

**2009 No. 311**

**JUDICIAL APPOINTMENTS AND DISCIPLINE**

**The Judiciary and Courts (Scotland) Act 2008 (Transitional  
Provision) Order 2009**

*Made* - - - - *8th September 2009*

*Laid before the Scottish Parliament* *9th September 2009*

*Coming into force* - - *1st October 2009*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 75(1) of the Judiciary and Courts (Scotland) Act 2008(a).

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Judiciary and Courts (Scotland) Act 2008 (Transitional Provision) Order 2009 and comes into force on 1st October 2009.

(2) “the Act” means the Judiciary and Courts (Scotland) Act 2008.

**The Judicial Appointments Board for Scotland**

2. Where recommendations for appointment to the office of sheriff or part-time sheriff were made by the Judicial Appointments Board for Scotland before 1st June 2009, those recommendations shall be treated as recommendations of the Judicial Appointments Board for Scotland established by Chapter 3 of Part 2 of the Act until such time as it makes recommendations under section 9(2)(a) of the Act.

*FERGUS EWING*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
8th September 2009

## **EXPLANATORY NOTE**

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

The Judiciary and Courts (Scotland) Act 2008 (Commencement No. 2) Order 2009 (S.S.I. 2009/192 (C.15)) was made on 18th May 2009 and brought certain provisions of the Judiciary and Courts (Scotland) Act 2008 into force on 1st June 2009. Those provisions included Chapter 3 of Part 2 of that Act which establishes the Judicial Appointments Board for Scotland on a statutory basis. Prior to 1st June 2009 the Judicial Appointments Board for Scotland existed on a non-statutory basis. This Order makes transitional provision so that the recommendations for appointment to the offices of sheriff and part time sheriff of the previous Judicial Appointments Board for Scotland can be used until such time as the new Judicial Appointments Board for Scotland makes its own recommendations for appointment to those offices.

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