



# Court of Session Act 1988

## 1988 CHAPTER 36

### PART I

#### CONSTITUTION AND ADMINISTRATION OF THE COURT

##### **1 Number of judges of Court.**

- (1) Subject to subsections (2), (3) [<sup>F1</sup>, (3A)] and (4) below, the maximum number of judges of the Court of Session (hereinafter in this Act referred to as “the Court”) shall be [<sup>F2</sup>36].
- (2) Her Majesty may by Order in Council from time to time amend subsection (1) above so as to increase or further increase the maximum number of persons who may be appointed as judges of the Court.
- (3) No recommendation shall be made to Her Majesty in Council to make an Order under this section unless a draft of the Order has been laid before [<sup>F3</sup>and approved by resolution of the Scottish Parliament.]

[<sup>F4</sup>(3A) The Lord President must be consulted before any draft of an Order under this section is laid before the Parliament.]

- (4) No vacancy arising among the judges of the Court shall be filled unless the Secretary of State [<sup>F5</sup>... is satisfied that the state of business in the Court requires that the vacancy should be filled.
- (5) There shall be paid out of the Consolidated Fund any increase attributable to the provisions of this section in the sums which, under any other enactment, are payable out of that Fund.

#### **Subordinate Legislation Made**

**P1** S. 1(2): power exercised (19.12.1991) by [S.I. 1991/2884](#)

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*Changes to legislation:* Court of Session Act 1988, Section 1 is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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#### **Textual Amendments**

- F1** Words in s. 1(1) inserted (1.6.2009) by Judiciary and Courts (Scotland) Act 2008 (asp. 6), **ss. 44(2)**, 76; S.S.I. 2008/192, **art. 2**, Sch.
- F2** Word in s. 1(1) substituted (17.3.2022) by The Maximum Number of Judges (Scotland) Order 2022 (S.S.I. 2022/96), arts. 1, 2
- F3** Words in s. 1(3) substituted (1.6.2009) by Judiciary and Courts (Scotland) Act 2008 (asp. 6), **ss. 44(3)**, 76; S.S.I. 2008/192, **art. 2**, Sch.
- F4** S. 1(3A) inserted (1.6.2009) by Judiciary and Courts (Scotland) Act 2008 (asp. 6), **ss. 44(4)**, 76; S.S.I. 2008/192, **art. 2**, Sch.
- F5** Words in s. 1(4) omitted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. 1 para. 89**, Pt. IV

#### **Modifications etc. (not altering text)**

- C1** S. 1(1) modified (27.9.1999) by 1999 c. 22, **ss. 68(3)(c)**, 108(3)(b) (with Sch. 14 para. 7(2))
- C2** S. 1(1) modified (9.11.1998) by 1998 c. 42, **ss. 18(4)(b)**, 22(2) (with ss. 7(8), 22(5))

**Changes to legislation:**

Court of Session Act 1988, Section 1 is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) added by [2024 asp 1 s. 7\(13\)](#)