch.
- F5** Words in s. 62(1)(c) substituted (1.4.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **Sch. 5 para. 9(5)**; S.S.I. 2015/77, art. 2(2)(3), Sch.
- F6** S. 62(1)(ca) inserted (1.4.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **Sch. 4 para. 1(4)(b)**; S.S.I. 2015/77, art. 2(2)(3), Sch.
- F7** S. 62(1)(e) repealed (28.5.2013) by [Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 \(asp 3\)](#), **ss. 15(3)(b)**, 25(2); S.S.I. 2013/124, art. 2 (with art. 3)
- F8** S. 62(1)(ea) inserted (28.5.2013) by [Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 \(asp 3\)](#), **ss. 15(3)(a)**, 25(2); S.S.I. 2013/124, art. 2 (with art. 3)
- F9** S. 62(1)(g) repealed (28.5.2013) by [Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 \(asp 3\)](#), **ss. 15(3)(b)**, 25(2); S.S.I. 2013/124, art. 2 (with art. 3)

#### Commencement Information

- I2** S. 62 in force at 1.4.2010 by [S.S.I. 2010/39](#), art. 2(b), **Sch.**

### 63 Appointment etc. of office holders

- (1) The Scottish Ministers' functions in relation to the officers mentioned in subsection (2) are transferred to the [<sup>F1</sup>SCTS].
- (2) Those officers are the holders of the following offices—
  - (a) Accountant of Court,
  - (b) Principal Clerk of Session,
  - (c) other Clerk or officer of the Court of Session,
  - (d) Principal Clerk of Justiciary,
  - (e) Depute, Assistant or other Clerk in the Justiciary Office of the High Court of Justiciary,
  - (f) Macer in the Court of Session and Macer in the High Court of Justiciary,
  - (g) sheriff clerk,
  - (h) sheriff clerk depute, and

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- (i) clerk or assistant clerk of a justice of the peace court.
- (3) Those officers are also members of the staff of the [F1SCTS] and, accordingly, references in this Act to the staff of the [F1SCTS] include, except where the context requires otherwise, reference to those officers.
- (4) Schedule 4 contains amendments of enactments consequential on this section.

#### Textual Amendments

- F1** Word in Act substituted (2.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by Courts Reform (Scotland) Act 2014 (asp 18), s. 138(2), **Sch. 4 para. 1(2)**; S.S.I. 2015/12, art. 2; S.S.I. 2015/77, art. 2(2)(3), Sch.

#### Commencement Information

- I3** S. 63 in force at 1.4.2010 by S.S.I. 2010/39, art. 2(b), **Sch.**

## 64 Payment of remuneration etc. of certain judicial office holders

- <sup>F10</sup>(1) .....
- <sup>F10</sup>(2) .....
- <sup>F11</sup>(3) .....
- <sup>F11</sup>(4) .....

#### Textual Amendments

- F10** S. 64(1)(2) repealed (1.4.2015) by Courts Reform (Scotland) Act 2014 (asp 18), s. 138(2), **Sch. 5 para. 9(2)(d)**; S.S.I. 2015/77, art. 2(2)(3), Sch.; S.S.I. 2015/77, art. 2(2)(3), Sch.
- F11** S. 64(3)(4) repealed (1.4.2015) by Courts Reform (Scotland) Act 2014 (asp 18), s. 138(2), **Sch. 5 para. 38(3)**; S.S.I. 2015/77, art. 2(2)(3), Sch.; S.S.I. 2015/77, art. 2(2)(3), Sch.

#### Commencement Information

- I4** S. 64 in force at 1.4.2010 by S.S.I. 2010/39, art. 2(b), **Sch.**

**Changes to legislation:**

There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, Cross Heading: Functions.