



# Judiciary and Courts (Scotland) Act 2008

2008 asp 6

## PART 2

### THE JUDICIARY

#### CHAPTER 2

##### SENIOR JUDICIARY: VACANCY, INCAPACITY AND SUSPENSION

### 8 Interpretation of Chapter 2

(1) In this Chapter—

“incapacitated”, in relation to the Lord President or the Lord Justice Clerk, means unable by reason of ill health to carry out the functions of the office concerned, and

“suspended” means suspended from office under section 36.

(2) A reference in this Chapter to the senior judge, the second senior judge or the next senior judge of the Inner House is to be construed by reference to seniority of appointment to a Division of the Inner House.

(3) A reference in this Chapter to—

(a) any function of the Lord President includes any function of the Lord Justice General,

(b) anything that falls to be done in relation to the Lord President includes anything that falls to be done in relation to the Lord Justice General,

(c) the functions of the office of Lord President includes the functions of the office of Lord Justice General.

(4) Where any other enactment makes provision for the carrying out of any function of the Lord President by the Lord Justice Clerk, this Act does not affect the operation of that enactment except in relation to any period during which section 4 applies.