
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 303

The Scottish Court Service (Procedure for Appointment of Members) Regulations 2009

Selection for appointment

2.—(1) The first appointed members of the Scottish Court Service listed in paragraph 2(2)(e) and (f) and (3)(a), (b) and (d) of schedule 3 to the Act shall be selected for appointment by a panel comprising —

- (a) the most senior judge of the Inner House of the Court of Session after the Lord President and the Lord Justice Clerk;
- (b) the Sheriff Principal of Lothian and Borders; and
- (c) the Chairing Member of the Judicial Appointments Board for Scotland.

(2) Where any of the panel members in paragraph (1) is unavailable he or she shall be substituted by the person acting in that position in his or her absence.

(3) Thereafter those members of the Scottish Court Service shall be selected for appointment by a panel comprising the following members of the Scottish Court Service—

- (a) the judge;
- (b) the Sheriff Principal; and
- (c) the longest serving member listed in paragraph 2(3)(d) of schedule 3 to the Act.

(4) Where either of the members listed in paragraphs (3)(a) and (b) is unavailable he or she shall be substituted by the longer serving sheriff member.

(5) Where the member listed in paragraph (3)(c) is unavailable he or she shall be substituted by the second longest serving member listed in paragraph 2(3)(d) of schedule 3 to the Act.

(6) The Lord President shall invite applications to be made to the panel by—

- (a) notifying all sheriffs of a vacancy for a member listed in paragraph 2(2)(e) of schedule 3 to the Act;
- (b) notifying all justices of the peace of a vacancy for a member listed in paragraph 2(2)(f) of schedule 3 to the Act;
- (c) notifying the Faculty of Advocates of a vacancy for a member listed in paragraph 2(3)(a) of schedule 3 to the Act;
- (d) notifying the Law Society of Scotland of a vacancy for a member listed in paragraph 2(3)(b) of schedule 3 to the Act;
- (e) advertising the vacancies for the members listed in paragraph 2(3)(a) and (b) of schedule 3 to the Act in the appropriate professional journal;
- (f) publicly advertising the vacancies for the members listed in paragraph 2(3)(d) of schedule 3 to the Act.

(7) An application must be in writing (including email, fax or by other electronic means which is legible and capable of being used for subsequent reference).

(8) The panel shall consider the applications and select persons for interview.

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- (9) The panel shall select persons suitable for appointment on the basis of an interview.
- (10) For the avoidance of doubt the panel may select for appointment more persons than are required to be appointed in each category of membership.
- (11) The panel shall notify the Lord President of persons selected for appointment.
- (12) Where the panel selects for appointment more persons than are required to be appointed in each category of membership they shall notify the Lord President of their order of preference for appointment.