



# Judiciary and Courts (Scotland) Act 2008

## 2008 asp 6

### PART 2 **U.K.**

#### THE JUDICIARY

### CHAPTER 1 **S**

#### HEAD OF THE SCOTTISH JUDICIARY

## 2 **Head of the Scottish Judiciary** **S**

- (1) The Lord President is the Head of the Scottish Judiciary.
- (2) As Head of the Scottish Judiciary the Lord President is responsible—
  - (a) for making and maintaining arrangements for securing the efficient disposal of business in the Scottish courts,
  - (b) for representing the views of the Scottish judiciary to the Scottish Parliament and the Scottish Ministers,
  - (c) for laying before the Scottish Parliament written representations on matters that appear to the Head of the Scottish Judiciary to be matters of importance relating to—
    - (i) the Scottish judiciary, or
    - (ii) the administration of justice,
  - (d) for making and maintaining appropriate arrangements for the welfare, training and guidance of judicial office holders, and
  - (e) for making and maintaining, in accordance with section 28, appropriate arrangements for—
    - (i) the investigation and determination of any matter concerning the conduct of judicial office holders, and
    - (ii) the review of such determinations.

[<sup>F1</sup>(2A) If, in carrying out the responsibility mentioned in subsection (2)(a), the Lord President gives a direction of an administrative character to the President of the Sheriff Appeal Court, the President must comply with the direction.]

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*Changes to legislation: There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, Chapter 1. (See end of Document for details)*

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- (3) If, in carrying out the responsibility mentioned in subsection (2)(a), the Lord President gives a direction of an administrative character to a sheriff principal, the sheriff principal must comply with the direction.
- (4) In carrying out the responsibility for making and maintaining arrangements for training mentioned in subsection (2)(d) the Lord President must require any judicial office holder, or class of judicial office holder, to attend such training as the Lord President determines.
- (5) References in this section to the Scottish judiciary are references to the judiciary of any court established under the law of Scotland (other than the Supreme Court of the United Kingdom).
- (6) In this section, “the Scottish courts” means—
- (a) the Court of Session,
  - (b) the High Court of Justiciary,
  - (c) the court for hearing appeals under section 57(1)(b) of the Representation of the People Act 1983 (c. 2),
  - (d) the election court in Scotland constituted under section 123 of that Act,
  - (e) the Lands Valuation Appeal Court,
  - [<sup>F2</sup>(ea) the Sheriff Appeal Court,]
  - (f) the sheriff courts,
  - (g) justice of the peace courts, and
  - (h) such other courts as the Scottish Ministers may by order specify.
- (7) Before making an order under subsection (6)(h), the Scottish Ministers must consult the Lord President.

#### Textual Amendments

- F1** S. 2(2A) inserted (1.4.2015) by Courts Reform (Scotland) Act 2014 (asp 18), s. 138(2), **Sch. 5 para. 16(2)(a)**; S.S.I. 2015/77, art. 2(2)(3), Sch.
- F2** S. 2(6)(ea) inserted (1.4.2015) by Courts Reform (Scotland) Act 2014 (asp 18), s. 138(2), **Sch. 5 para. 16(2)(b)**; S.S.I. 2015/77, art. 2(2)(3), Sch.

#### Commencement Information

- I1** S. 2 partly in force; s. 2 not in force at Royal Assent see s. 76; s. 2(1)(5)(6) in force for specified purposes and s. 2(2)(b)(c) in force at 1.6.2009 by S.S.I. 2009/192, **art. 2**, Sch.
- I2** S. 2(1)(5)(6) in force at 1.4.2010 in so far as not already in force by S.S.I. 2010/39, art. 2(b), **Sch.**
- I3** S. 2(2)(a)(d)(e) in force at 1.4.2010 by S.S.I. 2010/39, art. 2(b), **Sch.**
- I4** S. 2(3)(4)(7) in force at 1.4.2010 by S.S.I. 2010/39, art. 2(b), **Sch.**

### 3 Delegation of functions **S**

- (1) The Lord President may delegate to a judicial office holder any function mentioned in subsection (2) of section 2 other than the functions mentioned in subsection (2) below.
- (2) Those functions are—
- (a) so far as exercisable in relation to sheriff courts or justice of the peace courts, the function conferred by paragraph (a) of subsection (2) of that section,
  - (b) the function conferred by paragraph (e) of subsection (2) of that section.

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**Changes to legislation:** There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, Chapter 1. (See end of Document for details)

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**Commencement Information**

**I5** S. 3 in force at 1.4.2010 by [S.S.I. 2010/39](#), art. 2(b), [Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, Chapter 1.