

# Judiciary and Courts (Scotland) Act 2008

## 2008 asp 6

### PART 1

#### JUDICIAL INDEPENDENCE

#### **1 Guarantee of continued judicial independence**

- (1) The following persons must uphold the continued independence of the judiciary—
  - (a) the First Minister,
  - (b) the Lord Advocate,
  - (c) the Scottish Ministers,
  - (d) members of the Scottish Parliament, and
  - (e) all other persons with responsibility for matters relating to—
    - (i) the judiciary, or
    - (ii) the administration of justice,where that responsibility is to be discharged only in or as regards Scotland.
- (2) In particular, the First Minister, the Lord Advocate and the Scottish Ministers—
  - (a) must not seek to influence particular judicial decisions through any special access to the judiciary, and
  - (b) must have regard to the need for the judiciary to have the support necessary to enable them to carry out their functions.
- (3) In this section “the judiciary” means the judiciary of—
  - (a) the Supreme Court of the United Kingdom,
  - (b) any other court established under the law of Scotland, and
  - (c) any international court.
- (4) In subsection (3)(c) “international court” means the International Court of Justice or any other court or tribunal which exercises jurisdiction, or performs functions of a judicial nature, in pursuance of—
  - (a) an agreement to which the United Kingdom or Her Majesty’s Government in the United Kingdom is a party, or
  - (b) a resolution of the Security Council or General Assembly of the United Nations.