



# Courts Reform (Scotland) Act 2014

## 2014 asp 18

### PART 11

#### THE JUDICIAL APPOINTMENTS BOARD FOR SCOTLAND

#### **131 Assistants to the Judicial Appointments Board for Scotland**

- (1) In schedule 1 to the Judiciary and Courts (Scotland) Act 2008 (the Judicial Appointments Board for Scotland)—
- (a) after paragraph 13 insert—

*“Appointment of persons to assist the Board*

- 13A (1) The Board may appoint persons (other than Board members) to assist the Board with the carrying out of its functions.
- (2) The Board may appoint persons under sub-paragraph (1) as—
- (a) legal assistants, or
- (b) lay assistants.
- (3) A person may be appointed as a legal assistant if the person is a solicitor or advocate practising as such in Scotland.
- (4) A person may be appointed as a lay assistant if the person is eligible for appointment as a lay member of the Board.
- (5) It is for the Board to determine the number of persons who may be appointed under this paragraph.
- (6) A person who is disqualified from membership of the Board by virtue of paragraph 5 is also disqualified from being a legal assistant or a lay assistant.
- (7) Persons appointed under this paragraph are to be appointed for such period of not more than 3 years as the Board may determine.
- (8) At the end of a period of appointment, a person may be reappointed.

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*Status: This is the original version (as it was originally enacted).*

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- (9) A person appointed under this paragraph may resign by giving notice in writing to the Board.
- (10) The Chairing Member may, by notice in writing, rescind a person’s appointment under this paragraph if satisfied that the person—
  - (a) has been convicted of any offence,
  - (b) has become insolvent, or
  - (c) is otherwise unfit to be a legal assistant or, as the case may be, a lay assistant or unable for any reason to discharge the functions of such an assistant.
- (11) Each person appointed under this paragraph is entitled to such fees and expenses, if any, as the Scottish Ministers may determine.
- (12) It is for the Scottish Ministers to pay those fees and expenses.

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

- 13B (1) A person appointed under paragraph 13A(1) as a legal assistant may, so far as authorised by the Board, do anything that a legal member of the Board may do, other than take part in a decision of the Board to recommend an individual for appointment.
- (2) A person appointed under paragraph 13A(1) as a lay assistant may, so far as authorised by the Board, do anything that a lay member of the Board may do, other than take part in a decision of the Board to recommend an individual for appointment.
- (3) The Board must issue (and may from time to time revise) a code of conduct for persons appointed under paragraph 13A(1).
- (4) Persons appointed under paragraph 13A(1) must have regard to the provisions of the code of conduct while assisting the Board in the carrying out of its functions.”
- (b) in paragraph 16A (proceedings relating to the Scottish Tribunals), after sub-paragraph (6) insert—
- “(6A) Sub-paragraph (6B) applies if—
- (a) the Board is exercising any function under this Act in connection with a position mentioned in section 10(2A),
  - (b) the Board authorises a person appointed under paragraph 13A(1) to assist it in relation to any proceedings relating to the function, and
  - (c) the person authorised to assist the Board in relation to the proceedings is a member of the Scottish Tribunals.
- (6B) The member of the Scottish Tribunals selected under sub-paragraph (3) may elect not to take part in the proceedings in respect of which the assistant is authorised to assist.”
- (2) In paragraph 10(1)(b) of schedule 9 to the Tribunals (Scotland) Act 2014, (transitional provision: making appointments), for “and (3)” substitute “, (3), (6A) and (6B)”.