



Criminal Proceedings etc. (Reform) (Scotland) Act 2007

2007 asp 6

PART 4

JP COURTS AND JPS

Establishing JP courts etc.

59 **Establishing JP courts**

- (1) It is the duty of the Scottish Ministers to secure the adequate and efficient provision of courts of summary criminal jurisdiction.
- (2) The Scottish Ministers may by order establish courts of summary criminal jurisdiction to be known as justice of the peace courts.
- (3) JP courts are to be established by reference to a particular sheriff court district.
- (4) There is to be at least one JP court located in every sheriff court district except where, in relation to a district, the Scottish Ministers determine that a JP court is not necessary.
- (5) In determining for the purposes of subsection (4) whether a JP court is necessary, the Scottish Ministers must have regard to—
 - (a) the amount of summary criminal court business in the district, and
 - (b) the capacity of—
 - (i) other JP courts in the same sheriffdom,
 - (ii) the sheriff courts in that sheriffdom.
- (6) The Scottish Ministers may by order provide for—
 - (a) the relocation of a JP court,
 - (b) the disestablishment of a JP court.
- (7) Before making an order under subsection (2) or (6), the Scottish Ministers must consult the sheriff principal for the sheriffdom in which the JP court is, or is to be, located.
- (8) This section—

Status: This is the original version (as it was originally enacted).

- (a) is without prejudice to section 1 (organisation and administration of sheriff courts) of the 1971 Act, and
 - (b) does not affect the operation of the sheriff court.
- (9) In this Part—
- a “district court” is a court of that name established under the 1975 Act,
 - a “JP court” is a justice of the peace court,
 - a “JP” is a justice of the peace.