

JUDICIARY AND COURTS (SCOTLAND) BILL: PARLIAMENTARY CONSIDERATION PRIOR TO STAGE 3

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Stage 3 proceedings for the Judiciary and Courts (Scotland) Bill are scheduled to take place on 25 September 2008.

This briefing summarises:

- the main recommendations made by the Justice Committee in its Stage 1 Report
- the Scottish Government's response to that report
- the key amendments passed at Stage 2
- the main areas where amendments were debated but not agreed.

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INTRODUCTION

The [Judiciary and Courts \(Scotland\) Bill](#) was introduced in the Parliament on 30 January 2008.

The Parliament's Justice Committee was designated as lead committee in relation to the Bill. Its [Stage 1 Report](#) (on the general principles of the Bill) was published on 2 May 2008. The [Scottish Government response to the Justice Committee's Stage 1 Report](#) was published on 8 May 2008. The [Stage 1 debate](#) took place on 14 May 2008 and the Parliament subsequently agreed unanimously to the general principles of the Bill.

Stage 2 (detailed consideration by the lead committee) was completed on 10 June 2008 and was followed by publication of the [Bill \[as amended at Stage 2\]](#).

Stage 3 (final consideration by Parliament) is scheduled for 25 September 2008.

The Bill [as introduced] includes the following parts:

- Part 1 – judicial independence
- Part 2 – the judiciary (including senior judiciary, judicial appointments, judicial conduct and the removal of judicial office holders)
- Part 3 – the courts
- Part 4 – the governance of the Scottish Court Service
- Part 5 – general and miscellaneous provisions

The [SPICe briefing](#) Judiciary and Courts (Scotland) Bill (Hough 2008) provides detailed information on the main provisions of the Bill (as introduced).

The remainder of this briefing highlights some key points in relation to:

- the main recommendations made by the Justice Committee in its Stage 1 Report
- the Scottish Government's response to that report
- the key amendments passed at Stage 2
- the main areas where amendments were debated but not agreed.

STAGE 1

Stage 1: Consideration by the Justice Committee

The Parliament's Justice Committee, as lead committee in relation to scrutiny of the Bill, received 15 written responses to its call for evidence. In addition, the Committee subsequently requested comment from the Auditor General/Audit Scotland on the governance and accountability arrangements for the proposed new Scottish Court Service (SCS).

The Justice Committee took oral evidence at 3 meetings in March 2008. Full details of all the evidence received by the Justice Committee is provided in its Stage 1 Report (para 13).

The Justice Committee welcomed the provisions in Part 1 of the Bill, dealing with judicial independence, and noted the Cabinet Secretary's undertaking to reflect on whether this section of the Bill was too narrowly drawn. The Committee requested that the Scottish Government

consider the suggestion that members of the Scottish Parliament be added to the list of those who are specifically required to uphold the independence of the judiciary (para 39-40).

In relation to Part 2 of the Bill, which unifies the judiciary under the Lord President, bringing the leadership and administrative arrangements for the disposal of business in all Scotland's courts formally under one judicial head, the Committee expressed significant concern about the potential administrative burden that would be placed upon judicial post-holders, particularly the Lord President (para 52) and requested that the Government provided independent quantifiable evidence about the impact for availability of judicial time.

The Bill provides that responsibility for judicial training will lie with the Lord President and the Committee recommended that judicial training should be mandatory (para 66).

In terms of Part 3, which relates to Judicial Appointments, the Committee agreed that sheriffs, sheriffs principal and chairmen of the Scottish Land Court should not be required to go through the Judicial Appointment Board selection procedures if seeking appointment as a temporary judge. The Committee also suggested that someone who has served as a judge in the European Courts should be similarly exempt (para 84) and that the appointment of temporary judges generally should be accelerated.

In relation to the removal of members of the Judicial Appointments Board, the Committee noted the concern expressed about the provisions in schedule 1 which allow a board member to be removed upon conviction of any offence and recommended that the Scottish Government give further consideration to the grounds for removal of members of the Board (para 108). The Committee recommended that proposed guidance from either the Scottish Ministers or the Lord President to the Judicial Appointments Board should be scrutinised by the Justice Committee (para 143).

In terms of judicial conduct, the Committee agreed (by majority) that it is necessary to have a system for reviewing how a complaint has been handled and agreed (by majority) to the establishment of a Judicial Complaints Reviewer (para 182).

Part 4 of the Bill relates to the governance of the Scottish Court Service and the creation of the SCS as a body corporate chaired by the Lord President. Removal of the Scottish Court Service from the direct authority of the Scottish Ministers was not unanimously supported by the Committee (para 209). In addition to the administrative burden that the proposals would place on the judiciary, a key area of debate on this issue was around the accountability of the Scottish Court Service to the Scottish Parliament as under the Scotland Act 1998 no judge (and that includes the Lord President) may be compelled to appear before the Scottish Parliament.

Stage 1: Scottish Government's response

The Scottish Government's written response to the Justice Committee's Stage 1 Report was published on 8 May 2008. Table A (in the appendix) sets out in full the Scottish Government's response to recommendations made by the Justice Committee in its Stage 1 Report.

In response to the Committee's most significant concerns, over the new governance arrangements for the SCS and the additional administrative and organisational burden placed on the judiciary, the Cabinet Secretary for Justice expressed the view that "the commitment of judicial time to administrative activities will be manageable" and that the creation of a judicially-chaired Scottish Court Service was an "integral part of the Bill's commitment to judicial independence". However, in recognition of the Committee's concerns, the Cabinet Secretary

indicated that he had asked for an [independent review](#) of the likely commitment of judicial time to administrative activities arising from the Bill to be undertaken by Douglas Osler and to report before the commencement of Stage 2 proceedings.

The Osler Report is considered in more detail below.

Stage 1: Debate

As noted above, the Stage 1 Debate was held on 14 May 2008.

During the debate, concern was expressed about the impact the Bill would have on the workload of the Lord President and also on the impact transferring responsibility for the court service from the Scottish Ministers to the Lord President would have on the accountability of the SCS. Labour members in particular were not convinced that the new governance arrangements were necessary. In particular, the transfer of responsibility for the organisation of the courts (including the boundaries and siting of sheriff and district courts) from Scottish Ministers to the Lord President was questioned on the grounds that doing so may limit the democratic accountability of the decision-making process. In response to this issue, the Cabinet Secretary indicated that “any court closure would require parliamentary consent to an order promoted by the Lord President” (col 8582). The Cabinet Secretary for Justice also stated that “care has been taken to ensure that the office of Lord President will not be overburdened” (col 8553) and referred to the views of the Lord President and senior colleagues that, “if they [the senior judiciary] were to accept greater responsibilities for running the system, they should have control over the administrative support in carrying out those responsibilities” (col 8553).

In relation to extending the scope of section 1 to include members of the Scottish Parliament, Pauline McNeill reflected that:

“Members of the Parliament must be free to comment on the justice system and to question ministers on general issues that have an impact on policy or on our constituents, without those comments or questions being regarded as interference in judicial independence” (col 8578).

With the exception of Conservative members, general support was expressed for the establishment of a judicial complaints reviewer. A number of members emphasised the importance of ensuring that the Reviewer’s role is clearly defined for members of the public. The primary objection to the Judicial Complaints Reviewer, expressed by Bill Aitken, was that it would make the system for handling complaints unnecessarily elaborate and bureaucratic (col 8557).

Some members expressed strong support for mandatory judicial training. The Cabinet Secretary considered that imposing mandatory training on the judiciary would undermine the logic of creating an independent judiciary.

Following the debate, the Parliament agreed unanimously to the general principles of the Bill.

Osler Review

The remit of the ‘Osler Review’ (referred to above) was:

“To reach an independent view on the extent to which new functions proposed for the judiciary in the Judiciary and Courts (Scotland) Bill will require the commitment of additional judicial time to administrative tasks and to quantify that commitment of additional judicial time.”

The central issue addressed by the review was “whether the formalisation of existing responsibilities and the addition of new duties will change the nature of the Lord President’s office in particular from one that is predominantly judicial to one that is heavily administrative” (para 4.3).

In his report, Osler acknowledged that “the intention to create a unified judiciary...will increase the administrative duties of the holder of his post”. (para 5.1) However, he also identified a number of factors (listed at para 5.1), including the provision of additional support and resources, which would mitigate against the increased administrative burden placed on the Lord President. Osler also suggested that many of the additional duties to be formally transferred to the Lord President by the Bill are, in fact, already undertaken informally by the Lord President.

Osler estimated that the new relationship between the judiciary and the SCS would require a total of 103 days of judicial time spread across 6 members of the judiciary. He described this commitment as ‘manageable’ (para 6.9) and suggested that the Lord President’s commitment to general duties of oversight and management would increase from between 15%-20% at present to about 30% when he takes on his new responsibilities (para 9.1).

Osler concluded by stating that he was of the view that “the proposed structures represent a more effective way of using the time available within the judiciary and the SCS in support of the management and administration of justice” (para 10.1) but that “Careful phasing will be crucial to long term success of the proposed measures”. (para 8.1)

STAGE 2

Stage 2: Amendments agreed to

Stage 2 (detailed consideration of the Bill by the Committee) was completed on 10 June 2008 and was followed by the publication of the Bill [as amended at Stage 2]. In total, 84 amendments were lodged at Stage 2, of which 25 were agreed to. Table B (in the appendix) sets out in full the amendments agreed to at Stage 2.

Stage 2 Amendments		
	Lodged	Agreed to
Executive	21	21 (100%)
Non-Executive	63	4 (6%)
Total	84	25 (30%)

An amendment by Nigel Don (amendment 22) to add members of the Scottish Parliament to those with a specific obligation to uphold the continued independence of the judiciary was agreed to (without division), as were Government amendments to broaden the scope of the guarantee of continued judicial independence (amendments 1 and 2).

Although Nigel Don did not press his amendments in relation to judicial training, an amendment by Margaret Smith (amendment 25) was agreed to. The effect of this amendment is that the

Lord President must require any judicial office holder to attend such training as he determines necessary.

Government amendments were agreed to which add judges of the European Court and the European Court of Human Rights, and who are otherwise qualified, to those exempt from having to apply to the Judicial Appointments Board for the office of temporary judge.

Amendments by Cathie Craigie (amendment 45 and 46) which provide that the quorum of the inner house will only be reduced to one when it is considering solely procedural matters were agreed to.

Stage 2: Amendments not agreed to

Amendments by Cathy Craigie, seeking to remove the provisions which would place the Lord President as the head of the SCS were, on the basis that further discussion would take place, not pressed.

Amendments by Margaret Smith to leave responsibility for decisions about boundaries and the location of sheriff courts with Scottish Ministers were not moved (on the basis that further discussions would take place) and amendments which would have required a certified medical report to authenticate the incapacity of either the Lord President or the Lord Justice Clerk, were not agreed to.

An amendment by Nigel Don, which would have enabled a member of the Judicial Appointments Board to be considered for dismissal only if convicted of a serious offence (rather than simply any offence), was not moved.

APPENDIX

Table A: Stage 1 – Justice Committee Recommendations and Scottish Government’s Response

Stage 1 Report	Recommendation	Scottish Government Response
Part 1: Judicial Independence		
Para 39 - guarantee of continued judicial independence	The Committee notes the Cabinet Secretary’s undertaking to reflect on whether this section is too narrowly drawn and to refer the question of whether any amendment to the Ministerial Code is required to the relevant authorities. The Committee looks forward to hearing from the Scottish Government in this regard.	I have reflected on the evidence provided to the Justice Committee during stage 1 consideration of the Bill and have concluded that this specific duty is perhaps too narrowly drawn and will be bringing forward an amendment at stage 2 to address the issues raised.
Para 40 – adding MSPs to those required to uphold independence of judiciary	The Committee therefore welcomes the provisions in part 1 of the Bill but requests that the Scottish Government consider the suggestion that members of the Scottish Parliament be included amongst those who are specifically required to uphold the independence of the judiciary.	I consider the question of whether this Bill should require that members of the Scottish Parliament be specifically required to uphold the independence of the judiciary is a matter for the Parliament itself and not the Government. Should the Parliament conclude that this should be included as an amendment at stage 2 the Government would not raise any objections.
Part 2: the Judiciary		
Para 52 - administrative burden on the judiciary	The Committee has significant concerns about the potential administrative burden to be placed upon judicial post-holders. The Committee therefore requests that the Scottish Government provides independent quantifiable evidence about the impact such changes could have on judicial time as the Committee is concerned that the impact of the Bill’s proposals in this regard could be to detract from the judicial role.	While I recognise the Committee's concerns, I believe that the commitment of judicial time to administrative activities will be manageable. The Bill confers a range of powers and responsibilities on the Lord President with the capacity (and expectation) that he will delegate functions as appropriate to other members of the judiciary. While these are new statutory duties, in practice the Lord President and his judicial colleagues already have a substantial engagement in a range of these issues. The policy intention is that the Lord President (and members of the judiciary to whom he delegates responsibilities) will receive administrative

		<p>support from the Scottish Court Service (including the Lord President's Private Office) in carrying out his functions.</p> <p>There is already significant judicial engagement in the strategic management of the Scottish Court Service (...).</p> <p>In recognition of the Committee's concerns, however, I have asked for an independent review of the likely commitment of judicial time to administrative activities arising from the Bill to be undertaken.</p> <p>I have to say that I regard the creation of a judicially-chaired Scottish Court Service as an integral part of the Bill's commitment to judicial independence and as integral to the Lord President's role as Head of the Scottish Judiciary. I believe strongly that judicial independence is best protected by judicially-led governance of the courts' administration, and that it is a constitutional anomaly that Ministers are responsible for the services on which the judiciary depend for the administration of justice. While the current arrangements have operated reasonably successfully, they are certainly open to potential conflict and abuse if there were a future disagreement between Ministers and the judiciary about how the courts should be run since, at the moment, Ministers can tell the SCS how to resource and configure the courts.</p>
<p>Para 61 – the Scottish Land Court</p>	<p>The Committee recommends that the Scottish Land Court now be included in the list of Scottish courts in Part 2 of the Bill.</p>	<p>I intend that in due course the Scottish Land Court should be brought within the administrative remit of the Scottish Court Service. I intend to do so, however, in a planned way which may not take place on the same day as the creation of the statutory SCS. Integration of the administration of the Scottish Land Court may therefore happen a little later, and that will be the appropriate point at which to make an order listing it at section 2(5) of the Bill. Such an order will be subject to the negative</p>

		resolution procedure, and I do not believe it need take up significant Parliamentary time
Para 66 – judicial training	The Committee agrees that the Lord President should have responsibility for making and maintaining arrangements for the ongoing training of judicial office holders. However the Committee agrees that confidence in the judiciary would be enhanced by making such training mandatory and so recommends.	The Government considers it important that the Lord President be free from legislative constraints to devise a training regime that take account of the interests of all litigants and I am pleased to note that the Committee agrees that the Lord President should have responsibility for making and maintaining arrangements for the ongoing training of judicial office holders. I note that the Committee recommends that this training should be mandatory. It will be a matter for the Lord President to determine whether judicial training should be compulsory and, if so, what topics should be covered by judges.
Para 69 – senior judiciary - definition of incapacity	The Committee draws this to the attention of the Scottish Government and asks that the definition of “incapacity” be given further consideration.	Careful thought was given, both for the purposes of the emergency legislation and the provisions that appear in this Bill, to the definition of the word "incapacitated". We need to guard against any suggestion that incapacity could be interpreted as a question of fitness for office, there are other provisions for dealing with these circumstances. We concluded that the proper course was retain the definition that limits the statute to its dealing with a situation where the office holder was, reasons of ill health, unable to exercise his functions. In the absence of any specific situation where incapacity might properly be invoked other than in circumstances of prolonged ill-health I see no reason to change the definition at this stage.
Para 84 – Appointment of temporary judges	The Committee requests that the Scottish Government consider whether someone who has served as a judge in the European Courts should be similarly exempt and investigate whether there is any way that the appointment of temporary judges can be accelerated.	I am pleased that the Committee supports this position and have reflected further on the evidence brought before the Committee that this exemption should be extended. I will be bringing forward an amendment at stage 2 to address the point made.
Para 90 – How	The Committee notes that the Commissioner for Public	The Commissioner for Public Appointment's role is to

<p>appointments to the JAB are made</p>	<p>Appointment's brought her concerns to the attention of the Government a year ago and asks the Cabinet Secretary now to respond to them.</p>	<p>regulate, monitor, report and advise on the way in which Ministers make appointments to the boards of public bodies. In practice this remit includes all Advisory NDPBs in Scotland. Judicial appointments to the Board will fall outwith that remit, only appointments made by Scottish Ministers will come within the remit of Public Appointments Commissioner. It is against that background that the Bill provisions have been drafted. The Commissioner made comment about a number of aspects of the Bill and the Scottish Government's response addresses each of these in turn [see Government response for full details].</p>
<p>Para 91 – How appointments to the JAB are made</p>	<p>The Committee notes the various opinions on how appointments to the Board are made. The Committee did not, at this stage, form a view on whether to recommend any changes but requests that the Scottish Government consider the evidence received and report its view.</p>	<p>I have considered the views expressed on how appointments to the Board are made and have concluded that it is important that the appointment of legal and lay members, made by Scottish Ministers should be subject of an open, transparent and fair process. An open competition, publicly advertised offers the best opportunity for all who consider themselves to be suitable to put their names forward for consideration.</p>
<p>Para 104 – composition of the Board</p>	<p>The Committee notes that the Bill provides scope for flexibility whilst maintaining the balance between lay and legal / judicial members on the Board, an approach that the Committee favours as being reasonable and practicable.</p>	<p>No comment</p>
<p>Para 108 – removal of board members</p>	<p>The Committee requests that the Scottish Government give further consideration to the grounds for removal of members of the Board.</p>	<p>I consider that the grounds for removal of a member of the Judicial Appointments Board as defined in schedule 1 of the Bill are proportionate and appropriate.</p>
<p>Para 120 - diversity</p>	<p>The Committee welcomes the establishment of the Board's Diversity Working Group but calls on the Scottish Government to ensure that a holistic approach is taken to consideration of issues of diversity in relation to judicial appointments. Such a holistic approach would include consideration of access to education and training, working patterns and other employment issues.</p>	<p>Encouraging diversity must take place at all levels of the system. The Board will not be able to change the profile of the judiciary on its own, but it has a role to play, for example by ensuring that the processes and procedures for selection for appointment do not have an adverse effect. Others in the system also have a role to play in ensuring equality of opportunity and the</p>

		encouragement of diversity and the Government will play its part in ensuring that a holistic approach is taken.
Para 127 – assessment	The Committee is of the view that the Board must have as objective and thorough an assessment system as possible. Such a system should be robust, relevant and verifiable and in particular should allow references to be taken up.	No comment
Para 135 - Recommendations of the Board	The Committee concludes that other than in exceptional circumstances, there should be a pool of people, open to all who are suitably qualified and who have been assessed as suitable for judicial appointment and that merit should be the overriding criterion for inclusion in the pool.	No comment
Para 140 – Recommendations of the Board	The Committee agrees that there is no need for legislative provision in this regard and that in the event of disagreement, common sense should prevail.	No comment
Para 143 – guidance to the Board	The Committee welcomes the suggestion that any proposed guidance from either the Scottish Ministers or the Lord President should be scrutinised by the Justice Committee, and so recommends.	The Committee has indicated that it is seeking a more active role in the consideration of this guidance in draft form and I am happy to bring forward a Government amendment to that effect at stage 2.
Para 147 – confidentiality of information	At this stage, the Committee is not persuaded that making the Board entirely subject to the Freedom of Information (Scotland) Act 2002 will provide clear benefits. The Committee therefore asks the Scottish Government to consider this matter further and report its views.	As a public authority in Scotland I consider it appropriate for the Board to be subject to the 2002 Act. However, it should be noted that confidential information that is prohibited from disclosure under section 16 of the Bill would be exempt from disclosure by virtue of section 26(a) of the 2002 Act.
Para 154 – role of Ministers in judicial appointments	The Committee was persuaded by Sir David Edward's evidence and agrees that the behaviour of those mandated with making judicial appointments is what matters.	No comment
Para 183 – complaints process	The Committee is of the view that it is imperative that there is a formal complaints process. Such a process should be transparent and well publicised and should clearly differentiate between complaints made about	No comment

	conduct and behaviour and those made about a judicial decision itself. The Committee, by majority, agrees that in order to ensure public confidence and accountability, it is necessary to have a system for reviewing how a complaint has been handled. The Committee, by majority, agrees with the Bill's proposal for a Judicial Complaints Reviewer.	
Para 188 – removal of sheriffs	The Committee notes the apprehensions of the Sheriffs' Association but is of the view that the Bill provides appropriate safeguards in relation to the removal of sheriffs.	No comment
Part 4: The Scottish Court Service		
Para 209 – transferring responsibility of the SCS to the Lord President	The Committee reiterates its concerns expressed in paragraph 52 about the potential administrative burden falling to judicial post-holders and particularly the Lord President. As a consequence of the Committee's reservations, at this stage, removal of the Scottish Court Service from the direct authority of Scottish Ministers is not unanimously supported by the Committee.	See response to para 52
Para 223 – Accountability of the SCS	The Committee is content that the chief executive should be a member of the board of the Scottish Court Service and is of the view that there is no strong reason to change the existing legislative provisions whereby the Lord President is not a compellable witness.	No comment
Para 228 – default power	The Committee is content that this power be included in the Bill but requests that the Scottish Government reviews the comments made by the Subordinate Legislation Committee and reverts to this Committee on all the issues raised.	As a matter of policy, the Scottish Government are confident that remedial action carried out during a period when Ministers had assumed the functions of the SCS would enable a speedy return of these functions to the SCS. The default power is, however, conceived as a means of addressing a 'worst case scenario' where the SCS is failing so badly that the administration of justice is put at risk. We believe it would be preferable for the legislation to provide for an indefinite period during which Ministers might retain these functions.

		<p>The Subordinate Legislation Committee questioned the procedure for any order revoking an order under the default power which transferred the functions from SCS to Scottish Ministers. We intend that any such order should be subject to the negative resolution procedure, which we believe is appropriate since returning the functions to SCS is a reversion to Parliament's original intention. We will put forward an amendment to this effect at Stage 2.</p> <p>The Subordinate Legislation Committee also considered that any action taken by Ministers during a period of use of the default power should remain valid, even if the order for the use of the default power lapsed after a brief period because Parliament chose not to affirm it. We will put this beyond doubt by putting forward an amendment to this effect at Stage 2.</p>
Conclusion		
Para 231	<p>The Committee agrees to the general principles of the Bill, but in doing so draws its concerns to the Scottish Government about firstly the considerable administrative and organisational burdens to be placed on this and any future Lord President and secondly its reservations about moving direct authority for the Scottish Court Service away from Scottish Ministers; and notes that there was not unanimous support within the Committee for a Judicial Complaints Reviewer. Further, the Committee requests that the Scottish Government provide independent quantifiable evidence about the impact that the Bill's proposals could have on judicial time, as the Committee is concerned that the impact could be to detract from the judicial role.</p>	See response to para 52

Table B: Amendments agreed to at Stage 2

Issue and Committee Official Report reference	Amendment and Effect
Part 1: Judicial Independence	
Guarantee of continued judicial independence, col 881	Amendments to section 1 of the Bill to add members of the Scottish Parliament to those with a specific obligation to uphold the continued independence of the judiciary and to broaden the scope of the guarantee of continued judicial independence (Non-Government amendments 22, and Government amendments 1, 2)
Judicial training, col 889	Amendment to section 2 that the Lord President must require any judicial office holder to attend such training as he determines necessary (Non-Government amendment 25) and amendments which transfer responsibility for the training of JPs from the Scottish Ministers to the Lord President (Government amendments 13, 15 and 21).
Part 2: The Judiciary	
Judicial Appointments Board: Remit, col 897	Amendments to section 10 to extend the exemption from JAB procedures to persons who have served as a judge in the Court of Justice of the EC or the European Court of Human Rights (Government amendments 3 and 4)
Judicial Appointments Board: Guidance, col 897	Amendments to section 15 to require the Scottish Ministers and the Lord President to consult each other and the Judicial Appointments Board on any guidance and to lay it in draft form in Parliament (Government amendments 5 and 6).
Sheriffs and part-time sheriffs: official oaths, col 907	Amendment making it a statutory requirement for sheriffs and part-time sheriffs to take the oath of allegiance to the Queen and the judicial oath on appointment (Government amendment 7)
Tribunal to consider fitness for and removal from Judicial Office, col 909	Amendments which make the tribunals right to require any person to attend its proceedings and produce documents enforceable through the Court of Session (Government amendments 8 and 9) and which make the arrangements for the removal of part-time sheriffs consistent with the arrangements for the removal of temporary judges (Government amendments 10 and 11) and which transfers the power to make provision for the procedure to be followed by the tribunal to consider the removal of justices of the peace from Scottish Ministers to the Court of Session (Government amendment 12).
Part 3: The Courts	

Divisions of the inner house (quorum), col 910	Amendments which provide that the quorum of the inner house will only be reduced to one when it is considering solely procedural matters (Non Executive amendments 45 and 46)
Land Valuation Appeal Court, col 913	Amendments which remove the enabling provision for the Lands Valuation Appeal Court to sit as a court of 1 or 2 when considering procedural matters (Government amendments 14 and 20)
Court holidays, col 915	Amendment which enables sheriffs principal to prescribe an additional day court holiday for St Andrew's Day (Government amendment 16).
Part 4: The Scottish Court Service	
SCS: freedom of information, col 916	Amendment which ensures that the Freedom of Information (Scotland) Act 2002 continues to apply to the SCS (Government amendment 17).
SCS: default powers of the Scottish Ministers, col	Amendments which provide that an order revoking ministers' use of the default power should be made under the negative resolution procedure(Government amendments 18 and 19)

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