

These notes relate to the Judiciary and Courts (Scotland) Act 2008 (asp 6) which received Royal Assent on 29 October 2008

JUDICIARY AND COURTS (SCOTLAND) ACT 2008

EXPLANATORY NOTES

THE ACT

Part 2 – the Judiciary

Chapter 1 - Head of the Scottish Judiciary

Section 3 - Delegation of functions

15. This section enables the Lord President to delegate his or her functions as set out in section 2(2) to other judges (referred to as "judicial office holders" in the Act and defined in section 39). Subsection (2) places restrictions on this delegation, namely that the following functions cannot be delegated: the Lord President's function of making and maintaining arrangements to secure the efficient disposal of business in sheriff courts and justice of the peace courts ("JP courts"); and the Lord President's function of making rules for the judicial conduct scheme under section 28(1).