



# Judiciary and Courts (Scotland) Act 2008

## 2008 asp 6

### PART 2

#### THE JUDICIARY

### CHAPTER 4

#### JUDICIAL CONDUCT

##### *Suspension*

#### **34 Suspension**

- (1) If the Lord President considers that it is necessary for the purpose of maintaining public confidence in the judiciary, the Lord President may suspend a judicial office holder—
  - (a) from acting as a judge as mentioned in paragraph (b) or (c) of the definition of “judicial office holder” in subsection (1) of section 43, or
  - (b) from any of the judicial offices mentioned in subsection (2) of that section.
- (2) Such a suspension lasts for such period as the Lord President may specify when suspending the judicial office holder.
- (3) Nothing in subsection (1) affects any remuneration payable to, or in respect of, the judicial office holder.
- (4) The Lord President's functions under this section may be carried out—
  - (a) where the Lord President is unavailable, by the Lord Justice Clerk,
  - (b) where both the Lord President and the Lord Justice Clerk are unavailable, by the senior judge of the Inner House.
- (5) In subsection (4)(b) the reference to the senior judge of the Inner House is to be construed by reference to seniority of appointment to a Division of the Inner House.

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**Changes to legislation:** *There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, Cross Heading: Suspension. (See end of Document for details)*

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**Commencement Information**

**II** S. 34 in force at 1.4.2010 by [S.S.I. 2010/39](#), art. 2(b), **Sch.**

**Changes to legislation:**

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