



Judiciary and Courts (Scotland) Act 2008

2008 asp 6

PART 2

THE JUDICIARY

CHAPTER 2

SENIOR JUDICIARY: VACANCY, INCAPACITY AND SUSPENSION

7 Supplementary

(1) Where—

- (a) any function is exercisable by, or anything falls to be done in relation to, the senior judge of the Inner House by virtue of section 4, 5 or 6, and
- (b) that judge is unavailable,

the function is exercisable by, or the thing falls to be done in relation to, the second senior judge of the Inner House.

(2) Where—

- (a) any function is exercisable by, or anything falls to be done in relation to, the second senior judge of the Inner House by virtue of section 6 or subsection (1) above, and
- (b) that judge is unavailable,

the function is exercisable by, or the thing falls to be done in relation to, the next senior judge of the Inner House who is available.

(3) In calculating the total number of judges of the Inner House for the purposes of section 4(3) or 5(3), the following are not to be counted—

- (a) in the case of section 4(3)—
 - (i) the Lord President, and
 - (ii) during any period when section 5 applies, the Lord Justice Clerk,
- (b) in the case of section 5(3)—
 - (i) the Lord Justice Clerk, and
 - (ii) during any period when section 4 applies, the Lord President, and

Status: This is the original version (as it was originally enacted).

- (c) in either case—
 - (i) any judge of the Inner House who is suspended from office, and
 - (ii) any office of judge of the Inner House which is vacant.
- (4) The requirements in sections 4(4) and 5(4) do not apply for the purpose of declarations under sections 4(3)(a) and 5(3)(a) respectively if—
 - (a) the judges making the declarations are satisfied that both the Lord President and the Lord Justice Clerk are incapacitated, and
 - (b) the declarations state that this subsection applies.
- (5) Nothing in this Chapter affects any remuneration payable to, or in respect of, the Lord President, the Lord Justice Clerk or any other judge of the Inner House.