

EXECUTIVE NOTE

DRAFT : THE NUMBER OF INNER HOUSE JUDGES (VARIATION) ORDER 2010

The above Order was made in exercise of the powers conferred by section 2(2A) and (2B) of the Court of Session Act 1988. A draft of the instrument containing it was required to be laid before and approved by resolution of the Scottish Parliament.

Policy Objectives

The purpose of the Order is to increase the number of senior judges that are members of the First Division of the Inner House of the Court of Session by one so that it comprises the Lord President and five (rather than four) senior judges.

The resulting composition of the First Division will mirror the Second Division which currently comprises the Lord Justice Clerk and five other senior judges of the Court. Although the number of judges that are members of the Inner House will increase from 11 to 12, the total number of judges of the Court will remain unchanged at 34.

This adjustment to the composition of the First Division is intended to compensate for the loss of appeal court capacity when Lord Carloway leads a review of law and practice in the light of *Cadder v Her Majesty's Advocate*. This review is anticipated to take some time to complete and the addition of a further appellate judge will ensure that the throughput of appeals is not delayed by Lord Carloway's absence.

Consultation

The Order was prepared on the recommendation of the Lord President of the Court of Session. The Lord President was also consulted in accordance with section 2(2A) of the Court of Session Act 1988 and is content with the change made by the Order.

Financial Effects.

On promotion to the Inner House, a judge of the Court of Session receives an increase in salary of £23,954. Allowing for supplementary costs such as national insurance contributions, the additional cost to the Scottish Consolidated Fund is expected to be approximately £34,721. Since the Order has no other financial effect a Business and Regulatory Impact Assessment was not considered necessary.

Scottish Government Justice Directorate
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