



# Judiciary and Courts (Scotland) Act 2008

## 2008 asp 6

### JUDICIARY AND COURTS (SCOTLAND) ACT 2008

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

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SCHEDULE 1 — The Judicial Appointments Board for Scotland

*Status of the Board*

- 1 The Board is not a servant of the Crown and...

*Membership*

- 2 The Board consists of— (a) judicial members appointed by the...

*The judicial and legal members*

- 3 (1) The judicial members comprise— (a) two persons, each holding...

*The lay members*

- 4 (1) The number of lay members is to be equal...

*Persons disqualified from membership*

- 5 A person is disqualified from appointment, and from holding office,...

*Term of office*

- 6 (1) A member holds office for such period of not...

*Resignation of members*

- 7 (1) A member may resign office by giving notice in...

*Removal of members*

- 8 (1) The Lord President may, by notice in writing, remove...

*Chairing Member: appointment and tenure*

- 9 (1) The Scottish Ministers must appoint one of the lay...

*Chairing Member: resignation, removal, vacancy etc.*

- 10 (1) The Chairing Member may resign office as such by...

*Temporary members*

- 11 (1) Where the Chairing Member is satisfied that a member...

*Conflicts of interest*

- 12 (1) Sub-paragraph (2) applies where the Chairing Member is satisfied...

*Fees and expenses*

- 13 (1) Each member of the Board is entitled to such...

*Appointment of persons to assist the Board*

- 13A (1) The Board may appoint persons (other than Board members)...

- 13B (1) A person appointed under paragraph 13A(1) as a legal...

*Powers and conduct of persons appointed to assist the Board*

*Administrative support*

- 14 (1) The Scottish Ministers must provide, or ensure the provision...

*Procedure*

- 15 (1) The Board may determine its own procedure (including the...

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*Committees and delegation*

16 (1) The Board may establish committees and may delegate the...

*Proceedings relating to the Scottish Tribunals*

16A (1) Sub-paragraph (2) applies where the Board is exercising any...

*Validity of proceedings*

17 The validity of any proceedings or actings of the Board...

*Board to fall within remit of Commissioner for Public Appointments in Scotland*

18 (1) In the Public Appointments and Public Bodies etc. (Scotland)...

*Code of conduct for members*

19 In the Ethical Standards in Public Life etc. (Scotland) Act...

*Maladministration*

20 (1) In the Scottish Public Services Ombudsman Act 2002 (asp...

*Freedom of information*

21 In the Freedom of Information (Scotland) Act 2002 (asp 13),...

*Transitional provision: constitution of the first Board*

22 (1) The first members of the Board are to be...

SCHEDULE 2 — Panels established under section 19(2)

*Constitution of panel*

1 (1) A panel established under section 19(2) in connection with...

*Vacancies etc.*

2 (1) If the Chairing Member of the Board is unable...

*Qualifying judges*

3 (1) The qualifying judges are— (a) those judges of the...

*Fees and expenses*

4 (1) Each member of a panel is entitled to such...

SCHEDULE 3 — THE SCOTTISH COURTS AND TRIBUNALS SERVICE

*Status of SCTS*

1 THE SCOTTISH COURTS AND TRIBUNALS SERVICE

*Membership*

2 (1) The SCTS consists of judicial members and non-judicial members....

*Procedure for appointment of members*

3 (1) It is for the Lord President to appoint the...

*Persons disqualified from membership*

4 A person is disqualified from appointment, and from holding office,...

*Term of office*

5 (1) This paragraph applies to a member of the SCTS...

*Reappointment*

6 A person who is, or has been, a member of...

*Resignation and removal of members*

7 (1) This paragraph applies to a member of the SCTS...

*Suspension of judicial members*

8 A judicial member is suspended from acting as such during...

*Chairing of the SCTS*

9 (1) The Lord President is to chair meetings of the...

*Committees*

10 (1) The SCTS may establish committees. (2) A person who...

*Proceedings*

11 The SCTS may determine— (a) its own procedure (including the...

*Validity of actings*

12 The validity of any proceedings or actings of the SCTS...

*Remuneration and expenses*

13 (1) The SCTS may pay to— (a) its members, and...

*Chief Executive and other staff*

14 (1) The SCTS must appoint a Chief Executive.

*Ancillary powers*

15 (1) The SCTS may do anything which it considers necessary...

*Power to use local authority premises*

16 (1) The SCTS may, where it considers it necessary for...

*Delegation*

17 (1) Any function of the SCTS may be carried out...

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*Freedom of information*

18 In the Freedom of Information (Scotland) Act 2002 (asp 13),...

*Transfer of staff*

19 (1) Sub-paragraph (2) applies to persons who, on the coming...

*Transfer of property and liabilities*

20 (1) The Scottish Ministers may by order provide for the...

SCHEDULE 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...

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

2 (1) The Sheriff Courts and Legal Officers (Scotland) Act 1927...

SCHEDULE 5 — Consequential amendments and repeals

*The Courts of Law Fees (Scotland) Act 1895 (c. 14)*

1 In the Courts of Law Fees (Scotland) Act 1895, in...

*The Sheriff Courts (Scotland) Act 1971 (c. 58)*

2 (1) The 1971 Act is amended as follows.

*The Scotland Act 1998 (Transitory and Transitional Provisions) (Removal of Judges) Order 1999 (S.I. 1999/1017)*

3 The Scotland Act 1998 (Transitory and Transitional Provisions) (Removal of...

*The Senior Judiciary (Vacancies and Incapacity) (Scotland) Act 2006 (asp 9)*

4 The Senior Judiciary (Vacancies and Incapacity) (Scotland) Act 2006 is...

*The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6)*

5 (1) The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 is...



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