

*Status: Point in time view as at 01/06/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, SCHEDULE 2. (See end of Document for details)*

## SCHEDULE 2

*(introduced by section 19(2))*

### PANELS ESTABLISHED UNDER SECTION 19(2)

#### *Constitution of panel*

- 1 (1) A panel established under section 19(2) in connection with a vacancy, or an expected vacancy, in the office of Lord President is to comprise—
  - (a) the Chairing Member of the Judicial Appointments Board for Scotland (“the Board”),
  - (b) one of the other lay members of the Board nominated by the Chairing Member, and
  - (c) two qualifying judges (on which see paragraph 3) nominated by the First Minister.
- (2) A panel established under section 19(2) in connection with a vacancy, or an expected vacancy, in the office of Lord Justice Clerk is to comprise—
  - (a) the Chairing Member of the Board,
  - (b) one of the other lay members of the Board nominated by the Chairing Member,
  - (c) the Lord President, and
  - (d) one qualifying judge nominated by the First Minister.
- (3) This paragraph is subject to paragraph 2.

#### *Vacancies etc.*

- 2 (1) If the Chairing Member of the Board is unable for good reason to participate in a panel, that Member's place on the panel is to be taken by a lay member of the Board nominated by the Chairing Member.
- (2) If the office of the Chairing Member is vacant, or if that Member is unable for any reason to make a nomination for the purposes of sub-paragraph (1), that Member's place on the panel is to be taken by another lay member of the Board nominated by the Board.
- (3) If the Lord President is unable for good reason to participate in a panel, the Lord President's place is to be taken by a qualifying judge nominated by the Lord President.
- (4) During any period when section 4 applies, or if the Lord President is unable for any reason to make a nomination for the purposes of sub-paragraph (3), the Lord President's place on the panel is to be taken by a qualifying judge nominated by the First Minister.

#### *Qualifying judges*

- 3 (1) The qualifying judges are—
  - (a) those judges of the Supreme Court of the United Kingdom who have held office as judges of the Court of Session, and
  - (b) the judges of the Court of Session (other than the Lord President).

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- (2) The Lord Justice Clerk is not a qualifying judge in relation to a panel to be established in connection with an expected vacancy in that office.
- (3) A judge is a qualifying judge in relation to a panel only if the judge has given to the First Minister notice that the judge is not willing to be appointed to the vacancy in connection with which the panel is to be established.

*Fees and expenses*

- 4 (1) Each member of a panel is entitled to such fees and expenses, if any, as the Scottish Ministers may determine.
- (2) It is for the Scottish Ministers to pay those fees and expenses.
- (3) The Scottish Ministers may determine different fees and expenses for different members.

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