

Draft Order laid before the Scottish Parliament under paragraphs 2 and 2A(1), (2)(a) and (3)(a) of Schedule 2 to the European Communities Act 1972, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

SCOTTISH LAND COURT

The Judicial Pensions and Retirement Act 1993 (Scottish Land Court) Order 2013

<i>Made</i>	- - - -	2013
<i>Coming into force</i>	- -	2013

The Scottish Ministers make the following Order in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and sections 26(9)(a) and 29(3) of the Judicial Pensions and Retirement Act 1993(b) and all other powers enabling them to do so.

In accordance with paragraphs 2 and 2A(1), (2)(a) and (3)(a) of Schedule 2 to the European Communities Act 1972(c), a draft of this Order has been laid before, and approved by resolution of, the Scottish Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Judicial Pensions and Retirement Act 1993 (Scottish Land Court) Order 2013 and comes into force on the day after the day on which it is made.

(2) This Order extends to Scotland only.

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- (a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the Scotland Act”), Schedule 8, paragraph 15(3) (which was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(4)) and the European Union (Amendment) Act 2008 (c.7), Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act. The powers in section 2(2) are exercised as regards article 2(2)(a) and (b) of this Order.
- (b) 1993 c.8. By virtue of section 30(1), the reference to the appropriate Minister in section 26(9)(a) means, in relation to any judicial office whose jurisdiction is exercised exclusively in relation to Scotland, the Secretary of State. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act. The powers under the 1993 Act are exercised as regards article 2(1) and (2)(b) of this Order.
- (c) Paragraph 2 was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(2)(a) and paragraph 2A was inserted by section 29 of that Act. Paragraphs 2 and 2A have been modified by paragraphs 2 and 5 of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

Retirement of members of the Scottish Land Court

2.—(1) In Schedule 5 (retirement provisions: the relevant offices) to the Judicial Pensions and Retirement Act 1993, after the entry for President or other member of the Lands Tribunal for Scotland or the Lands Tribunal for Northern Ireland^(a) insert—

“Chairman or other member of the Scottish Land Court”.

(2) In Schedule 1 (the Land Court) to the Scottish Land Court Act 1993^(b)—

(a) paragraph 2 is repealed; and

(b) in paragraph 7A^(c), for “whether or not under paragraph 2 of this Schedule” substitute “whether under section 26 of the Judicial Pensions and Retirement Act 1993 or otherwise”.

Name

A member of the Scottish Government

St Andrew’s House,
Edinburgh
Date

(a) The entry for President or other member of the Lands Tribunal for Scotland or the Lands Tribunal for Northern Ireland was amended by S.I. 2009/1307, Schedule 1, paragraph 249.

(b) 1993 c.45.

(c) Paragraph 7A was inserted by the Crofting Reform etc. Act 2007 (asp 7), section 34(5).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Judicial Pensions and Retirement Act 1993 by adding an entry for the Chairman, and other members, of the Scottish Land Court to the list of relevant offices in Schedule 5 to that Act (article 2(1)). Persons holding an office listed in Schedule 5 to that Act are subject to the retirement provisions set out in section 26 of that Act.

Pursuant to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303 02.12.2000 p.16), this Order also amends the Scottish Land Court Act 1993 so as to remove the compulsory retirement age for members of the Scottish Land Court set out in paragraph 2 of Schedule 1 to that Act (article 2(2)(a)).

Article 2(2)(b) makes a further amendment to the Scottish Land Court Act 1993 in consequence of article 2(1) and (2)(a).

No business regulatory impact assessment has been prepared for this Order as no impact upon businesses, charities or voluntary bodies is foreseen.

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