
Changes to legislation: There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, Paragraph 11. (See end of Document for details)

SCHEDULE 1 THE JUDICIAL APPOINTMENTS BOARD FOR SCOTLAND

Temporary members

- 11 (1) Where the Chairing Member is satisfied that a member of the Board (“the absent member”) is likely to be unable to discharge the functions of a member for a period of time not exceeding 6 months (“the period of absence”), the Chairing Member may—
- (a) where the absent member is a judicial member, request that the Lord President appoint an individual to be a temporary member of the Board,
 - (b) where the absent member is a legal or lay member, request that the Scottish Ministers appoint an individual to be a temporary member of the Board.
- (2) On receipt of a request under sub-paragraph (1), the Lord President or, as the case may be, the Scottish Ministers may, if satisfied that it is necessary for the carrying out by the Board of its functions during the period of absence, appoint an individual to be a temporary member in place of the absent member during that period.
- (3) An individual appointed by the Lord President under sub-paragraph (2) must fall within the same judicial membership category as that under which the absent member was appointed.
- (4) An individual appointed by the Scottish Ministers under sub-paragraph (2)—
- (a) where the absent member is a legal member, must fall within the same legal membership category as that under which the absent member was appointed,
 - (b) where the absent member is a lay member, must be qualified for appointment as a lay member.
- (5) Before appointing a temporary member, the Lord President or, as the case may be, the Scottish Ministers must consult the Chairing Member.
- (6) A temporary member takes the place of the absent member and, accordingly, the absent member is not to be counted as a member while the temporary member holds office.
- (7) A temporary member's appointment ceases on—
- (a) the period of absence coming to an end, or
 - (b) the expiry of the period of 6 months from the date of appointment,
- (whichever occurs first).
- (8) A person whose appointment as a temporary member ceases may nonetheless continue to act as a member so far as that is necessary for the purpose of concluding consideration of a judicial appointment which the Board is in the course of considering at the time the person's appointment ceases.
- (9) Otherwise, the provisions of this schedule apply to a temporary member as they apply to any other member, and references in this schedule to a member of the Board are to be read accordingly.

Changes to legislation:

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