

EXECUTIVE NOTE

THE JUDICIARY AND COURTS (SCOTLAND) ACT 2008 (TRANSITIONAL PROVISION) ORDER 2009

SSI 2009/311

1. This Order is being made in exercise of the powers conferred by section 75(1) of the Judiciary and Courts (Scotland) Act 2008 (“the 2008 Act”).

Policy Objectives and Background

2. The 2008 Act places the Judicial Appointments Board for Scotland (JABS) on a statutory footing. The provisions of the 2008 Act establishing the statutory JABS were commenced on 1 June 2009 (The Judiciary and Courts (Scotland) Act 2008 (Commencement No. 2) Order 2009 (SSI 2009/192 C.15)).

3. JABS was originally established on an administrative basis in 2002. Prior to 1 June 2009 JABS had carried out recruitment exercises for the offices of sheriff and part-time sheriff. It carried out this recruitment exercise by selecting candidates for those offices in ranked order. This order carries forward those recommendations until such time as the new statutory JABS carries out recruitment exercises and makes recommendations to Scottish Ministers.

4. The order is necessary in order to ensure that offices do not go unfilled in the interim.

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