



Judiciary and Courts (Scotland) Act 2008

2008 asp 6

PART 4

THE SCOTTISH COURT SERVICE

Functions

61 Administrative support for the Scottish courts and judiciary

- (1) The [^{F1}SCTS] has the function of providing, or ensuring the provision of, the property, services, officers and other staff required for the purposes of—
 - (a) the Scottish courts, and
 - (b) the judiciary of those courts.
- (2) In carrying out that function, the [^{F1}SCTS] must—
 - (a) take account, in particular, of the needs of members of the public and those involved in proceedings in the Scottish courts, and
 - (b) so far as practicable and appropriate, co-operate and co-ordinate activity with any other person having functions in relation to the administration of justice.
- (3) In this Part, “the Scottish courts” has the meaning given by section 2(6).

Textual Amendments

- F1** Word in Act substituted (2.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [Sch. 4 para. 1\(2\)](#); S.S.I. 2015/12, art. 2; S.S.I. 2015/77, art. 2(2)(3), [Sch.](#)

Commencement Information

- II** S. 61 in force at 1.4.2010 by [S.S.I. 2010/39](#), art. 2(b), [Sch.](#)

[^{F2} 61A Administrative support for the Scottish Tribunals and their members etc.

- (1) The SCTS has the function of providing, or ensuring the provision of, the property, services, officers and other staff required for the purposes of—

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- (a) the Scottish Tribunals,
 - (b) the members of those Tribunals, and
 - (c) such other tribunals (and their members) as the Scottish Ministers may by order specify.
- (2) In carrying out that function, the SCTS must—
- (a) take account, in particular, of the needs of members of the public and those involved in proceedings in the tribunals, and
 - (b) so far as practicable and appropriate, co-operate and co-ordinate activity with any other person having functions in relation to the administration of justice.
- (3) In this Part, references to—
- (a) the Scottish Tribunals are to the First-tier Tribunal for Scotland and the Upper Tribunal for Scotland,
 - (b) the members of the Scottish Tribunals are to be construed in accordance with the Tribunals (Scotland) Act 2014.]

Textual Amendments

F2 S. 61A inserted (2.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), **ss. 130(2)**, 138(2); S.S.I. 2015/12, art. 2; S.S.I. 2015/77, art. 2(2)(3), Sch.

Modifications etc. (not altering text)

C1 S. 61A applied (temp.) (2.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **Sch. 4 para. 3(1)**; S.S.I. 2015/12, art. 2; S.S.I. 2015/77, art. 2(2)(3), Sch.

62 Administrative support for other persons

- (1) The [^{F1}SCTS] has the function of providing, or ensuring the provision of, the property, services and staff required for the purposes of—
- (a) the Lord President in the carrying out of—
 - (i) functions conferred on the Lord President as Head of the Scottish Judiciary, and
 - (ii) other non-judicial functions of the Lord President,
 - (b) any judicial office holder in the carrying out of functions delegated to the office holder by the Lord President,
 - (c) the sheriffs principal in the carrying out of their functions under sections 15 to 17 of the 1971 Act,
 - (d) the Public Guardian (established by section 6 of the Adults with Incapacity (Scotland) Act 2000 (asp 4)),
 - ^{F3}(e)
 - [^{F4}(ea) the Scottish Civil Justice Council,]
 - (f) the Criminal Courts Rules Council,
 - ^{F5}(g)
 - (h) such other persons, or persons of such description, as the Scottish Ministers may by order specify.

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- (2) Before making an order under subsection (1)(h), the Scottish Ministers must consult the Lord President.

Textual Amendments

- F1** Word in Act substituted (2.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **Sch. 4 para. 1(2)**; S.S.I. 2015/12, art. 2; S.S.I. 2015/77, art. 2(2)(3), Sch.
- F3** S. 62(1)(e) repealed (28.5.2013) by [Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 \(asp 3\)](#), **ss. 15(3)(b)**, 25(2); S.S.I. 2013/124, art. 2 (with art. 3)
- F4** S. 62(1)(ea) inserted (28.5.2013) by [Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 \(asp 3\)](#), **ss. 15(3)(a)**, 25(2); S.S.I. 2013/124, art. 2 (with art. 3)
- F5** S. 62(1)(g) repealed (28.5.2013) by [Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 \(asp 3\)](#), **ss. 15(3)(b)**, 25(2); S.S.I. 2013/124, art. 2 (with art. 3)

Commencement Information

- I2** S. 62 in force at 1.4.2010 by [S.S.I. 2010/39](#), art. 2(b), **Sch.**

63 Appointment etc. of office holders

- (1) The Scottish Ministers' functions in relation to the officers mentioned in subsection (2) are transferred to the [F1SCTS].
- (2) Those officers are the holders of the following offices—
- Accountant of Court,
 - Principal Clerk of Session,
 - other Clerk or officer of the Court of Session,
 - Principal Clerk of Justiciary,
 - Depute, Assistant or other Clerk in the Justiciary Office of the High Court of Justiciary,
 - Macer in the Court of Session and Macer in the High Court of Justiciary,
 - sheriff clerk,
 - sheriff clerk depute, and
 - clerk or assistant clerk of a justice of the peace court.
- (3) Those officers are also members of the staff of the [F1SCTS] and, accordingly, references in this Act to the staff of the [F1SCTS] include, except where the context requires otherwise, reference to those officers.
- (4) Schedule 4 contains amendments of enactments consequential on this section.

Textual Amendments

- F1** Word in Act substituted (2.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **Sch. 4 para. 1(2)**; S.S.I. 2015/12, art. 2; S.S.I. 2015/77, art. 2(2)(3), Sch.

Commencement Information

- I3** S. 63 in force at 1.4.2010 by [S.S.I. 2010/39](#), art. 2(b), **Sch.**

Status: Point in time view as at 02/02/2015.

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64 Payment of remuneration etc. of certain judicial office holders

- (1) In section 11(8) (remuneration and allowances of temporary sheriffs principal) of the 1971 Act, for “Secretary of State” in the first place those words appear substitute “ Scottish Court Service ”.
- (2) In section 11A(8) (remuneration and allowances of part-time sheriffs) of the 1971 Act—
 - (a) for “Scottish Ministers” substitute “ Scottish Court Service ”, and
 - (b) for “they” substitute “ the Scottish Ministers ”.
- (3) In section 22(5) (remuneration and allowances of re-employed retired judges) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73)—
 - (a) for “Scottish Ministers” substitute “ Scottish Court Service ”, and
 - (b) for “they” substitute “ the Scottish Ministers ”.
- (4) In paragraph 10 (remuneration of temporary judges of the Court of Session) of Schedule 4 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40)—
 - (a) for “Scottish Ministers” substitute “ Scottish Court Service ”, and
 - (b) for “they” substitute “ the Scottish Ministers ”.

Commencement Information

I4 S. 64 in force at 1.4.2010 by [S.S.I. 2010/39](#), art. 2(b), [Sch.](#)

Status:

Point in time view as at 02/02/2015.

Changes to legislation:

There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, Cross Heading: Functions.