

COURTS REFORM (SCOTLAND) ACT 2014

EXPLANATORY NOTES

THE ACT

Schedule 4 – The Scottish Courts and Tribunals Service

Part 1 - Conferral of additional functions etc. in relation to tribunals

274. [Paragraph 1](#) amends the relevant sections in the Judiciary and Courts (Scotland) Act 2008 to update references to the SCS to the SCTS. It also confers power on the merged organisation to provide and ensure the provision of property, services and staff as required for the Lord President and the President of the Scottish Tribunals in their tribunals roles. The default power of the Scottish Ministers to carry out the functions of the SCTS if they feel that the SCTS is failing to carry out its functions is extended to tribunals. Paragraph 1 of schedule 3 to the Judiciary and Courts (Scotland) Act 2008 is repealed as this provision has never been brought into force. The SCS was made an office-holder in the Scottish Administration by the Judiciary and Courts (Scotland) Act 2008 (Consequential Provisions and Modifications) Order 2009 (an order made under section 104 of the Scotland Act 1998) and so this provision is no longer required.
275. [Paragraph 1](#) also amends the SCTS board structure to include membership for the President of the Scottish Tribunals and a Chamber President of the First-tier Tribunal for Scotland. The President of the Scottish Tribunals and Chamber President are roles created in the Tribunals (Scotland) Act 2014. Remuneration may be paid to the Chamber President in the First-tier Tribunal for Scotland unless that member is in receipt of a salary for holding that position. The Judiciary and Courts (Scotland) Act 2008 is also amended to allow the Scottish Ministers to transfer any property or liability in connection with the operation of the Scottish Tribunals to the SCTS.