



Law Reform (Miscellaneous Provisions) (Scotland) Act 1985

1985 CHAPTER 73

Other provisions relating to courts

20 Removal of prohibition of sheriffs' principal and sheriffs' accepting appointment to certain offices.

Section 6(1)(b) of the ^{M1}Sheriff Courts (Scotland) Act 1971 (prohibition of sheriffs' principal and sheriffs' accepting appointments to certain offices) shall cease to have effect.

Marginal Citations

M1 1971 c. 58

^{F1}21

Textual Amendments

F1 S. 21 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5** (with **Sch. 3** paras 1, 3)

22 Re-employment of retired judges

(1) If it appears to the Lord President of the Court of Session that it is expedient as a temporary measure to make an appointment under this section in order to facilitate the disposal of business in the Court of Session or the High Court of Justiciary he may^{F2}... appoint a person who—

- (a) has held office as a judge of the Court of Session [^{F3} (and did not cease to hold that office by virtue of section 95(6) of the Scotland Act 1998 (c. 46))]; or

Status: Point in time view as at 01/10/2009.

Changes to legislation: Law Reform (Miscellaneous Provisions) (Scotland) Act 1985, Cross Heading: Other provisions relating to courts is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- [^{F4}(aa) has held office as a Justice of the Supreme Court or as President or Deputy President of that Court and who, at the time of being appointed to the office in question, was eligible for appointment as a judge in the Court of Session;]
- (b) has held office as a Lord of Appeal in Ordinary and who, at the time of his appointment as a Lord of Appeal in Ordinary, was eligible for appointment as a judge in the Court of Session,
- and^{F5}... has not reached the age of 75 years, to act as a judge of the Court of Session and High Court of Justiciary during such period or on such occasions as the Lord President thinks fit but, subject to subsection (4) below, a period during which or occasion on which a person may so act, shall not extend beyond or be after he reaches the age of 75 years.
- (2) A person while acting under this section shall, subject to subsection (3) below, be treated for all purposes as, and accordingly may perform any of the functions of, a judge of the Court in which he is acting.
- (3) A person shall not, by virtue of subsection (2) above, be treated as a judge of the Court of Session or the High Court of Justiciary for the purposes of any statutory provision or rule of law relating to—
- (a) the appointment, retirement, removal or disqualification of judges of that Court (including, without prejudice to the foregoing generality, any statutory provision or rule of law relating to the number of judges who may be appointed);
- (b) the tenure of office and oaths to be taken by such judges;
- (c) the remuneration, allowances or pensions of such judges.
- (4) Notwithstanding the expiry of any period for which a person is appointed by virtue of subsection (1) above to act as a judge of the Court of Session and High Court of Justiciary—
- (a) he may attend at the Court for the purpose of continuing to deal with, giving judgment in, or dealing with any matter relating to, any case begun before him while acting as a judge of that Court; and
- (b) for that purpose, and for the purpose of any proceedings arising out of any such case or matter, he shall be treated as being or, as the case may be, having been, a judge of that Court.
- (5) The [^{F6}Scottish Ministers] may pay to, or in respect of, a person appointed under subsection (1) above such remuneration or allowances as [^{F7}they may determine].

Textual Amendments

- F2** Words in s. 22(1) repealed (1.6.2009) by [Judiciary and Courts \(Scotland\) Act 2008 \(asp 6\), ss. 23\(a\), 76\(1\)](#); [S.S.I. 2009/192, art. 2, Sch.](#)
- F3** Words in s. 22(1)(a) inserted (1.6.2009) by [Judiciary and Courts \(Scotland\) Act 2008 \(asp 6\), ss. 23\(b\), 76\(1\)](#); [S.S.I. 2009/192, art. 2, Sch.](#)
- F4** S. 22(1)(aa) inserted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 9 para. 43\(a\)](#); [S.I. 2009/1604, art. 2\(d\)](#)
- F5** Words in s. 22(1) omitted (1.10.2009) by virtue of [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 9 para. 43\(b\)](#); [S.I. 2009/1604, art. 2\(d\)](#)
- F6** Words in s. 22(5) substituted (1.7.1999) by [S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 83\(b\)\(i\)](#)
- F7** Words in s. 22(5) substituted (1.7.1999) by [S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 83\(b\)\(ii\)](#)

Status: Point in time view as at 01/10/2009.

Changes to legislation: Law Reform (Miscellaneous Provisions) (Scotland) Act 1985, Cross Heading: Other provisions relating to courts is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

23 Replacement of general jury book by lists of men and women eligible for jury service.

(1) In section 3 of the Jurors (Scotland) Act 1825 (sheriff principal to maintain the general jury book), for the words from “a book” to “that book” there shall be substituted the words, “in such form as may be approved by the Lord Justice-General, two lists (to be known as the “lists of potential jurors”) containing the names, designations and dates of birth of such number as the sheriff principal considers appropriate of—

- (a) in the first list, men; and
- (b) in the second list, women

within the district who appear to him to be qualified and liable to serve as jurors; and those lists”.

(2) Section 10 of the said Act of 1825, section 4 of the ^{M2}Juries (Scotland) 1826 and sections 88 to 91 and 98 of the ^{M3}Criminal Procedure (Scotland) Act 1975 shall have effect subject to the amendments to these enactments specified in Schedule 2 to this Act; and for any other reference, however expressed, in any enactment passed before this Act to the general jury book maintained under section 3 of the Jurors (Scotland) Act 1825 there shall be substituted a reference to the lists of potential jurors.

Marginal Citations

M2 1826 c. 8.

M3 1975 c. 21.

Status:

Point in time view as at 01/10/2009.

Changes to legislation:

Law Reform (Miscellaneous Provisions) (Scotland) Act 1985, Cross Heading: Other provisions relating to courts is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.