

Judiciary and Courts (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).
- 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 (subject to Rule 9.8.4A of Standing Orders) be concluded by the time indicated, although the amendments in those groups may still be moved formally and disposed of later in proceedings.

Group 1: Lord President's accountability to Ministers and the Parliament

18, 19

Group 2: Judicial Appointments Board – recommendations and ranking

20, 21, 22

Group 3: Removal from shrieval office – procedure

2

Group 4: Meaning of “judicial office holder”

3

Debate to end no later than 35 minutes after proceedings begin

Group 5: Boundaries, locations and JP court establishment and constitution

4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17

Group 6: Judicial Appointments Board – removal of members

23

Group 7: The Scottish Court Service – membership

1

Debate to end no later than 1 hour 5 minutes after proceedings begin

THIS IS NOT THE MARSHALLED LIST

Amendments in debating order

Group 1: Lord President's accountability to Ministers and the Parliament

Paul Martin

18 In section 2, page 3, line 10, at end insert—

<() The Parliament is entitled to request that the Lord President—

- (a) attend its proceedings for the purpose of giving evidence in relation to the functions mentioned in subsection (2),
- (b) produce documents relating to those functions that are in the custody or under the control of the Lord President.>

Cathie Craigie

19 After section 3, insert—

<Ministerial powers

The Lord President must—

- (a) provide the Scottish Ministers with such information relating to the carrying out of the function mentioned in section 2(2)(a) as the Scottish Ministers may require, and
- (b) in carrying out that function, comply with any guidance issued by the Scottish Ministers.>

Group 2: Judicial Appointments Board – recommendations and ranking

Bill Aitken

20 In section 11, page 7, line 32, at end insert—

<() Where the Board has recommended an individual to the relevant Minister for appointment to judicial office, the Board must inform the individual that such a recommendation has been made and, if two or more individuals have been recommended, of the individual's ranking.>

Bill Aitken

21 In section 11, page 7, line 36, at end insert—

<() Any appointment, nomination or recommendation by a relevant Minister under subsection (1) must follow any order of ranking advised by the Board (unless before the appointment, nomination or recommendation is made the individual to be appointed, nominated or recommended requests not to be appointed, nominated or recommended at that time).>

Bill Aitken

22 In section 11, page 8, line 8, at end insert—

<() The Board must inform the individual originally recommended of any action taken by it under subsection (5) in relation to the individual.>

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Group 3: Removal from shrieval office – procedure

Kenny MacAskill

2 In section 38, page 23, line 17, at end insert—

<() Article 10 of that Order applies to such an instrument subject to the following modifications—

(a) the reference to the period of 21 days in paragraph (2) is to be read as a reference to 40 days, and

(b) paragraph (3) does not apply.>

Group 4: Meaning of “judicial office holder”

Kenny MacAskill

3 In section 39, page 24, line 23, at end insert—

<(j) such other judicial offices (whether full-time, part-time or temporary) as the Scottish Ministers may by order specify.

() Before making an order under subsection (2)(j), the Scottish Ministers must consult the Lord President.>

Group 5: Boundaries, locations and JP court establishment and constitution

Kenny MacAskill

4 In section 47, page 27, line 16, leave out subsection (2)

Kenny MacAskill

5 In section 47, page 27, leave out line 19

Kenny MacAskill

6 In section 47, page 27, line 24, leave out from <which> to end of line 29 and insert <may be made only with the consent of—

(a) the Lord President of the Court of Session, and

(b) where the order includes provision such as is mentioned in subsection (2)(a) or (aa) above, the Scottish Court Service.

(2B) Before consenting to the making of such an order, the Scottish Court Service must consult such persons as it considers appropriate.”>

Kenny MacAskill

7 In section 48, page 27, line 39, leave out subsection (2)

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Kenny MacAskill

- 8 In section 48, page 28, leave out lines 2 and 3 and insert—
- <“(2A) An order under subsection (2) above may be made only with the consent of—
- (a) the Lord President of the Court of Session, and
- (b) the Scottish Court Service.
- (2B) Before consenting to the making of such an order, the Scottish Court Service must consult such persons as it considers appropriate.”.>

Kenny MacAskill

- 9 In section 48, page 28, line 4, leave out subsection (4)

Kenny MacAskill

- 10 In section 54, page 30, leave out lines 6 and 7 and insert—
- <() subsection (1) is repealed,>

Kenny MacAskill

- 11 In section 54, page 30, leave out line 8

Kenny MacAskill

- 12 In section 54, page 30, line 9, after <President> insert <of the Court of Session>

Kenny MacAskill

- 13 In section 54, page 30, line 11, leave out <each of subsections (5) to (7)> and insert <subsection (5)>

Kenny MacAskill

- 14 In section 54, page 30, line 12, at end insert—
- <() for subsection (7) substitute—
- “(7) The Scottish Ministers may make an order under subsection (2) or (6) only with the consent of—
- (a) the Lord President, and
- (b) the Scottish Court Service.
- (7A) Before consenting to the making of such an order—
- (a) the Lord President must consult the sheriff principal for the sheriffdom in which the JP court is, or is to be, located, and
- (b) the Scottish Court Service must consult such persons as it considers appropriate.”.>

Kenny MacAskill

- 15 In section 54, page 30, leave out lines 14 and 15 and insert—
- <() after subsection (2) insert—

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“(2A) The Scottish Ministers may make an order under subsection (2) only on the recommendation of the Lord President of the Court of Session.”, and>

Kenny MacAskill

- 16 In schedule 5, page 55, line 13, leave out from <and> to end of line 14

Kenny MacAskill

- 17 In schedule 5, page 55, line 15, at end insert—
<() in section 59(8) (establishing JP courts), paragraph (a) and the word “and” which immediately follows it,>

Group 6: Judicial Appointments Board – removal of members

Bill Aitken

- 23 In schedule 1, page 40, line 23, at end insert—
<() A member may not be removed from office under sub-paragraph (1) or (2) without the member being afforded an opportunity to be heard by the Lord President or, as the case may be, the Scottish Ministers.>

Group 7: The Scottish Court Service – membership

Pauline McNeill

- 1 In schedule 3, page 46, line 30, after <sheriff,> insert—
<() one person holding the office of part-time sheriff,>