SCOTTISH STATUTORY INSTRUMENTS

2009 No. 291

COURT OF SESSION

The Maximum Number of Judges (Transitional Provision) (Scotland) Order 2009

Made - - - -	*17th August 2009*
Laid before the Scottish Parliament	*18th August 2009*
Coming into force - -	*1st September 2009*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 68(5) of the Access to Justice Act 1999(**a**) and all other powers enabling them to do so.

Citation and commencement

1.—(1) This Order may be cited as the Maximum Number of Judges (Transitional Provision) (Scotland) Order 2009 and comes into force on 1st September 2009.

(2) This Order extends to Scotland only.

Temporary increase in maximum number of judges of the Court of Session

2. The maximum number of judges of the Court of Session is increased to 35 from 1st September 2009 to 30th September 2009 inclusive(**b**).

KENNY MACASKILL
A member of the Scottish Executive

St Andrew's House,
Edinburgh
17th August 2009

(**a**) 1999 c.22. Under section 109(7) of the Access to Justice Act 1999 ("the 1999 Act"), that Act is to be taken to be a pre-commencement enactment within the meaning of the Scotland Act 1998 (c.46). Section 68(6) of the 1999 Act contains a definition of "the appropriate Minister" relevant to the exercise of the power under which this instrument is made. Section 68(6) of the 1999 Act was amended by the Constitutional Reform Act 2005 (c. 4). The functions of the Secretary of State in or as regards Scotland were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(**b**) Section 1(1) of the Court of Session Act 1988 (c.36) as amended by S.S.I. 2004/499, sets the maximum number of judges of the Court of Session at 34.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order temporarily increases the maximum number of judges of the Court of Session from 34 to 35 for the period from 1st to 30th September 2009.

© Crown Copyright 2009

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland.

£4.00

30. 08/09. 19593.