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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 39**

**The Judiciary and Courts (Scotland) Act 2008 (Commencement No. 4, Transitional Provisions and Savings) Order 2010**

**Citation and interpretation**

1.—(1) This Order may be cited as the Judiciary and Courts (Scotland) Act 2008 (Commencement No. 4, Transitional Provisions and Savings) Order 2010.

(2) In this Order—

- (a) “the Act” means the Judiciary and Courts (Scotland) Act 2008;
- (b) “the 1971 Act” means the Sheriff Courts (Scotland) Act 1971(1); and
- (c) references to sections, chapters, parts, paragraphs and schedules are, unless otherwise stated, references to sections, chapters and parts of, and paragraphs of schedules and schedules to, the Act.

**Appointed day**

2. The days appointed for the coming into force of the provisions of the Act are—

- (a) 20th February 2010 for section 37(5) and section 40 insofar as it inserts section 12(C)(5) into the Sheriff Courts (Scotland) Act 1971(2); and
- (b) 1st April 2010 for the provisions of the Act specified in the Schedule to this Order.

**Transitional provisions and savings**

3. Despite the coming into force of sections 35-40 and paragraphs 2(1) and (3) and 3 of schedule 5, any proceedings for removal from judicial or shrieval office which have been commenced before 1st April 2010 shall continue to be governed by the law in force immediately before that date.

4. Judicial conduct occurring before 1st April 2010 may be taken into account in any proceedings under Chapters 4 and 5 of Part 2.

5. Despite the coming into force of sections 41 and 42, subordinate legislation made by Scottish Ministers under sections 69(1) and 71(7) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007(3) shall continue to have effect on or after 1st April 2010 as it had effect immediately before that date until such time as the Lord President of the Court of Session and the Court of Session respectively exercise their powers to make subordinate legislation under those sections and such subordinate legislation comes into force.

6. Despite the coming into force of section 48, any direction given by Scottish Ministers under section 9 of the 1971 Act before 1st April 2010 shall continue to have effect until its expiry or until the Lord President gives a direction under section 2(3) covering that subject matter.

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(1) [1971 c.58](#)

(2) [1971 c.58](#).

(3) asp 6. The Justices of the Peace (Scotland) Order 2007 ([S.S.I. 2007/210](#)) was made under section 69 of that Act and the District Courts and Justices of the Peace (Scotland) Order 2007 ([S.S.I. 2007/480](#)) was made under section 71.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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7. Despite the coming into force of section 53 any authorisation or direction given by Scottish Ministers under section 10 of the 1971 Act before 1st April 2010 shall continue to have effect until its expiry or until revoked by the Lord President of the Court of Session.

8. Despite the coming into force of section 55, any requirement imposed or direction given by Scottish Ministers respectively under subsections (2) and (3) of section 14 of the 1971 Act shall continue to have effect until revoked by the Lord President of the Court of Session.

St Andrew's House,  
Edinburgh  
9th February 2010

*FERGUS EWING*  
Authorised to sign by the Scottish Ministers