

Draft Order laid before the Scottish Parliament under section 133(2)(b) of the Courts Reform (Scotland) Act 2014 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2018 No.

JUSTICES OF THE PEACE

SCOTTISH COURTS AND TRIBUNALS SERVICE

SHERIFF COURT

TRIBUNALS AND INQUIRIES

The Courts Reform (Scotland) Act 2014 (Consequential and Supplemental Provisions) Order 2018

Made - - - - 2018

Coming into force - - 1st April 2018

The Scottish Ministers make the following Order in exercise of the powers conferred by section 137(1) and (2) of the Courts Reform (Scotland) Act 2014^(a) and all other powers enabling them to do so.

In accordance with section 133(2)(b) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Courts Reform (Scotland) Act 2014 (Consequential and Supplemental Provisions) Order 2018 and comes into force on 1st April 2018.

Payments made to members of the Mental Health Tribunal for Scotland

2. In paragraph 6(1) of schedule 2 of the Mental Health (Care and Treatment) (Scotland) Act 2003^(b) (remuneration and pensions etc.), for “The Scottish Ministers may” where it first appears substitute “The Scottish Courts and Tribunals Service must”.

(a) 2014 asp 18. There are amendments to the Courts Reform (Scotland) Act 2014 not relevant to this Order.
(b) 2003 asp 13.

Payments made to Justices of the Peace

3. In section 68(4) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007^(a) (conditions of office), for “The Scottish Ministers are, in accordance with a scheme devised by them” substitute “The Scottish Courts and Tribunals Service is, in accordance with a scheme devised by it and after consultation with the Scottish Ministers”.

Payments made to members of the Scottish Tribunals

4. In paragraph 13 of schedule 7 of the Tribunals (Scotland) Act 2014^(b) (Scottish tribunals – other conditions of membership), after sub-paragraph (2) insert—

“(3) The Scottish Courts and Tribunals Service must make any payment to members arising by virtue of this paragraph.”.

Determination of the remuneration of Temporary Sheriffs Principal

5. In section 16(7) of the Courts Reform (Scotland) Act 2014^(c) (remuneration), before paragraph (a) insert—

“(za) a temporary sheriff principal,”.

St Andrew’s House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

(a) 2007 asp 6.
(b) 2014 asp 10.
(c) 2014 asp 18.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in consequence of and supplementary to certain provisions of the Courts Reform (Scotland) Act 2014 (“the Act”). This Order amends the Mental Health (Care and Treatment) (Scotland) Act 2003, the Tribunals (Scotland) Act 2014, the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 and the Act.

Articles 2 to 4 transfer responsibility for payment of remuneration etc. to members of the Mental Health Tribunal for Scotland, payment of allowances to Justices of the Peace and payments to members of the Scottish Tribunals from Scottish Ministers to the Scottish Courts and Tribunals Service (SCTS). This is in consequence of the conferral of administrative support functions to the SCTS by section 130 of the Act.

Article 5 amends section 16(7) of the Act to add temporary sheriff principals to the list of judicial officers for which Scottish Ministers may determine different amounts of remuneration for. This is to take account of the possibility that a qualifying former sheriff principal might be appointed as a part-time sheriff principal and would need to be paid a daily fee.

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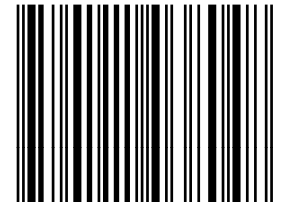
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