

*These notes relate to the Senior Judiciary (Vacancies and Incapacity)
(Scotland) Act 2006 (asp 9) which received Royal Assent on 27 June 2006*

SENIOR JUDICIARY (VACANCIES AND INCAPACITY) (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT

Section 3

16. This section deals with the possibility that at the point when it becomes necessary to invoke the provisions of sections 1 or 2, the judge of the Inner House who would have taken on functions is unavailable. The provision provides that in such circumstances, the next most senior judge who is available should take the place of his or her more senior colleague. So using the illustration in paragraph 16, if Judge 2 had been unavailable when the Lord Justice Clerk became incapacitated, Judge 3 would have stepped up to carry out the functions of the Lord Justice Clerk. This will only last during the currency of any such unavailability.