SCOTTISH STATUTORY INSTRUMENTS

2015 No. 12 (C. 2)

SCOTTISH COURT SERVICE

TRIBUNALS AND INQUIRIES

The Courts Reform (Scotland) Act 2014 (Commencement No. 1) Order 2015

Made - - - -	*20th January 2015*
Laid before the Scottish Parliament	*21st January 2015*
Coming into force - -	*2nd February 2015*

The Scottish Ministers make the following Order in exercise of the power conferred by section 138(2) of the Courts Reform (Scotland) Act 2014(**a**) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Courts Reform (Scotland) Act 2014 (Commencement No. 1) Order 2015 and comes into force on 2nd February 2015.

Appointed day

2.—(1) 2nd February 2015 is the day appointed for the coming into force of the provisions of the Courts Reform (Scotland) Act 2014 specified in paragraph (2), but only for the purposes of—

(a) enabling the Scottish Ministers to make regulations under section 71(2) of, and paragraph 3(2) and (3) of schedule 3, to the Judiciary and Courts (Scotland) Act 2008(**b**) prescribing the procedure by which a person may be nominated, or otherwise selected for appointment, as a member of the Scottish Courts and Tribunals Service; and

(b) permitting the nomination of a member in accordance with such regulations.

(2) The provisions are—

(a) section 130 (the Scottish Courts and Tribunals Service);

(b) in Part 1 of schedule 4, paragraph 1(1), (2), (6), (8) and (9) (modification of the Judiciary and Courts (Scotland) Act 2008);

(**a**) 2014 asp 18.
(**b**) 2008 asp 6.

(c) in Part 2 of schedule 4, paragraph 3(1) to (4) and (6) (transitional provision regarding existing tribunals).

MICHAEL MATHESON
A member of the Scottish Government

St Andrew's House,
Edinburgh
20th January 2015

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, on 2nd February, brings into force section 130 of, and paragraphs 1(1), (2), (6), (8) and (9) and 3(1) to (4) and (6) of schedule 4 to, the Courts Reform (Scotland) Act 2014 ("the 2014 Act") for the limited purposes specified in article 2(1). Those purposes are enabling the Scottish Ministers to make regulations on how a person may be nominated, or otherwise selected for appointment, as a member of the Scottish Courts and Tribunals Service; and permitting the nomination of a member in accordance with such regulations.

Section 130(1) of the 2014 Act renames the Scottish Court Service as the Scottish Courts and Tribunals Service ("SCTS"). Section 130(4) provides that any reference in any enactment to the Scottish Court Service is, unless the contrary intention appears, to be construed as a reference to the SCTS. Paragraph 1 of schedule 4 to the 2014 Act (introduced by section 130(3)), among other amendments to the 2008 Act, amends the categories of membership of the SCTS to substitute the President of the Scottish Tribunals for the existing category of judge of the Court of Session (sub-paragraph (8)(a)) and to add the new category of a person holding the position of Chamber President in the First-tier Tribunal for Scotland.

The office of Chamber President in the First-tier Tribunal for Scotland is created, prospectively, by section 21 of the Tribunals (Scotland) Act 2014. Until all of the functions of each of the tribunals listed in paragraph 3(2) of schedule 4 to the 2014 Act are transferred to the Scottish Tribunals by virtue of section 28 of the Tribunals (Scotland) Act 2014, paragraph 2(2)(g) of schedule 3 to the 2008 Act (which is inserted by paragraph 1(8)(c) of schedule 4 to the 2014 Act) has effect as if the reference to the position of Chamber President includes a reference to an office mentioned in paragraph 3(4) of schedule 4 to the 2014 Act. These offices are President of the Lands Tribunal for Scotland, President of the Private Rented Housing Panel, President of the Mental Health Tribunal for Scotland, President of the Additional Support Needs Tribunal for Scotland and (prospectively) President of the Tax Tribunals appointed under section 22(1) of the Revenue Scotland and Tax Powers Act 2014.

The Court Reform (Scotland) Act 2014 received Royal Assent on 10th November 2014. Sections 133, 134(1) and (3), 135 to 139, came into force the following day.

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£4.25

S201501212 01/2015 19585

http://www.legislation.gov.uk/id/ssi/2015/12

ISBN 978-0-11-102591-8

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