



# Judiciary and Courts (Scotland) Act 2008

## 2008 asp 6

### PART 2

#### THE JUDICIARY

### CHAPTER 3

#### JUDICIAL APPOINTMENTS

##### *Judicial Appointments Board for Scotland*

#### **10 Judicial offices within the Board's remit**

- (1) The judicial offices within the Board's remit are—
- (a) the office of judge of the Court of Session,
  - (b) the office of Chairman of the Scottish Land Court,
  - (c) the office of temporary judge (except in any case where the individual to be appointed to the office holds or has held one of the offices mentioned in subsection (2)),
  - (d) the office of sheriff principal,
  - (e) the office of sheriff,
  - (f) the office of part-time sheriff, <sup>F1</sup>...
  - [<sup>F2</sup>(fza) the office of summary sheriff,
  - (fzb) the office of part-time summary sheriff,]
  - [<sup>F3</sup>(fzc) the office of member of the Parole Board for Scotland (including the chairperson of the Parole Board),]
  - [<sup>F4</sup>(fa) the positions within the Scottish Tribunals mentioned in subsection (2A), and]
  - (g) such other judicial offices (whether full-time, part-time or temporary) as the Scottish Ministers may by order specify.
- (2) The offices referred to in subsection (1)(c) are—
- (a) the office of judge of the European Court,
  - (b) the office of judge of the European Court of Human Rights,

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*Changes to legislation: There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, Section 10. (See end of Document for details)*

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- (c) the office of Chairman of the Scottish Land Court,
- (d) the office of sheriff principal, and
- (e) the office of sheriff.

[<sup>F5</sup>(2A) The positions within the Scottish Tribunals are—

- (a) Vice-President of the Upper Tribunal, if to be appointed under section 26(1) of the Tribunals (Scotland) Act 2014,
  - (b) Chamber President in the First-tier Tribunal, if to be appointed under section 22(1) of that Act,
  - (c) Deputy Chamber President in the First-tier Tribunal, if to be appointed under the relevant provisions of schedule 4 to that Act,
  - (d) ordinary member or legal member of the First-tier Tribunal or the Upper Tribunal, if to be appointed under the relevant provisions of schedule 3 or (as the case may be) schedule 5 to that Act.]
- (3) The Scottish Ministers may specify a judicial office under subsection (1)(g) only if the First Minister has, or the Scottish Ministers have, the function of making appointments to the office, or of nominating or recommending individuals for appointment to the office.
- (4) In subsection (1)(g), “judicial office ”means—
- (a) the office of judge of any court,
  - (b) the office of member of any tribunal, or
  - (c) any other office, or appointment, consisting of functions of a judicial nature.

#### Textual Amendments

- F1** Word in s. 10(1) repealed (1.4.2015) by [Tribunals \(Scotland\) Act 2014 \(asp 10\)](#), s. 83(2), [Sch. 9 para. 12\(2\)\(a\)](#) (with [Sch. 9 para. 8](#)); S.S.I. 2015/116, art. 2
- F2** S. 10(1)(fza)(fzb) inserted (1.4.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [Sch. 5 para. 9\(3\)](#); S.S.I. 2015/77, art. 2(2)(3), [Sch. 46\(3\)](#), 63(2); S.S.I. 2020/283, reg. 2(k)
- F3** S. 10(1)(fzc) inserted (1.10.2020) by [Management of Offenders \(Scotland\) Act 2019 \(asp 14\)](#), [ss. 46\(3\)](#), 63(2); S.S.I. 2020/283, reg. 2(k)
- F4** S. 10(1)(fa) inserted (1.4.2015) by [Tribunals \(Scotland\) Act 2014 \(asp 10\)](#), s. 83(2), [Sch. 9 para. 12\(2\)\(b\)](#) (with [Sch. 9 para. 8](#)); S.S.I. 2015/116, art. 2
- F5** S. 10(2A) inserted (1.4.2015) by [Tribunals \(Scotland\) Act 2014 \(asp 10\)](#), s. 83(2), [Sch. 9 para. 12\(2\)\(c\)](#) (with [Sch. 9 para. 8](#)); S.S.I. 2015/116, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, Section 10.