Draft Order laid before the Scottish Parliament under section 1(3) of the Court of Session Act 1988, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2026 No.

COURT OF SESSION

The Maximum Number of Judges (Scotland) Order 2026

Made - - - -	*2026*
Coming into force - -	*2026*

At the Court at Buckingham Palace, the day of

Present,

The King's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by section 1(2) of the Court of Session Act 1988(**a**) and all other powers enabling His Majesty to do so.

His Majesty is satisfied that the Lord President of the Court of Session has been consulted in accordance with section 1(3A) of that Act(**b**).

In accordance with section 1(3) of that Act(**c**), a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Accordingly, His Majesty is pleased, by and with the advice of His Privy Council, to order as follows:

Citation and commencement

1. This Order may be cited as the Maximum Number of Judges (Scotland) Order 2026 and comes into force on the day after the day on which it is made.

(**a**) 1988 c. 36.
(**b**) Section 1(3A) was inserted by the Judiciary and Courts (Scotland) Act 2008 (asp 6), section 44(4).
(**c**) Section 1(3) was amended by the Judiciary and Courts (Scotland) Act 2008, section 44(3) and modified by paragraph 5 of schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

Amendment of the Court of Session Act 1988

2. In section 1(1) of the Court of Session Act 1988(**a**) (maximum number of judges), for "36" substitute "40".

Revocation

3. The Maximum Number of Judges (Scotland) Order 2022(**b**) is revoked.

Name
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order amends section 1(1) of the Court of Session Act 1988 so as to increase the maximum number of persons who may be appointed as judges of the Court of Session from 36 to 40. Article 3 revokes the Maximum Number of Judges (Scotland) Order 2022 which had previously increased the maximum number of judges of the Court of Session to 36.

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(**a**) Section 1(1) was relevantly amended by the Judiciary and Courts Act 2008, section 44(2) and S.S.I. 2022/96.
(**b**) S.S.I. 2022/96.

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