

2013 No. 124 (C. 9)

COURT OF SESSION

SHERIFF COURT

The Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 (Commencement No. 1, Transitional and Transitory Provisions) Order 2013

<i>Made</i> - - - -	<i>16th April 2013</i>
<i>Laid before the Scottish Parliament</i>	<i>17th April 2013</i>
<i>Coming into force</i> - -	<i>28th May 2013</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 25 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013(a).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 (Commencement No. 1, Transitional and Transitory Provisions) Order 2013 and comes into force on 28th May 2013.

(2) In this Order “the Act” means the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013.

Appointed day

2. 28th May 2013 is the day appointed for the coming into force of Part 1 of the Act.

Transitional and transitory provisions

3.—(1) The first annual report required under section 5(2) of the Act is to be prepared after the end of the period beginning on 28th May 2013 and ending on 31st March 2014.

(2) In relation to a particular act of sederunt, compliance prior to 28th May 2013 by the Court of Session with section 32(3) of the Sheriff Courts (Scotland) Act 1971(b), where that act of sederunt is made on or after 28th May 2013, is to be treated as compliance with that section as amended by the Act.

(a) 2013 asp 3 (the “2013 Act”).

(b) 1971 c.58; section 32(3) has been amended by the 2013 Act, section 15(2).

(3) In relation to a particular act of sederunt, compliance prior to 28th May 2013 by the Court of Session with section 38(3) of the Legal Aid (Scotland) 1986^(a), where that act of sederunt is made on or after 28th May 2013, is to be treated as compliance with that section as amended by the Act.

KENNY MACASKILL
A member of the Scottish Government

St Andrew's House,
Edinburgh
16th April 2013

^(a) 1986 c.47; section 38(3) has been amended by the 2013 Act, section 15(1).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings Part 1 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 (asp 3) (the “2013 Act”) into force on 28th May 2013, establishing the Scottish Civil Justice Council (“SCJC”) and dissolving the Sheriff Court Rules Council and the Court of Session Rules Council.

Article 3 makes transitional and transitory provisions.

Paragraph (1) requires the SCJC’s first report on its activities to cover the period 28th May 2013 until 31st March 2014.

Paragraphs (2) and (3) provide that where the Court of Session has, prior to the coming into force of the 2013 Act, fulfilled its statutory obligation to consult with a rules Council about a particular act of sederunt, then such consultation will be taken to have fulfilled its new obligation to consult the SCJC with respect to that act of sederunt, should the Court only make that act after Part 1 of the 2013 Act comes into force.

The Bill for the Act received Royal Assent on 5th March 2013. Sections 24 to 26 came into force on the following day.

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