
Changes to legislation: There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, Paragraph 12. (See end of Document for details)

SCHEDULE 1 THE JUDICIAL APPOINTMENTS BOARD FOR SCOTLAND

Conflicts of interest

- 12 (1) Sub-paragraph (2) applies where the Chairing Member is satisfied that a member of the Board (“the ineligible member”) is unable by reason of a conflict of interest to take part in the Board's consideration of a particular appointment (“the appointment concerned”).
- (2) The Chairing Member may—
- (a) where the ineligible member is a judicial member, request that the Lord President appoint an individual to be a substitute member of the Board,
 - (b) where the ineligible member is a legal or lay member, request that the Scottish Ministers appoint an individual to be a substitute member of the Board.
- (3) On receipt of a request under sub-paragraph (2), 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 in relation to the appointment concerned, appoint an individual to be a substitute member to take the place of the ineligible member for the purposes of that appointment.
- (4) An individual appointed by the Lord President under sub-paragraph (3) must fall within the same judicial membership category as that under which the ineligible member was appointed.
- (5) An individual appointed by the Scottish Ministers under sub-paragraph (3)—
- (a) where the ineligible member is a legal member, must fall within the same legal membership category as that under which the substituted member was appointed,
 - (b) where the ineligible member is a lay member, must be qualified for appointment as a lay member.
- (6) The appointment of a substitute member under sub-paragraph (3) in relation to the appointment concerned does not prevent the ineligible member from taking part in the Board's consideration of any other appointment.
- (7) A substitute member is not to be counted as a member for the purposes of paragraph 4(1).
- (8) A substitute member's appointment ceases on the conclusion of the Board's consideration of the appointment concerned.
- (9) Otherwise, the provisions of this schedule apply to a substitute 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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