
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the order making powers in sections 37(5) and 40 of the Judiciary and Courts (Scotland) Act 2008 on 20th February and the remaining provisions on 1st April 2010, with the exception of paragraph 1 of schedule 3.

Articles 3 to 8 make various transitional provisions and savings as a result of the transfer of powers from Scottish Ministers to the Lord President and the Court of Session.

Article 5 provides that orders made by Scottish Ministers on the training and appraisal and removal of justices of the peace are to remain in force until the Lord President of the Court of Session and Court of Session exercise their powers to make subordinate legislation under the relevant provisions as amended by this Act.

Article 6 provides that administrative directions given by Scottish Ministers to sheriffs principal and sheriffs are to continue to have effect until their expiry or until replaced by a direction given by the Lord President.

Article 7 provides that where Scottish Ministers have authorised a sheriff principal or directed a sheriff to act in another sheriffdom, that authorisation or direction shall continue to have effect until its expiry or until revoked by the Lord President of the Court of Session.

Article 8 provides that where Scottish Ministers have required any sheriff to reside at a particular place or have directed a sheriff to perform his or her duties in a particular sheriff court district or districts, that requirement or direction shall continue to have effect until revoked by the Lord President of the Court of Session.