

# Constitution of the Judicial Council for Scotland

## General

1. The Judicial Council for Scotland (“the Council”) is a body constituted for the purpose of providing information and advice to—
  - (a) the Lord President of the Court of Session (“the Lord President”); and
  - (b) the judiciary of Scotland,on matters relevant to the administration of justice in Scotland.

## Objectives of the Council

2. The objectives of the Council are—
  - (a) to preserve the independence of the judiciary;
  - (b) to protect and promote the due administration of justice;
  - (c) to co-ordinate the views and actions of the judges to those ends;
  - (d) to promote the professional and pastoral interests of the judiciary;
  - (e) to provide guidance to the judiciary on questions of ethics, and other matters of relevance to the due administration of justice;

## **Constitution of the Judicial Council for Scotland**

(f) to facilitate communication between the various branches of the judiciary and, where appropriate, collect and collate their views;

(g) to provide information and advice to the Lord President so that he may be aware of the views of the judiciary; and

(h) to deal with all matters of concern to the judiciary.

### **Members**

3. The Council comprises the following Members, who hold office by virtue of their respective offices, unless otherwise indicated—

(a) the Lord President of the Court of Session (“the Lord President”);

(b) the Lord Justice Clerk;

(c) the senior Scottish judge of the UK Supreme Court;

(d) two judges of the Inner House of the Court of Session other than the Lord President and the Lord Justice Clerk, appointed in accordance with arrangements agreed by the judges of the Court of Session;

(e) two judges of the Outer House of the Court of Session, appointed in accordance with arrangements agreed by the judges of the Court of Session;

## **Constitution of the Judicial Council for Scotland**

- (f) the Chairman of the Scottish Land Court;
- (g) a Sheriff Principal, appointed by the Sheriffs Principal acting collectively<sup>1</sup>;
- (h) two Sheriffs, appointed by the Sheriffs' Association;
- (i) a part-time Sheriff, appointed by the Part-Time Sheriffs' Association;
- (j) two members of the tribunal judiciary (one of whom should sit on a devolved tribunal), appointed by the Scottish Tribunals Forum<sup>2</sup>; and
- (k) two Justices of the Peace, appointed by the Scottish Justices' Association.

4. Appointed members hold office for a period to be determined by the body by which they are appointed.

### **Representation**

5. Members of the Council seek to represent the views of the branch of the judiciary from which they are drawn.

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<sup>1</sup> Amended by decision of the Council on 27 May 2011

<sup>2</sup> Amended by decision of the Council on 2 December 2011

# Constitution of the Judicial Council for Scotland

## **Substitutes**

6. Any Member of the Council may nominate a substitute to attend a meeting of the Council or one of its Committees (including a meeting of the Executive Committee).

## **Additional Members**

7. The Lord President may appoint Additional Members to assist the Council.

## **Existing representative bodies**

8. The Council does not, and does not seek to, perform the functions of existing representative bodies such as the Judges' Council (Court of Session), Sheriffs' Association, Part-time Sheriffs' Association and the Scottish Justices Association.

## **Frequency of meetings**

9. The Council meets two times every year, once in each of the winter and summer terms<sup>3</sup> of the Legal Year, and on such other occasions as, having taken the advice of the Executive Committee, the Lord President considers appropriate.

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<sup>3</sup> Amended by decision of the Council on 7 December 2012

# Constitution of the Judicial Council for Scotland

## Executive Committee

10. The Executive Committee of the Council comprises the following

Members:-

(a) a judge of the Inner House of the Court of Session other than the Lord President or the Lord Justice Clerk;

(b) a judge of the Outer House of the Court of Session;

(c) a sheriff principal;

(d) a sheriff;

(e) a Justice of the Peace; and

(f) a member of the tribunal judiciary.

11. The Lord President may appoint additional Members of the Executive Committee.

12. The Executive Committee may meet at such times as it considers appropriate but in any event must correspond prior to each meeting<sup>4</sup> of the Council at sufficient period prior to that meeting to enable matters of relevance to be brought before the Council.

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<sup>4</sup> Amended by decision of the Council on 7 December 2012

## **Constitution of the Judicial Council for Scotland**

13. In addition to determining the agenda and papers for each meeting of the Council, it is also the function of the Executive Committee to consider and report on such other matters as may be referred to it by the Lord President.

### **Other Committees**

14. The Council may appoint committees<sup>5</sup> to consider and report on particular topics.

15. Any committee must include at least one Member of the Council but may otherwise comprise any person eligible to be a Member of the Council.<sup>6</sup>

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<sup>5</sup> Amended by decision of the Council on 3 December 2010

<sup>6</sup> Amended by decision of the Council on 3 December 2010