

## **POLICY NOTE**

### **THE COURTS REFORM (SCOTLAND) ACT 2014**

#### **THE COURTS REFORM (SCOTLAND) ACT 2014 (COMMENCEMENT No. 1) ORDER 2015**

#### **SSI 2015/12 (C. 2)**

1. the above order is made in exercise of the power conferred by section 138(2) of the court reform (scotland) act 2014 (“the act”). it is not subject to any procedure.

#### **background**

2. the act received royal assent on 10 november 2014. the act provides a framework for implementing many of the recommendations of the scottish civil courts review carried out by lord gill. the overarching aim of the act is to modernise the structure and operation of the courts to ensure that the right cases are heard in the right courts at the right cost.
3. for present purposes, we highlight that the act also creates the scottish courts and tribunal service (“scts”), merging the scottish tribunals service and the court service. the merger is proposed to take effect on 1 april 2015.
4. the act provides that once the merger takes effect, the members of scts must include a chamber president of the first tier tribunal for scotland or in the interim period until such persons take up position, a president from a specified list of existing tribunals (e.g. the president of the lands tribunal for scotland; the president of the mental health tribunal for scotland).<sup>1</sup> it is for the lord president to appoint this member but he must nominate or otherwise select the person in accordance with such procedure as scottish ministers may by regulations prescribe.<sup>2</sup> the regulations that are currently in force<sup>3</sup> are to be repealed by new regulations to make clear the process for selecting this new member of scts.
5. further background on the content and passage of the act may be found here: <http://www.scottish.parliament.uk/parliamentarybusiness/bills/72771.aspx>

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<sup>1</sup> See paragraph 1(8)(c) (which amends the Judiciary and Courts (Scotland) Act 2008 by adding this person to the list of judicial members) and 3(3) of schedule 3 to the Act (a transitional provision).

<sup>2</sup> See paragraph 3 of schedule 3 to the Judiciary and Courts (Scotland) Act 2008 Act.

<sup>3</sup> SSI 2009/303.

## **policy objectives**

6. this order brings into force section 130 and paragraphs 1(1), (2), (6), (8), (9) and 3(1) to (4) and (6) of schedule 4 to the act, but only for the following limited purpose. namely, to enable scottish ministers to make regulations to prescribe a procedure for the selection and nomination for appointment of members of the scts (such regulations are proposed to be made soon under paragraph 3(2) of schedule 3 to the judiciary and courts (scotland) act 2008). the entry into force of these regulations will enable the new member of scts to be appointed on or around the date of the merger of scts.

## **impact assessments**

7. no impact assessments are required in consequence of this order.

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