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Justice Committee

Judiciary and Courts (Scotland) Act 2008 (Scottish Land Court) Order 2017



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Justice Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Justice.



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and Unionist Party



Douglas Ross
Scottish Conservative
and Unionist Party



Stewart Stevenson
Scottish National Party

Introduction

1. At its meeting on 28 February 2017 the Committee considered the following instrument—

[Judiciary and Courts \(Scotland\) Act 2017 \(Scottish Land Court\) Order 2017 \[draft\]](#)

2. The instrument was referred to the Justice Committee as lead committee and was subject to affirmative resolution. The Minister for Community Safety and Legal Affairs, Annabelle Ewing, attended the meeting to give evidence on the instrument and also to move the relevant motion recommending approval of the instrument¹.

Judiciary and Courts (Scotland) Act 2008 (Scottish Land Court) Order 2017 [draft]

3. The instrument is made under sections 2(6)(h), 43(2)(j), 71(2) and 74(1) of the Judiciary and Courts (Scotland) Act 2008. The Order brings the Scottish Land Court within the responsibilities of the Lord President in terms of section 2 of the Judiciary and Courts (Scotland) Act 2008.

Scrutiny by the Delegated Powers and Law Reform Committee

4. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on 7 February 2017 and agreed that it did not need to draw it to the attention of the Parliament on any grounds within its remit.

Justice Committee consideration

5. The Justice Committee considered the draft instrument at its meeting on 28 February 2017 when Annabelle Ewing, Minister for Community Safety and Legal Affairs, attended to give evidence on the instrument.
6. Ms Ewing explained that the Order will transfer the Scottish Land Court to the Scottish Courts and Tribunals Service, which will then have responsibility for the staff, information technology and services of that court. The Minister confirmed that the Lord President and Lord Minginish, the Chairman of the Scottish Land Court, have agreed that the transfer should take place now. She also confirmed that the Public and Commercial Services Union had been consulted and that it had no concerns about the proposals. Finally Ms Ewing assured the Committee that the court functions and accessibility will remain constant throughout the process and after the transition.

Justice Committee

Judiciary and Courts (Scotland) Act 2008 (Scottish Land Court) Order 2017, 4th Report, 2017 (Session 5)

7. The Minister moved the motion in the name of Michael Matheson, Cabinet Secretary for Justice: S5M-03909—That the Justice Committee recommends that the Judiciary and Courts (Scotland) Act 2008 (Scottish Land Court) Order 2017 [draft] be approved.
8. The motion was agreed to without debate or dissent.
9. The Justice Committee recommends to the Parliament that it approve the draft instrument.

¹ Scottish Parliament Justice Committee. *Official Report 28 February 2017* Cols 2-4. Available at: <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10819&mode=pdf>

