

JUDICIARY AND COURTS (SCOTLAND) ACT 2008

EXPLANATORY NOTES

THE ACT

Schedule 5 – Consequential Modifications

183. [Paragraph 1](#) amends section 2(1)(a) of the Courts of Law Fees (Scotland) Act 1895 to reflect the new budgetary arrangements for the SCS which will not receive its funding from the Scottish Ministers but by virtue of a separate vote in the annual Budget Act.
184. [Paragraph 2](#) makes amendments to and repeals parts of the 1971 Act. Subparagraph (2) repeals section 11A(2) and is consequential on section 10(1)(f). Subparagraph (3) repeals section 11C and is consequential on section 38. Subparagraph (4) amends section 11D(1) and is also consequential on subparagraph (3). Reference is made to paragraph 169 above for the explanation of subparagraph (5). Subparagraph (6) amends section 33(4) to remove the role of the Scottish Ministers in appointing a secretary to the Sheriff Court Rules Council.
185. [Paragraph 4](#) repeals the Senior Judiciary (Vacancies and Incapacity) (Scotland) Act 2006. The provisions of that Act are re-enacted with minor modification in Chapter 2 of Part 2 of the Act.
186. [Paragraph 5\(2\)](#) amends section 81 of the 2007 Act to reflect the fact that the Lord President has an order making power under section 69 of the 2007 Act (as amended by section 42 of the Act). Reference is made to 91 above. Paragraph 5(3)(a) is consequential on the repeal of section 1 of the 1971 Act by section 48 of the Act. Reference is made to paragraph 169 above for the explanation of paragraph 5(3)(b). Paragraph 5(3)(c) is a consequential amendment on section 61. It repeals subsection 63(6) of the 2007 Act as the new SCS will have the responsibility for the administration of JP courts.