Judiciary and Courts (Scotland) Act 2008
2008 asp 6

PART 4

THE SCOTTISH COURT SERVICE

Functions

61   Administrative support for the Scottish courts and judiciary

(1) The SCS has the function of providing, or ensuring the provision of, the property, services, officers and other staff required for the purposes of—

(a)   the Scottish courts, and

(b)   the judiciary of those courts.

(2) In carrying out that function, the SCS must—

(a)   take account, in particular, of the needs of members of the public and those involved in proceedings in the Scottish courts, and

(b)   so far as practicable and appropriate, co-operate and co-ordinate activity with any other person having functions in relation to the administration of justice.

(3) In this Part, "the Scottish courts" has the meaning given by section 2(6).

62   Administrative support for other persons

(1) The SCS has the function of providing, or ensuring the provision of, the property, services and staff required for the purposes of—

(a)   the Lord President in the carrying out of—

(i) functions conferred on the Lord President as Head of the Scottish Judiciary, and

(ii) other non-judicial functions of the Lord President,

(b)   any judicial office holder in the carrying out of functions delegated to the office holder by the Lord President,

(c)   the sheriffs principal in the carrying out of their functions under sections 15 to 17 of the 1971 Act,

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    (d)   the Public Guardian (established by section 6 of the Adults with Incapacity (Scotland) Act 2000 (asp 4)),

    (e)   the Court of Session Rules Council (being the Rules Council mentioned in section 8 of the Court of Session Act 1988 (c. 36)),

    (f)   the Criminal Courts Rules Council,

    (g)   the Sheriff Court Rules Council, and

    (h)   such other persons, or persons of such description, as the Scottish Ministers may by order specify.

(2) Before making an order under subsection (1)(h), the Scottish Ministers must consult the Lord President.

63   Appointment etc. of office holders

(1) The Scottish Ministers' functions in relation to the officers mentioned in subsection (2) are transferred to the SCS.

(2) Those officers are the holders of the following offices—

    (a)   Accountant of Court,

    (b)   Principal Clerk of Session,

    (c)   other Clerk or officer of the Court of Session,

    (d)   Principal Clerk of Justiciary,

    (e)   Depute, Assistant or other Clerk in the Justiciary Office of the High Court of Justiciary,

    (f)   Macer in the Court of Session and Macer in the High Court of Justiciary,

    (g)   sheriff clerk,

    (h)   sheriff clerk depute, and

    (i)   clerk or assistant clerk of a justice of the peace court.

(3) Those officers are also members of the staff of the SCS and, accordingly, references in this Act to the staff of the SCS include, except where the context requires otherwise, reference to those officers.

(4) Schedule 4 contains amendments of enactments consequential on this section.

64   Payment of remuneration etc. of certain judicial office holders

(1) In section 11(8) (remuneration and allowances of temporary sheriffs principal) of the 1971 Act, for "Secretary of State" in the first place those words appear substitute "Scottish Court Service".

(2) In section 11A(8) (remuneration and allowances of part-time sheriffs) of the 1971 Act—

    (a)   for "Scottish Ministers" substitute "Scottish Court Service", and

    (b)   for "they" substitute "the Scottish Ministers".

(3) In section 22(5) (remuneration and allowances of re-employed retired judges) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73)—

    (a)   for "Scottish Ministers" substitute "Scottish Court Service", and

    (b)   for "they" substitute "the Scottish Ministers".

(4) In paragraph 10 (remuneration of temporary judges of the Court of Session) of Schedule 4 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40)—

    (a)   for "Scottish Ministers" substitute "Scottish Court Service", and

    (b)   for "they" substitute "the Scottish Ministers".