

Courts Reform (Scotland) Bill

Groupings of Amendments for Stage 3

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 3 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Note: The time limits indicated are those set out in the timetabling motion to be considered by the Parliament before the Stage 3 proceedings begin. If that motion is agreed to, debate on the groups above each line must be concluded by the time indicated, although the amendments in those groups may still be moved formally and disposed of later in the proceedings.

Group 1: Minor, technical and drafting amendments

19, 21, 24, 25, 26, 28, 29, 31, 32, 33, 34, 36, 37, 41, 45, 46, 47, 48, 49, 50, 51, 52, 56, 59

Group 2: Number of summary sheriffs

60

Group 3: Proceedings for damages for personal injury

61, 65, 7, 8, 9

Group 4: All-Scotland jurisdiction: concurrency with local jurisdiction

20, 22, 23, 27, 30, 40

Debate to end no later than 40 minutes after proceedings begin

Group 5: Sheriff Appeal Court: constitution of Court and appointment of Appeal Sheriffs

62, 63, 64

Group 6: Judicial review: time limits

5, 1, 6, 2

Notes on amendments in this group

Amendments 5 and 1 are direct alternatives

Amendments 6 and 2 are direct alternatives

Group 7: Judicial review: test for grant of permission to proceed

66, 67, 68

Debate to end no later than 1 hour 15 minutes after proceedings begin

Group 8: Regulation of civil court procedure: just conduct of proceedings

14, 15

Group 9: Scottish Land Court

35, 39, 58

Group 10: Sanction for counsel

69, 70, 71, 72, 16, 17, 18

Debate to end no later than 1 hour 50 minutes after proceedings begin

Group 11: Appointment of judges etc.

38, 53, 54, 57

Group 12: Exclusive competence and simple procedure: commencement

10, 11, 13

Group 13: Report on operation of court functions

12

Group 14: Summary sheriffs: civil competence

3, 4

Group 15: Scottish Courts and Tribunals Service: tax tribunals

42, 43, 44

Group 16: Citation of jurors

55

Debate to end no later than 2 hours 40 minutes after proceedings begin

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Amendments in debating order

Group 1: Minor, technical and drafting amendments

Kenny MacAskill

- 19 In section 2, page 2, line 22, after <enactment> insert <(including this Act)>

Kenny MacAskill

- 21 In section 54, page 27, leave out line 38

Kenny MacAskill

- 24 In section 70, page 35, line 8, leave out <97> and insert <97(1)>

Kenny MacAskill

- 25 In section 70, page 35, line 32, leave out <97> and insert <97(1)>

Kenny MacAskill

- 26 In section 70, page 35, line 38, after <75> insert <or 75A>

Kenny MacAskill

- 28 In section 72, page 36, line 34, leave out <97> and insert <97(1)>

Kenny MacAskill

- 29 In section 73, page 37, line 5, leave out <97> and insert <97(1)>

Kenny MacAskill

- 31 In section 101, page 50, leave out lines 34 and 35

Kenny MacAskill

- 32 In section 96, page 53, line 14, after <enactment> insert <(including any provision of this Act)>

Kenny MacAskill

- 33 In section 96, page 53, line 14, leave out from <(whether> to <force)> in line 15

Kenny MacAskill

- 34 In section 97, page 54, line 36, after <enactment> insert <(including any provision of this Act)>

Kenny MacAskill

- 36 In section 102B, page 58, line 10, leave out <97 or 99> and insert <97(1) or 99(1)>

Kenny MacAskill

- 37 In section 111, page 62, line 25, at end insert—

<() a decision in an exchequer cause,>

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Kenny MacAskill

- 41 In schedule 1, page 79, line 32, leave out paragraph 12 and insert—
<12 A simple procedure case within the meaning of section 70(7).>

Kenny MacAskill

- 45 In schedule 4, page 89, line 5, leave out from <, for> to end of line 7 and insert <—
(a) for the opening words substitute “Section 42 of the Courts Reform (Scotland) Act 2014 does not apply—”,
(b) in paragraph (a), the words “to the extent that it determines jurisdiction” are repealed.>

Kenny MacAskill

- 46 In schedule 4, page 96, line 30, leave out <97> and insert <97(1)>

Kenny MacAskill

- 47 In schedule 4, page 97, line 2, after <representation> insert <and 6 (allocation of business etc. by act of sederunt)>

Kenny MacAskill

- 48 In schedule 4, page 97, leave out lines 3 and 4

Kenny MacAskill

- 49 In schedule 4, page 97, line 15, leave out <98 or 99> and insert <98(1) or 99(1)>

Kenny MacAskill

- 50 In schedule 4, page 97, line 23, leave out <98 or 99> and insert <98(1) or 99(1)>

Kenny MacAskill

- 51 In schedule 4, page 97, line 27, leave out <In section 32 of the Court of Session Act 1988> and insert—
<() The Court of Session Act 1988 is amended in accordance with this paragraph.
() Section 24 (appeal to the Supreme Court in exchequer causes) is repealed.
() In section 32>

Kenny MacAskill

- 52 In schedule 4, page 97, line 33, at end insert—
<() In section 52 (consequential amendments, repeals and savings), subsection (3) is repealed.>

Kenny MacAskill

- 56 In schedule 4, page 99, line 22, at end insert—
<Interpretation and Legislative Reform (Scotland) Act 2010
In schedule 1 to the Interpretation and Legislative Reform (Scotland) Act 2010 (definitions of words and expressions), for the entry for “sheriff” substitute—

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““sheriff” is to be construed in accordance with section 123(2) and (3) of the Courts Reform (Scotland) Act 2014,”.>

Kenny MacAskill

- 59 In the long title, page 1, line 5, after <tribunals;> insert <to provide for assistants to the Judicial Appointments Board for Scotland;>

Group 2: Number of summary sheriffs

Margaret Mitchell

- 60 In section 5, page 3, line 20, at end insert—
- <() The First Minister must recommend a sufficient number of individuals for appointment to the office of summary sheriff under subsection (4) in order to ensure the efficient administration of justice.>

Group 3: Proceedings for damages for personal injury

Elaine Murray

- 61 In section 39, page 20, line 27, at end insert—
- <() This section does not apply to proceedings in which damages claimed consist of or include damages in respect of personal injuries caused by exposure to asbestos.>

Elaine Murray

- 65 In section 70, page 35, line 26, at end insert—
- <() Subsection (3)(a) does not apply to proceedings in which damages claimed consist of or include damages in respect of personal injuries caused by exposure to asbestos.>

Elaine Murray

- 7 In section 104, page 59, line 8, at end insert—
- <() This section does not apply to an appeal against any decision of a sheriff constituting final judgement in proceedings including a claim for damages in respect of personal injury, where the jurisdiction of the sheriff has been extended territorially throughout Scotland by an order under section 41(1).>

Elaine Murray

- 8 After section 107, insert—
- <Appeal from sheriff to the Court of Session in certain cases**
- (1) This section applies to an appeal against any decision of a sheriff constituting final judgement in proceedings including a claim for damages in respect of personal injury, where the jurisdiction of the sheriff has been extended territorially throughout Scotland by an order under section 41(1).
- (2) An appeal may be taken to the Court of Session on the application of a party to the proceedings, without the need for permission, against any decision of the sheriff.

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- (3) In determining an appeal under this section, the Court of Session has power to—
 - (a) grant such disposal as the Court sees fit, including by (in whole or in part)—
 - (i) adhering to the decision that is subject to the appeal,
 - (ii) recalling the decision,
 - (iii) varying the decision,
 - (iv) remitting the case back to the sheriff,
 - (v) dismissing the appeal,
 - (b) make such incidental or interim orders as may be necessary, and
 - (c) determine any incidental or other issue that needs to be determined for the purpose of doing justice in the appeal.
- (4) This section does not affect any other right of appeal against any decision of a sheriff to the Court of Session under any other enactment.
- (5) This section is subject to any provision of any other enactment that restricts or excludes a right of appeal from a sheriff to the Court of Session.>

Elaine Murray

- 9 In section 110, page 62, line 3, after <107> insert <, (*Appeal from sheriff to the Court of Session in certain cases*)>

Group 4: All-Scotland jurisdiction: concurrency with local jurisdiction

Kenny MacAskill

- 20 After section 41, insert—

<All-Scotland jurisdiction: further provision

- (1) This section applies in relation to a sheriff sitting at a sheriff court specified in an order under section 41(1) (referred to in this section as a “specified sheriff court”).
- (2) The sheriff’s all-Scotland jurisdiction is concurrent with, and alternative to, the sheriff’s local jurisdiction.
- (3) The sheriff’s “all-Scotland jurisdiction” is the extended jurisdiction in relation to specified proceedings that the sheriff has by virtue of the order under section 41(1).
- (4) The sheriff’s “local jurisdiction” is the jurisdiction that the sheriff would have in relation to specified proceedings apart from the order under section 41(1).
- (5) A party bringing specified proceedings in the specified sheriff court must indicate, at the time the proceedings are brought, whether they are for determination in the exercise of a sheriff’s all-Scotland jurisdiction or a sheriff’s local jurisdiction.
- (6) Subsection (5) does not affect any power that a sheriff has to decline jurisdiction in any case.
- (7) In this Act, references to an “all-Scotland sheriff court” are references to a specified sheriff court so far as the court is constituted by a sheriff sitting in the exercise of the sheriff’s all-Scotland jurisdiction.

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- (8) For the purposes of any provision of this Act, or any other enactment, relating to the transfer or remit of proceedings between courts, a specified sheriff court is, when constituted as an all-Scotland sheriff court, taken to be a separate sheriff court from the court as constituted by a sheriff sitting in the exercise of the sheriff's local jurisdiction.
- (9) In this section, "specified proceedings" means, in relation to a specified sheriff court, civil proceedings of a type that are specified in relation to that court in the order under section 41(1).>

Kenny MacAskill

- 22 In section 61, page 30, line 35, leave out <before a sheriff sitting at> and insert <in>

Kenny MacAskill

- 23 In section 61, page 31, leave out lines 13 and 14

Kenny MacAskill

- 27 In section 70A, page 36, leave out lines 13 and 14

Kenny MacAskill

- 30 In section 75A, page 38, line 6, leave out from <"all-Scotland"> to <meanings> in line 7 and insert <"relevant proceedings" has the same meaning>

Kenny MacAskill

- 40 In section 125, page 75, line 36, at end insert—
 <"all-Scotland sheriff court" is to be construed in accordance with section (*All-Scotland jurisdiction: further provision*)(7),>

Group 5: Sheriff Appeal Court: constitution of Court and appointment of Appeal Sheriffs

Margaret Mitchell

- 62 In section 46, page 24, line 13, insert at beginning <Subject to subsection (2A),>

Margaret Mitchell

- 63 In section 46, page 24, line 14, at end insert—
 <(2A) In the case of an appeal against a decision of a sheriff who also holds office as an Appeal Sheriff by virtue of section 49(1), the constitution of the Court must include—
 (a) an Appeal Sheriff holding office by virtue of section 48(1),
 (b) an Appeal Sheriff appointed under paragraph 2(1) of schedule 1A, or
 (c) an Appeal Sheriff appointed under section 50 who, at one time, held office by virtue of section 48(1) or was appointed under paragraph 2(1) of schedule 1A.>

Margaret Mitchell

- 64 In section 49, page 25, line 10, after <years> insert <, and

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() appears to the Lord President to have a high level of legal knowledge and experience particularly in civil and criminal law and practice>

Group 6: Judicial review: time limits

Elaine Murray

- 5 In section 85, page 42, line 9, leave out <3> and insert <6>

Alison McInnes

- 1 In section 85, page 42, line 9, leave out <3> and insert <12>

Elaine Murray

- 6 In section 85, page 42, line 15, leave out <3> and insert <6>

Alison McInnes

- 2 In section 85, page 42, line 15, leave out <3> and insert <12>

Group 7: Judicial review: test for grant of permission to proceed

Margaret Mitchell

- 66 In section 85, page 42, line 25, leave out <application has a real prospect of success> and insert <applicant has a stateable case>

Margaret Mitchell

- 67 In section 85, page 42, line 25, after <success> insert <, and
<() the application is not frivolous, vexatious or wholly without merit>

Margaret Mitchell

- 68 In section 85, page 42, line 32, leave out <application has a real prospect of success> and insert <applicant has a stateable case>

Group 8: Regulation of civil court procedure: just conduct of proceedings

Graeme Pearson

- 14 After section 97, insert—

<Regulation of procedure

- (1) The power to regulate procedure by act of sederunt under sections 96 and 97 is to be exercised with a view to enabling the Court to conduct proceedings justly.
- (2) Acts of sederunt made under sections 96 and 97 are to be interpreted by the Court with a view to enabling the Court to conduct proceedings justly.

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- (3) For the purpose of subsections (1) and (2), conducting proceedings justly, includes, so far as possible—
- (a) ensuring equitable treatment of parties to the proceedings,
 - (b) being mindful of the expense of the proceedings,
 - (c) conducting the proceedings in a manner proportionate to the—
 - (i) value of orders sought in the proceedings,
 - (ii) nature and complexity of the proceedings,
 - (iii) financial position of the parties to the proceedings,
 - (d) ensuring that the proceedings are conducted fairly and timeously,
 - (e) ensuring that the proceedings are conducted in a manner which is mindful of—
 - (i) the resources available to the Court,
 - (ii) other proceedings progressing through the courts.>

Graeme Pearson

15 After section 97, insert—

<Regulation of procedure

- (1) The power to regulate procedure by act of sederunt under sections 96 and 97 is to be exercised with a view to enabling the Court to conduct proceedings justly.
- (2) For the purposes of subsection (1), it is a matter for the Scottish Judicial Council to determine how “justly” is to be understood in the making and interpreting of acts of sederunt.>

Group 9: Scottish Land Court

Kenny MacAskill

35 In section 102A, page 57, line 12, at end insert—

<() the Scottish Land Court,>

Kenny MacAskill

39 After section 116B, insert—

<PART

SCOTTISH LAND COURT

Scottish Land Court: remuneration and expenses

- (1) Schedule 1 to the Scottish Land Court Act 1993 (the Land Court) is amended in accordance with this section.
- (2) For paragraph 3 substitute—
 - “3 (1) The Scottish Courts and Tribunals Service (“the SCTS”) is to pay to the Chairman of the Land Court such salary as the Treasury may determine.
 - (2) The SCTS is to pay to each of the other members of the Land Court such salary as the SCTS may determine.

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- (3) Sums required by the SCTS for the payment of a salary under this paragraph are charged on the Scottish Consolidated Fund.
- 3A(1) The SCTS may pay to a member of the Land Court such sums as it may determine in respect of expenses reasonably incurred by the member in the performance of, or in connection with, the member's duties.
- (2) The SCTS may—
 - (a) determine the circumstances in which sums may be paid, and
 - (b) determine different circumstances for different members.”.
- (3) For paragraph 18 substitute—
 - “18 (1) The Scottish Ministers are to pay to each of the following persons such remuneration as they may determine—
 - (a) the principal clerk of the Land Court,
 - (b) persons appointed or employed under paragraph 8 of this Schedule.
 - (2) The Scottish Courts and Tribunals Service (“the SCTS”) is to pay to each of the following persons such remuneration as the SCTS may determine—
 - (a) persons nominated under paragraph 7A of this Schedule,
 - (b) persons appointed under paragraph 10 of this Schedule.
 - (3) The SCTS may pay to each of the following persons such sums as it may determine in respect of expenses reasonably incurred by the person in the performance of, or in connection with, the person's duties—
 - (a) persons nominated under paragraph 7A of this Schedule,
 - (b) persons appointed under paragraph 10 of this Schedule.
 - (4) The SCTS may—
 - (a) determine the circumstances in which sums may be paid, and
 - (b) determine different circumstances for different persons.
 - (5) Expenditure incurred by the Land Court in the performance of its functions may be paid by the Scottish Ministers.”.>

Kenny MacAskill

- 58** In the long title, page 1, line 3, after second <proceedings;> insert <to make provision about the Scottish Land Court;>

Group 10: Sanction for counsel

Alison McInnes

- 69** In section 102B, page 57, line 24, leave out <if> and insert <unless>

Alison McInnes

- 70** In section 102B, page 57, line 25, leave out <it is reasonable to do so> and insert <the instruction of counsel is unreasonable>

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Alison McInnes

- 71 In section 102B, page 57, leave out lines 27 and 28

Alison McInnes

- 72 In section 102B, page 57, line 31, after <proceedings> insert <(including its importance or value to the party instructing counsel)>

Graeme Pearson

- 16 Leave out section 102B

Graeme Pearson

- 17 After section 102B, insert—

<Sanction for counsel

Sanction for counsel: presumption in certain circumstances

- (1) This section applies to relevant proceedings before a sheriff whose jurisdiction has been extended territorially throughout Scotland by an order under section 41(1).
- (2) Subject to subsection (3), in such proceedings the sheriff will be presumed, for the purposes of any provision in an act of sederunt made under section 97 or 99, to have sanctioned the employment of counsel in relation to—
 - (a) appearance at any hearing in the proceedings, and
 - (b) the preparation of any document to be lodged in the proceedings.
- (3) The sheriff may, on the motion or incidental application of a party to the proceedings, or of the sheriff's own accord, direct that the circumstances of a case are such that it would not be appropriate that subsection (2) applies either at all or to such extent as the sheriff may direct.
- (4) A direction may only be made under subsection (3) where the sheriff is satisfied that special cause has been shown to establish that the action—
 - (a) is straightforward,
 - (b) involves settled law,
 - (c) involves a small number of witnesses whose witness evidence is not expected to be of a complex nature.
- (5) In this section, “relevant proceedings” means—
 - (a) any proceedings in which damages claimed consist of or include damages for personal injuries sustained by a person who has died in consequence of those injuries,
 - (b) all work related personal injury proceedings, or
 - (c) any other personal injury proceedings in which the damages claimed, exclusive of interest and expenses, exceeds £20,000.
- (6) The Scottish Ministers may by order modify subsection (5) or substitute other amounts for the amount for the time being specified in subsection (5)(c).
- (7) This section does not affect any power which the parties have, apart from this section, to apply to the sheriff to sanction the employment of counsel in any case.>

THIS IS NOT THE MARSHALLED LIST

Graeme Pearson

- 18* In section 122, page 74, line 13, after <102A(4)> insert <, (*Sanction for counsel: presumption in certain circumstances*)(6)>

Group 11: Appointment of judges etc.

Kenny MacAskill

- 38 Before section 116A, insert—

<Appointment of Court of Session judges, etc.

In the Judiciary and Courts (Scotland) Act 2008, for sections 21 to 23 substitute—

“Other Court of Session judges

20A Qualification of certain individuals for appointment as Court of Session judge

- (1) An individual is qualified for appointment as a judge of the Court of Session if the individual—
 - (a) immediately before the appointment—
 - (i) held the office of sheriff principal or sheriff, and
 - (ii) had held office as either sheriff principal or sheriff throughout the period of 5 years immediately preceding the appointment, or
 - (b) at the time of appointment—
 - (i) is a solicitor having a right of audience in the Court of Session or the High Court of Justiciary under section 25A of the Solicitors (Scotland) Act 1980 (rights of audience), and
 - (ii) has been such a solicitor throughout the period of 5 years immediately preceding the appointment.
- (2) Subsection (1) does not affect an individual’s qualification for appointment as a judge of the Court of Session by virtue of article xix of the Union with England Act 1707.

20B Temporary judges

- (1) The Scottish Ministers may appoint an individual to act as a judge of the Court of Session; and an individual so appointed is to be known as a “temporary judge”.
- (2) An individual appointed under subsection (1) may also, by virtue of the appointment, act as a judge of the High Court of Justiciary.
- (3) The Scottish Ministers may appoint an individual under subsection (1) only if—
 - (a) the individual is qualified for appointment as a judge of the Court of Session, and
 - (b) the Scottish Ministers have consulted the Lord President before making the appointment.

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- (4) Subject to section 20C, an appointment as a temporary judge lasts for 5 years.
- (5) Subject to subsection (6), an individual appointed under subsection (1) is, while acting as a judge of the Court of Session or the High Court of Justiciary, to be treated for all purposes as a judge of that Court and may exercise the jurisdiction and powers that attach to that office.
- (6) Such an individual is not to be treated as a judge of the Court of Session for the purposes of any enactment or rule of law relating to—
 - (a) the appointment, tenure of office, retirement, removal or disqualification of judges of that Court (including, without limiting that generality, any enactment or rule of law relating to the number of judges who may be appointed),
 - (b) the remuneration, allowances or pensions of such a judge.
- (7) The appointment of an individual under subsection (1) does not affect—
 - (a) any appointment of the individual as a sheriff principal or sheriff, or
 - (b) the individual's continuing with any business or professional occupation not inconsistent with the individual acting as a judge.

20C Reappointment of temporary judges

- (1) A temporary judge whose appointment comes to an end by virtue of the expiry of the 5 year period mentioned in section 20B(4) is to be reappointed unless—
 - (a) the temporary judge declines reappointment,
 - (b) the Lord President has made a recommendation to the Scottish Ministers against the reappointment, or
 - (c) the temporary judge has sat for fewer than 50 days in total in that 5 year period.
- (2) Section 20B (apart from subsection (3)) applies to a reappointment under subsection (1) as it applies to an appointment.
- (3) A temporary judge whose appointment comes to an end by resignation under section 20D may be reappointed.
- (4) Section 20B applies to a reappointment under subsection (3) as it applies to an appointment.

20D Cessation of appointment of temporary judges

- (1) A temporary judge may resign at any time by giving notice to that effect to the Scottish Ministers.
- (2) An individual's appointment as a temporary judge ends—
 - (a) when the individual resigns in accordance with subsection (1),
 - (b) when the individual retires from office, or
 - (c) if the individual is removed from office as such under section 39 (temporary judges: removal from office).

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20E Re-employment of former Court of Session and Supreme Court judges

- (1) The Lord President may appoint a qualifying former judge to act as a judge of the Court of Session.
- (2) An individual appointed under subsection (1) may also, by virtue of the appointment, act as a judge of the High Court of Justiciary.
- (3) An individual so appointed may act as a judge only during such periods or on such occasions as the Lord President may determine.
- (4) The Lord President may make an appointment under subsection (1) only if it appears to the Lord President to be expedient as a temporary measure in order to facilitate the disposal of business in the Court of Session or the High Court of Justiciary.
- (5) A “qualifying former judge” is an individual who—
 - (a) has ceased to hold the office of—
 - (i) judge of the Court of Session other than by virtue of section 95(6) of the Scotland Act 1998, or
 - (ii) Justice of the Supreme Court or President or Deputy President of that Court and who, at the time of being appointed to the office in question, was eligible for appointment as a judge in the Court of Session, and
 - (b) has not reached the age of 75.

20F Re-employment of former judges: further provision

- (1) Subject to subsection (2), an individual’s appointment under section 20E(1) lasts until recalled by the Lord President.
- (2) An individual’s appointment under section 20E(1) ceases when the individual reaches the age of 75.
- (3) Despite the ending of an individual’s appointment under section 20E(1)—
 - (a) the individual may continue to deal with, give judgment in or deal with an ancillary matter relating to, a case begun before the individual while acting under that appointment,
 - (b) so far as necessary for that purpose, and for the purpose of any subsequent proceedings arising out of the case or matter, the individual is to be treated as acting or, as the case may be, having acted under that appointment.
- (4) Subject to subsection (5), an individual appointed under section 20E(1) is, while acting as a judge of the Court of Session or the High Court of Justiciary, to be treated for all purposes as a judge of that Court and may exercise the jurisdiction and powers that attach to that office.
- (5) Such an individual is not to be treated as a judge of the Court of Session for the purposes of any enactment or rule of law relating to—
 - (a) the appointment, tenure of office, retirement, removal or disqualification of judges of that Court (including, without limiting that generality, any enactment or rule of law relating to the number of judges who may be appointed),

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- (b) the oaths to be taken by such judges,
- (c) the remuneration, allowances or pensions of such a judge.

20G Remuneration and expenses of temporary and former judges

- (1) The Scottish Courts and Tribunals Service (“the SCTS”) is to pay to an individual appointed under section 20B(1) or 20E(1) such remuneration as the Scottish Ministers may determine.
- (2) The Scottish Ministers may determine different amounts of remuneration for—
 - (a) different individuals so appointed, or
 - (b) different descriptions of individuals so appointed.
- (3) The SCTS may pay to an individual appointed under section 20B(1) or 20E(1) such sums as it may determine in respect of expenses reasonably incurred by the individual in the performance of, or in connection with, the individual’s duties.
- (4) The SCTS may—
 - (a) determine the circumstances in which such sums may be paid, and
 - (b) determine different circumstances for different individuals.”.>

Kenny MacAskill

53 In schedule 4, page 98, line 2, at end insert—

<Promissory Oaths Act 1868

In the Promissory Oaths Act 1868, in the Second Part of the Schedule, for “35(3) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990” substitute “20B(1) of the Judiciary and Courts (Scotland) Act 2008”.>

Kenny MacAskill

54 In schedule 4, page 98, line 5, at end insert—

<Law Reform (Miscellaneous Provisions) (Scotland) Act 1985

Section 22 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (re-employment of retired judges) is repealed.

Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

- (1) The Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 is amended in accordance with this paragraph.
- (2) In section 35 (judicial appointments)—
 - (a) subsections (1) and (3) are repealed,
 - (b) in subsection (2), for “the said Schedule” substitute “Schedule 4”.
- (3) In Schedule 4 (judicial appointments), paragraphs 1 to 3 and 5 to 11 are repealed.

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Judiciary and Courts (Scotland) Act 2008

- (1) The Judiciary and Courts (Scotland) Act 2008 is amended in accordance with this paragraph.
- (2) In section 43(1)(b) (meaning of “judicial office holder”), for “22(1) or (4) (re-employment of retired Court of Session judges) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73)” substitute “20E(1) (re-employment of former judges) or 20F(3) (re-employment of former judges: further provision)”.
- (3) In section 64 (amendments of enactments relating to remuneration and allowances of re-employed retired judges and temporary judges), subsections (3) and (4) are repealed.
- (4) In section 72 (interpretation), in the definition of “office of temporary judge”, for “35(3) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40)” substitute “20B(1) (temporary judges)”.>

Kenny MacAskill

- 57** In the long title, page 1, line 3, after second <proceedings;> insert <to make provision about judges of the Court of Session;>

Group 12: Exclusive competence and simple procedure: commencement

Elaine Murray

- 10** In section 122, page 74, line 16, at end insert <, or
(c) an order appointing a day for section 39 or 70 to come into force.>

Elaine Murray

- 11** In section 122, page 74, line 19, after <127(2)> insert <, except an order referred to in subsection (2)(c)>

Elaine Murray

- 13** In section 127, page 76, line 38, at end insert—
- <(2A) A draft of an order under subsection (2) appointing a day for the coming into force of section 39 or 70 is not to be laid before the Parliament unless the conditions in subsections (2B) and (2C) are met.
- (2B) The condition is that the Scottish Ministers have prepared, and laid before the Parliament, a report showing that sufficient provision has been made for staffing, resources, technology, court room space and judicial appointments to ensure that users of the Scottish Courts will enjoy at least the same level of access to justice after the coming into force of those sections as they did prior to their coming into force.
- (2C) The condition is that—
- (a) a draft of an order under section 41(1) has been approved by the Parliament, and
 - (b) the report referred to in subsection (2B) includes information showing that sufficient provision has been made for staffing, resources, technology, court room space and judicial appointments in relation to proceedings in the specified sheriff court where a sheriff is sitting whose jurisdiction has been extended territorially throughout Scotland by virtue of an order under section 41(1).

THIS IS NOT THE MARSHALLED LIST

(2D) In subsection (2B), “Scottish Courts” has the meaning given in section 102A(3).>

Group 13: Report on operation of court functions

Elaine Murray

12* After section 126, insert—

<Reports on operation of court functions

- (1) The Scottish Ministers must prepare reports setting out in relation to the reporting period—
 - (a) how the Scottish Courts have carried out their functions under this Act,
 - (b) the number and types of cases dealt with by the Scottish Courts and the average length of time taken to dispose of each type of case,
 - (c) the provision made for staffing, resources, technology, court room space and judicial appointments to cater for the demand for court services, and
 - (d) such other information as the Scottish Ministers think fit.
- (2) The first report under this section must be laid before the Parliament as soon as practicable after 31 March in the second year after the year in which Royal Assent is received.
- (3) Each subsequent report is to be laid no later than 2 years after the date on which the previous report is laid.
- (4) In this section, “reporting period” means—
 - (a) in the case of the first report, the period from the date of Royal Assent until the date on which the first report is laid,
 - (b) in the case of a subsequent report, the period from the date on which the previous report is laid until the date on which the subsequent report is laid.
- (5) In this section, “Scottish Courts” has the meaning given in section 102A(3).>

Group 14: Summary sheriffs: civil competence

Alison McInnes

3 In schedule 1, page 78, leave out lines 16 to 22

Alison McInnes

4 In schedule 1, page 78, leave out lines 25 to 29

Group 15: Scottish Courts and Tribunals Service: tax tribunals

Kenny MacAskill

42 In schedule 3, page 86, line 19, at end insert—

THIS IS NOT THE MARSHALLED LIST

- <() the First-tier Tax Tribunal for Scotland, established by section 21(1) of the Revenue Scotland and Tax Powers Act 2014,
- () the Upper Tax Tribunal for Scotland, established by section 21(3) of the Revenue Scotland and Tax Powers Act 2014.>

Kenny MacAskill

43 In schedule 3, page 86, line 37, at end insert—

- <() President of the Tax Tribunals, appointed under section 22(1) of the Revenue Scotland and Tax Powers Act 2014, in relation to the First-tier Tax Tribunal for Scotland and the Upper Tax Tribunal for Scotland.>

Kenny MacAskill

44 In schedule 3, page 87, line 18, at end insert—

<Revenue Scotland and Tax Powers Act 2014

- (1) The Revenue Scotland and Tax Powers Act 2014 is amended in accordance with this paragraph.
- (2) Section 58 (administrative support) is repealed.
- (3) In section 59 (guidance), in subsection (2)—
 - (a) in paragraph (b), for “tribunals” substitute “Scottish Courts and Tribunals Service”,
 - (b) paragraph (c) is repealed.>

Group 16: Citation of jurors

Kenny MacAskill

55 In schedule 4, page 99, line 22, at end insert—

<Criminal Procedure (Scotland) Act 1995

In section 85(4) of the Criminal Procedure (Scotland) Act 1995 (citation of jurors), the words “by registered post or recorded delivery” are repealed.>