

*These notes relate to the Bail, Judicial Appointments etc. (Scotland)
Act 2000 (asp 9) which received Royal Assent on 9 August 2000*

BAIL, JUDICIAL APPOINTMENTS ETC. (SCOTLAND) ACT 2000

EXPLANATORY NOTES

THE ACT

Part 2 - Judicial Appointments

Chapter 1 - Variation of Number of Inner House Judges and Filling of Vacancies

Section 5 (Variation of number of Inner House judges and filling of vacancies)

18. **Section 5** amends section 2 of the Court of Session Act 1988 to allow the Scottish Ministers, by Order, to vary the number of senior judges in the Inner House of the Court of Session. Previously the number of judges in each Division of the Inner House was fixed by statute in primary legislation. The power to vary the number of judges allows Ministers to respond to circumstances in which it is thought desirable to increase, or reduce, the number of senior judges in the Inner House to reflect the volume of business at that level. Any Order must be made under the affirmative procedure of the Scottish Parliament. In addition, section 5 adds a provision to section 2 (new subsection (8)) which provides that the Scottish Ministers may consent to the filling of a vacancy that is created in either Division of the Inner House only if they are satisfied that the state of business in the Inner House justifies that vacancy being filled.