



The Scottish Parliament
Pàrlamaid na h-Alba

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Equalities, Human Rights and Civil Justice Committee

The Maximum Number of Judges (Scotland) Order 2022 [draft]



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Equalities, Human Rights and Civil Justice Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- a. matters relating to equal opportunities, and upon the observance of equal opportunities within the Parliament; and
- b. matters relating to human rights.
- c. matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Veterans.

2. In these Rules

(a) “equal opportunities” includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions; and

(b) “human rights” includes Convention rights (within the meaning of section 1 of the Human Rights Act 1998) and other human rights as for example contained in any international convention, treaty or other international instrument ratified by the United Kingdom.



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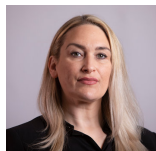
Committee Membership



Convener
Joe FitzPatrick
Scottish National Party



Deputy Convener
Maggie Chapman
Scottish Green Party



Karen Adam
Scottish National Party



Pam Duncan-Glancy
Scottish Labour



Pam Gosal
Scottish Conservative
and Unionist Party



Fulton MacGregor
Scottish National Party



Alexander Stewart
Scottish Conservative
and Unionist Party

Introduction

1. At its meeting on 8 February 2022, the Equalities, Human Rights and Civil Justice Committee considered the following instrument:
 - [The Maximum Number of Judges \(Scotland\) Order 2022 \[draft\]](#)
2. The instrument is subject to the affirmative procedure (Rule 10.6).

The Maximum Number of Judges (Scotland) Order 2022 [draft]

3. The draft SSI was laid before the Scottish Parliament on 16 December 2021 and referred to the Equalities, Human Rights and Civil Justice Committee.
4. The purpose of this instrument is to increase the maximum number of persons who may be appointed judges of the Court of Session from 35 to 36.
5. This is required as a consequence of the upcoming appointment of a Court of Session judge as Chair of the Covid Inquiry (“the Inquiry”) from 2022. The appointee will be seconded to the Inquiry. During the secondment, the judge will not be available to sit in court however will remain a judge for the purposes of the statutory limit in section 1(1) of the [Court of Session Act 1988](#).

Delegated Powers and Law Reform Committee consideration

6. The Delegated Powers and Law Reform Committee (DPLR) considered the instrument at its meeting on [21 December 2021](#). The DPLR Committee agreed that it did not need to draw the Parliament's attention to the instrument on any grounds within its remit.

Equalities, Human Rights and Civil Justice Committee consideration

7. It is for the Equalities, Human Rights and Civil Justice Committee to recommend to the Parliament whether the Order should be approved.
 8. The Cabinet Secretary for Justice and Veterans ("the Cabinet Secretary"), Keith Brown MSP, has, by motion [S6M-02595](#) proposed that the Committee recommends the approval of the Order.
 9. The Committee took evidence from the Cabinet Secretary at its meeting on 8 February 2022.
 10. Following the evidence session, the Cabinet Secretary moved motion S6M-02595—That the Equalities, Human Rights and Civil Justice Committee recommends that The Maximum Number of Judges (Scotland) Order 2022 [draft] be approved.
 11. The motion was agreed to without division or dissent.
12. The Equalities, Human Rights and Civil Justice Committee recommends to the Scottish Parliament that The Maximum Number of Judges (Scotland) Order 2022 [draft] be approved.

