



Courts Reform (Scotland) Act 2014

2014 asp 18

PART 11

THE JUDICIAL APPOINTMENTS BOARD FOR SCOTLAND

131 Assistants to the Judicial Appointments Board for Scotland

- (1) In schedule 1 to the Judiciary and Courts (Scotland) Act 2008 (the Judicial Appointments Board for Scotland)—
- (a) after paragraph 13 insert—

13A “Appointment of persons to assist the Board

- (1) The Board may appoint persons (other than Board members) to assist the Board with the carrying out of its functions.
- (2) The Board may appoint persons under sub-paragraph (1) as—
 - (a) legal assistants, or
 - (b) lay assistants.
- (3) A person may be appointed as a legal assistant if the person is a solicitor or advocate practising as such in Scotland.
- (4) A person may be appointed as a lay assistant if the person is eligible for appointment as a lay member of the Board.
- (5) It is for the Board to determine the number of persons who may be appointed under this paragraph.
- (6) A person who is disqualified from membership of the Board by virtue of paragraph 5 is also disqualified from being a legal assistant or a lay assistant.
- (7) Persons appointed under this paragraph are to be appointed for such period of not more than 3 years as the Board may determine.
- (8) At the end of a period of appointment, a person may be reappointed.

Changes to legislation: *Courts Reform (Scotland) Act 2014, PART 11 is up to date with all changes known to be in force on or before 17 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (9) A person appointed under this paragraph may resign by giving notice in writing to the Board.
- (10) The Chairing Member may, by notice in writing, rescind a person's appointment under this paragraph if satisfied that the person—
 - (a) has been convicted of any offence,
 - (b) has become insolvent, or
 - (c) is otherwise unfit to be a legal assistant or, as the case may be, a lay assistant or unable for any reason to discharge the functions of such an assistant.
- (11) Each person appointed under this paragraph is entitled to such fees and expenses, if any, as the Scottish Ministers may determine.
- (12) It is for the Scottish Ministers to pay those fees and expenses.

13B Powers and conduct of persons appointed to assist the Board

- (1) A person appointed under paragraph 13A(1) as a legal assistant may, so far as authorised by the Board, do anything that a legal member of the Board may do, other than take part in a decision of the Board to recommend an individual for appointment.
- (2) A person appointed under paragraph 13A(1) as a lay assistant may, so far as authorised by the Board, do anything that a lay member of the Board may do, other than take part in a decision of the Board to recommend an individual for appointment.
- (3) The Board must issue (and may from time to time revise) a code of conduct for persons appointed under paragraph 13A(1).
- (4) Persons appointed under paragraph 13A(1) must have regard to the provisions of the code of conduct while assisting the Board in the carrying out of its functions.”
- (b) in paragraph 16A (proceedings relating to the Scottish Tribunals), after sub-paragraph (6) insert—
 - “(6A) Sub-paragraph (6B) applies if—
 - (a) the Board is exercising any function under this Act in connection with a position mentioned in section 10(2A),
 - (b) the Board authorises a person appointed under paragraph 13A(1) to assist it in relation to any proceedings relating to the function, and
 - (c) the person authorised to assist the Board in relation to the proceedings is a member of the Scottish Tribunals.
 - (6B) The member of the Scottish Tribunals selected under sub-paragraph (3) may elect not to take part in the proceedings in respect of which the assistant is authorised to assist.”
- (2) In paragraph 10(1)(b) of schedule 9 to the Tribunals (Scotland) Act 2014, (transitional provision: making appointments), for “and (3)” substitute “, (3), (6A) and (6B) ”.

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Commencement Information

11 [S. 131](#) in force at 1.4.2015 by [S.S.I. 2015/77](#), art. 2(2)(3), [Sch.](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. 1 para. 5A and cross-heading inserted by [2020 asp 9 s. 9](#)
- sch. 1 para. 2(g)(h) inserted by [2021 asp 16 s. 15\(8\)](#)