



# Judiciary and Courts (Scotland) Act 2008

## 2008 asp 6

### PART 3

#### THE COURTS

##### *The Court of Session*

#### **44 Maximum number of judges**

- (1) Section 1 (number of judges of the Court) of the Court of Session Act 1988 (c. 36) is amended as follows.
- (2) In subsection (1), after “(3)” insert “, (3A)”.
- (3) In subsection (3), for the words from “Parliament” in the first place it appears to the end substitute “and approved by resolution of the Scottish Parliament.”.
- (4) After subsection (3) insert—

“(3A) The Lord President must be consulted before any draft of an Order under this section is laid before the Parliament.”.

#### **45 Number of judges of the First and Second Divisions of the Inner House**

In section 2(2A) (composition of the Court) of the Court of Session Act 1988 (c. 36), after “may” insert “, after consulting the Lord President,”.

#### **46 Divisions of the Inner House**

- (1) The Court of Session Act 1988 (c. 36) is amended as follows.
- (2) In section 2 (composition of the Court)—
  - (a) for subsection (3) substitute—

“(3) The Lord President may from time to time constitute, from among the judges of the Court, an extra Division of the Inner House for the purpose of hearing and disposing of causes pending before the Inner House; and any reference in this Act or in any other enactment

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*Status: This is the original version (as it was originally enacted).*

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to a Division of the Inner House shall be construed as including a reference to such an extra Division.”, and

(b) in subsection (4), at beginning, insert “Subject to section 5(ba) below,”.

(3) In section 5 (power to regulate procedure etc. in the Court of Session by act of sederunt), after paragraph (b) insert—

“(ba) to make provision as to the quorum for a Division of the Inner House considering solely procedural matters, and, in the case of an extra Division, to make provision as to which judge is to preside and to sign any judgment or interlocutor pronounced by the extra Division;”.