

*Changes to legislation: There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, SCHEDULE 4. (See end of Document for details)*

## SCHEDULE 4

(introduced by section 63(4))

### APPOINTMENT ETC. OF OFFICE HOLDERS: CONSEQUENTIAL AMENDMENTS

#### *The Administration of Justice (Scotland) Act 1933 (c. 41)*

- 1 (1) The Administration of Justice (Scotland) Act 1933 is amended as follows.
- (2) In section 23(1) (appointment of clerks in the Court of Justiciary), for “Scottish Ministers and shall be exercised after consultation with the Lord Justice General” substitute “ Scottish Court Service ”.
- (3) In section 24 (appointment of officers of the Court of Session)—
- (a) in subsection (1)—
- (i) for “Scottish Ministers shall, after consultation with the Lord President,”, substitute “ Scottish Court Service shall ”, and
- (ii) for “they” substitute “ it ”, and
- (b) in subsection (7)—
- (i) for “Scottish Ministers”, in both places those words appear, substitute “ Scottish Court Service ”, and
- (ii) for “them”, substitute “ it ”.
- (4) For section 25 substitute—

#### **“25 Appointment of Principal Clerk of Justiciary etc.**

- (1) The right of appointing to the offices of Principal Clerk of Justiciary and Accountant of Court shall be vested in the Scottish Court Service.
- (2) The right of appointing to the office of Auditor of the Court of Session shall be vested in the Scottish Ministers.”.
- (5) In section 27 (remuneration of officers of High Court of Justiciary and Court of Session)—
- (a) after subsection (1) insert—
- “(1A) The remuneration of the persons appointed to any office in pursuance of the powers vested in the Scottish Court Service by this Part of this Act, shall be of such amounts as the Scottish Court Service may determine.”, and
- (b) in subsection (2)—
- (i) the words “(other than the office of Auditor of the Court of Session)” are repealed, and
- (ii) for “Scottish Ministers” substitute “ Scottish Court Service ”.

#### **Commencement Information**

**II** Sch. 4 para. 1 in force at 1.4.2010 by [S.S.I. 2010/39](#), art. 2(b), [Sch.](#)

#### *The Sheriff Courts and Legal Officers (Scotland) Act 1927 (c. 35)*

- 2 (1) The Sheriff Courts and Legal Officers (Scotland) Act 1927 is amended as follows.

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- (2) In section 1 (appointment of sheriff clerk and procurator fiscal)—
- (a) in subsection (1)—
    - (i) for “one of His Majesty's Principal Secretaries of State” substitute “ the Scottish Court Service ”,
    - (ii) for “Secretary of State” substitute “ Scottish Court Service ”, and
    - (iii) for “him” substitute “ it ”, and
  - (b) in subsection (4), for “Secretary of State”, in both places those words appear, substitute “ Scottish Court Service ”.
- (3) In section 2 (appointment of sheriff clerk and procurator fiscal deputes), for “Secretary of State” substitute “ Scottish Court Service ”.
- (4) In section 3 (whole-time sheriff clerks and procurators fiscal and deputes), for “Secretary of State”, in both places those words appear, substitute “ Scottish Court Service ”.
- (5) In section 4 (vacancy in office of sheriff clerk, procurator fiscal or deputes), for “Secretary of State” substitute “ Scottish Court Service ”.
- (6) In section 5 (whole-time clerks)—
- (a) in subsection (1), for “Secretary of State” substitute “ Scottish Court Service ”, and
  - (b) in subsection (2)—
    - (i) for “Scottish Ministers” substitute “ Scottish Court Service ”, and
    - (ii) for “they consider” substitute “ it considers ”.
- (7) In section 8 (power to issue instructions, etc.)—
- (a) in subsection (1), for “Secretary of State” substitute “ Scottish Court Service ”, and
  - (b) in subsection (2)—
    - (i) for “Secretary of State” substitute “ Scottish Ministers ”, and
    - (ii) for “him” substitute “ the Scottish Court Service ”.
- (8) In section 9 (deputation by sheriff clerk or procurator fiscal), for “Secretary of State” substitute “ Scottish Court Service ”.

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**Commencement Information**

**I2** Sch. 4 para. 2 in force at 1.4.2010 by [S.S.I. 2010/39](#), art. 2(b), [Sch.](#)

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