Senior Judiciary (Vacancies and Incapacity) (Scotland) Bill

Groupings of Amendments for Stage 2

This document provides procedural information which will assist in 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). Any procedural points relevant to each group are noted;
- the text of amendments to be debated during Stage 2 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

**Group 1: Procedure to establish incapacity or end of incapacity etc.**
1, 4, 5, 7, 8, 8A, 9, 10, 11, 14, 15, 17, 18, 18A, 19, 20

*Notes on amendments in this group*
Amendment 8 pre-empts amendment 9 and amendment 18 pre-empts amendment 19.

**Group 2: Number of judges required to certify incapacity or end of incapacity**
2, 6, 12, 16

**Group 3: Meaning of “incapacitated”**
3, 13, 21

**Group 4: Determination of seniority**
22
Amendments in debating order

Group 1: Procedure to establish incapacity or end of incapacity etc.

Stewart Stevenson

1 In section 1, page 1, line 19, after <if> insert—
   <(i)>

Stewart Stevenson

4 In section 1, page 1, line 21, at end insert—
   
   <(ii) a copy of that declaration has been sent to each serving judge of the
   Inner House who did not sign the declaration; and

   (iii) no declaration of dissent from that declaration in writing signed by
   at least 2 judges of the Inner House has been received by the First
   Minister within 2 days of sub-paragraph (ii) being complied with;>

Stewart Stevenson

5 In section 1, page 1, line 22, after <until> insert—
   
   <(i)>

Stewart Stevenson

7 In section 1, page 1, line 25, at end insert—
   
   <(ii) a copy of that declaration has been sent to each serving judge of the
   Inner House who did not sign the declaration; and

   (iii) a period of two days has elapsed since sub-paragraph (ii) was
   complied with without a declaration of dissent from that
   declaration, in writing and signed by at least 2 judges of the Inner
   House, being received by the First Minister.>

Stewart Stevenson

8 In section 1, page 1, line 27, leave out <(3)(a) and (b)> and insert <(3)(a)(i) and (b)(i)>

Stewart Stevenson

8A As an amendment to amendment 8, line 1, leave out <and (b)(i)>

Stewart Stevenson

9 In section 1, page 1, line 27, leave out <(and (b)>.

Stewart Stevenson

10 In section 1, page 1, line 27, at end insert—
   
   <( ) A copy of a declaration made under subsection (3)(a) or (b) must be sent to each
   serving judge of the Inner House who did not sign the declaration.>
Stewart Stevenson

11 In section 2, page 2, line 19, after <if> insert—

<(i)> 

Stewart Stevenson

14 In section 2, page 2, line 21, at end insert—

<(ii) a copy of that declaration has been sent to each serving judge of the Inner House who did not sign the declaration; and

(iii) no declaration of dissent from that declaration in writing signed by at least 2 judges of the Inner House has been received by the First Minster within 2 days of sub-paragraph (ii) being complied with;>

Stewart Stevenson

15 In section 2, page 2, line 23, after <until> insert—

<(i)> 

Stewart Stevenson

17 In section 2, page 2, line 25, at end insert—

<(ii) a copy of that declaration had been sent to each serving judge of the Inner House who did not sign the declaration; and

(iii) a period of 2 days has elapsed since sub-paragraph (ii) was complied with without a declaration of dissent from that declaration, in writing and signed by at least 2 judges of the Inner House, being received by the First Minster.>

Stewart Stevenson

18 In section 2, page 2, line 27, leave out <(3)(a) and (b)> and insert <(3)(a)(i) and (b)(i)>

Stewart Stevenson

18A As an amendment to amendment 18, line 1, leave out <and (b)(i)>

Stewart Stevenson

19 In section 2, page 2, line 27, leave out <and (b)>

Stewart Stevenson

20 In section 2, page 2, line 27, at end insert—

<(  ) A copy of a declaration made under subsection (3)(a) or (b) must be sent to each serving judge of the Inner House who did not sign the declaration.>
Group 2: Number of judges required to certify incapacity or end of incapacity

Stewart Stevenson

2  In section 1, page 1, line 20, leave out <5 judges of the Inner House> and insert <half of the judges of the Inner House then serving>  

Stewart Stevenson

6  In section 1, page 1, line 23, leave out <5 judges of the Inner House> and insert <half of the judges of the Inner House then serving>  

Stewart Stevenson

12  In section 2, page 2, line 20, leave out <5 judges of the Inner House> and insert <half of the judges of the Inner House then serving>  

Stewart Stevenson

16  In section 2, page 2, line 24, leave out <5 judges of the Inner House> and insert <half of the judges of the Inner House then serving>  

Group 3: Meaning of “incapacitated”

Stewart Stevenson

3  In section 1, page 1, line 21, leave out <is incapacitated> and insert <has been incapacitated for a period of at least 35 days>  

Stewart Stevenson

13  In section 2, page 2, line 21, leave out <is incapacitated> and insert <has been incapacitated for a period of at least 35 days>  

Stewart Stevenson

21  In section 4, page 3, line 7, after <health> and insert <or unavailability>  

Group 4: Determination of seniority

Stewart Stevenson

22  In section 4, page 3, line 13, after <House> insert <(or, where two or more judges were appointed at the same time, by reference to seniority in age)>