

Draft Order laid before the Scottish Parliament under section 1(3) of the Court of Session Act 1988, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2016 No.

COURT OF SESSION

The Maximum Number of Judges (Scotland) Order 2016

Made - - - - 2016

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the 14th day of December 2016

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by section 1(2) of the Court of Session Act 1988(a) and all other powers enabling Her Majesty to do so.

Her Majesty is satisfied that the Lord President of the Court of Session has been consulted in accordance with section 1(3A) of that Act(b).

In accordance with section 1(3) of that Act(c) a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Accordingly, Her Majesty is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1. This Order may be cited as the Maximum Number of Judges (Scotland) Order 2016 and comes into force on the day after the day on which it is made.

Amendment of the Court of Session Act 1988

2. In section 1(1) of the Court of Session Act 1988(d) (maximum number of judges of the Court of Session), for "34" substitute "35".

(a) 1988 c.36.

(b) Section 1(3A) was inserted by the Judiciary and Courts (Scotland) Act 2008 (asp 6), section 44(4)

(c) Section 1(3) was amended by the Judiciary and Courts (Scotland) Act 2008, section 44(3) and modified by paragraph 5 of schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

(d) Section 1(1) was relevantly amended by the Judiciary and Courts (Scotland) Act 2008, section 44(2) and S.S.I. 2004/499.

Revocation

3. The Maximum Number of Judges (Scotland) Order 2004^(a) is revoked.

Name
Clerk of the Privy Council

^(a) S.S.I. 2004/499.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order amends section 1(1) of the Court of Session Act 1998 so as to increase the number of persons who may be appointed as judges of the Court of Session from 34 to 35. Article 3 of this Order revokes the Maximum Number of Judges (Scotland) Order 2004 which had previously increased the number to 34.

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