



# Scottish Civil Justice Council and Criminal Legal Assistance Act 2013

2013 asp 3

## PART 1

### SCOTTISH CIVIL JUSTICE COUNCIL

#### *Operation*

#### **11 Chairing of the Council**

- (1) It is for the Lord President to determine who is to be chair of the Council.
- (2) The only persons who may be chair are—
  - (a) the Lord President (but see also section 12(5)), or
  - (b) a judicial member holding the office of judge of the Court of Session.
- (3) A person ceases to be chair when—
  - (a) if applicable, the judicial member ceases to be a member of the Council, or
  - (b) the Lord President determines that someone else is to be chair under subsection (1).
- (4) Members of the Council must elect a member to act as deputy to the chair.

#### **12 Proceedings**

- (1) The Lord President may determine the number of members required to constitute a quorum for meetings of the Council.
- (2) The Lord President may determine different numbers of members to constitute a quorum for different purposes.
- (3) The Council may otherwise determine—
  - (a) its own procedure, and
  - (b) the procedure of any committees established by it.
- (4) The validity of any proceedings or actings of the Council is not affected by—

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*Status: This is the original version (as it was originally enacted).*

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- (a) any vacancy in the membership of the Council (even if that vacancy creates a deficiency in one of the categories of membership),
  - (b) any defect in the appointment of a member of the Council,
  - (c) disqualification of any individual from holding office as a member of the Council.
- (5) The Lord President may nominate the Lord Justice Clerk to attend and participate in meetings of the Council on behalf of the Lord President (which participation includes, where the Lord President is acting as chair under section 11(1), chairing the meeting).
- (6) The Chief Executive of the Scottish Court Service may nominate a member of staff of the Scottish Court Service to attend and participate in meetings of the Council on behalf of the Chief Executive.
- (7) The principal officer of the Scottish Legal Aid Board may nominate a member of staff of the Scottish Legal Aid Board to attend and participate in meetings of the Council on behalf of the principal officer.
- (8) The Scottish Ministers may nominate another member of staff of the Scottish Government who they consider would be suitable to be a member of the Council to attend and participate on behalf of the member appointed by them under section 6(2).

### **13 Committees**

- (1) The Council may establish committees.
- (2) A person who is not a member of the Council may be appointed to be a member of any committee established by it.