



Judiciary and Courts (Scotland) Act 2008

2008 asp 6

PART 4

THE SCOTTISH COURT SERVICE

Functions

61 Administrative support for the Scottish courts and judiciary

- (1) The [^{F1}SCTS] has the function of providing, or ensuring the provision of, the property, services, officers and other staff required for the purposes of—
 - (a) the Scottish courts, and
 - (b) the judiciary of those courts.
- (2) In carrying out that function, the [^{F1}SCTS] must—
 - (a) take account, in particular, of the needs of members of the public and those involved in proceedings in the Scottish courts, and
 - (b) so far as practicable and appropriate, co-operate and co-ordinate activity with any other person having functions in relation to the administration of justice.
- (3) In this Part, “the Scottish courts” has the meaning given by section 2(6).

Textual Amendments

- F1** Word in Act substituted (2.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [Sch. 4 para. 1\(2\)](#); S.S.I. 2015/12, art. 2; S.S.I. 2015/77, art. 2(2)(3), Sch.

Commencement Information

- II** S. 61 in force at 1.4.2010 by [S.S.I. 2010/39](#), art. 2(b), [Sch.](#)

[^{F2} 61A Administrative support for the Scottish Tribunals and their members etc.

- (1) The SCTS has the function of providing, or ensuring the provision of, the property, services, officers and other staff required for the purposes of—

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- (a) the Scottish Tribunals,
 - (b) the members of those Tribunals, and
 - (c) such other tribunals (and their members) as the Scottish Ministers may by order specify.
- (2) In carrying out that function, the SCTS must—
- (a) take account, in particular, of the needs of members of the public and those involved in proceedings in the tribunals, and
 - (b) so far as practicable and appropriate, co-operate and co-ordinate activity with any other person having functions in relation to the administration of justice.
- (3) In this Part, references to—
- (a) the Scottish Tribunals are to the First-tier Tribunal for Scotland and the Upper Tribunal for Scotland,
 - (b) the members of the Scottish Tribunals are to be construed in accordance with the Tribunals (Scotland) Act 2014.]

Textual Amendments

F2 S. 61A inserted (2.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by Courts Reform (Scotland) Act 2014 (asp 18), **ss. 130(2), 138(2)**; S.S.I. 2015/12, art. 2; S.S.I. 2015/77, art. 2(2)(3), Sch.

Modifications etc. (not altering text)

C1 S. 61A applied (temp.) (2.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by Courts Reform (Scotland) Act 2014 (asp 18), s. 138(2), **Sch. 4 para. 3(1)**; S.S.I. 2015/12, art. 2; S.S.I. 2015/77, art. 2(2)(3), Sch.

62 Administrative support for other persons

- (1) The [^{F1}SCTS] has the function of providing, or ensuring the provision of, the property, services and staff required for the purposes of—
- (a) the Lord President in the carrying out of—
 - (i) functions conferred on the Lord President as Head of the Scottish Judiciary, and
 - (ii) other non-judicial functions of the Lord President,
 - (b) any judicial office holder in the carrying out of functions delegated to the office holder by the Lord President,
 - (c) the sheriffs principal in the carrying out of their functions under sections 15 to 17 of the 1971 Act,
 - (d) the Public Guardian (established by section 6 of the Adults with Incapacity (Scotland) Act 2000 (asp 4)),
 - ^{F3}(e)
 - [^{F4}(ea) the Scottish Civil Justice Council,]
 - (f) the Criminal Courts Rules Council,
 - ^{F5}(g)
 - (h) such other persons, or persons of such description, as the Scottish Ministers may by order specify.

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- (2) Before making an order under subsection (1)(h), the Scottish Ministers must consult the Lord President.

Textual Amendments

- F1** Word in Act substituted (2.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **Sch. 4 para. 1(2)**; S.S.I. 2015/12, art. 2; S.S.I. 2015/77, art. 2(2)(3), Sch.
- F3** S. 62(1)(e) repealed (28.5.2013) by [Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 \(asp 3\)](#), **ss. 15(3)(b)**, 25(2); S.S.I. 2013/124, art. 2 (with art. 3)
- F4** S. 62(1)(ea) inserted (28.5.2013) by [Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 \(asp 3\)](#), **ss. 15(3)(a)**, 25(2); S.S.I. 2013/124, art. 2 (with art. 3)
- F5** S. 62(1)(g) repealed (28.5.2013) by [Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 \(asp 3\)](#), **ss. 15(3)(b)**, 25(2); S.S.I. 2013/124, art. 2 (with art. 3)

Commencement Information

- I2** S. 62 in force at 1.4.2010 by [S.S.I. 2010/39](#), art. 2(b), **Sch.**

63 Appointment etc. of office holders

- (1) The Scottish Ministers' functions in relation to the officers mentioned in subsection (2) are transferred to the [F1SCTS].
- (2) Those officers are the holders of the following offices—
- Accountant of Court,
 - Principal Clerk of Session,
 - other Clerk or officer of the Court of Session,
 - Principal Clerk of Justiciary,
 - Depute, Assistant or other Clerk in the Justiciary Office of the High Court of Justiciary,
 - Macer in the Court of Session and Macer in the High Court of Justiciary,
 - sheriff clerk,
 - sheriff clerk depute, and
 - clerk or assistant clerk of a justice of the peace court.
- (3) Those officers are also members of the staff of the [F1SCTS] and, accordingly, references in this Act to the staff of the [F1SCTS] include, except where the context requires otherwise, reference to those officers.
- (4) Schedule 4 contains amendments of enactments consequential on this section.

Textual Amendments

- F1** Word in Act substituted (2.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **Sch. 4 para. 1(2)**; S.S.I. 2015/12, art. 2; S.S.I. 2015/77, art. 2(2)(3), Sch.

Commencement Information

- I3** S. 63 in force at 1.4.2010 by [S.S.I. 2010/39](#), art. 2(b), **Sch.**

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64 Payment of remuneration etc. of certain judicial office holders

- (1) In section 11(8) (remuneration and allowances of temporary sheriffs principal) of the 1971 Act, for “Secretary of State” in the first place those words appear substitute “Scottish Court Service”.
- (2) In section 11A(8) (remuneration and allowances of part-time sheriffs) of the 1971 Act—
 - (a) for “Scottish Ministers” substitute “ Scottish Court Service ”, and
 - (b) for “they” substitute “ the Scottish Ministers ”.
- (3) In section 22(5) (remuneration and allowances of re-employed retired judges) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73)—
 - (a) for “Scottish Ministers” substitute “ Scottish Court Service ”, and
 - (b) for “they” substitute “ the Scottish Ministers ”.
- (4) In paragraph 10 (remuneration of temporary judges of the Court of Session) of Schedule 4 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40)—
 - (a) for “Scottish Ministers” substitute “ Scottish Court Service ”, and
 - (b) for “they” substitute “ the Scottish Ministers ”.

Commencement Information

I4 S. 64 in force at 1.4.2010 by [S.S.I. 2010/39](#), art. 2(b), [Sch.](#)

Status:

Point in time view as at 02/02/2015.

Changes to legislation:

There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, Cross Heading: Functions.