

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order specifies the Scottish Land Court as falling within the definition of “the Scottish courts” in section 2(6) of the Judiciary and Courts (Scotland) Act 2008 (“the 2008 Act”). It also specifies the offices of member and Deputy Chairman of the Scottish Land Court for the purposes of section 43(2) of that Act (meaning of “judicial office holder”).

By virtue of section 2(2) of the 2008 Act the Lord President of the Court of Session as Head of the Scottish Judiciary has responsibility, amongst other things, for securing the efficient disposal of business in “the Scottish courts” and for making arrangements for the welfare, training and guidance of “judicial office holders”. By virtue of section 61 of the 2008 Act, the Scottish Courts and Tribunals Service (“the SCTS”) has the function of providing, or ensuring the provision of, the property, services, officers and other staff required for the purposes of “the Scottish courts”.

Article 2 specifies the Scottish Land Court as one of the Scottish Courts for the purposes of section 2(6)(h) of the 2008 Act.

Article 3 specifies the offices of member of the Scottish Land Court and Deputy Chairman of the Scottish Land Court as judicial offices within the meaning of section 43(2) of the 2008 Act. The holders of these offices thus become “judicial office holders” to which Part 2 of that Act applies.

Article 4 amends schedule 1 of the Scottish Land Court Act 1993 in consequence of article 2.

Article 5 gives effect to the schedule, which provides the staff of the Scottish Ministers employed in the Scottish Land Court to become members of the staff of the SCTS.