



Judiciary and Courts (Scotland) Act 2008

2008 asp 6

PART 3 **S**

THE COURTS

Justice of the peace courts

57 Establishment, constitution etc. **S**

- (1) The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6) is amended as follows.
- (2) In section 59 (establishing justice of the peace courts)—
 - (a) subsection (1) is repealed,
 - (b) in subsection (4), for “Scottish Ministers determine” substitute “ Lord President of the Court of Session determines ”,
 - (c) in subsection (5), for “Scottish Ministers” substitute “ Lord President ”, and
 - (d) for subsection (7) substitute—
 - “(7) The Scottish Ministers may make an order under subsection (2) or (6) only with the consent of—
 - (a) the Lord President, and
 - (b) the Scottish Court Service.
 - (7A) Before consenting to the making of such an order—
 - (a) the Lord President must consult the sheriff principal for the sheriffdom in which the JP court is, or is to be, located, and
 - (b) the Scottish Court Service must consult such persons as it considers appropriate.”.
- (3) In section 63 (constitution and powers etc. of justice of the peace courts)—
 - (a) after subsection (2) insert—
 - “(2A) The Scottish Ministers may make an order under subsection (2) only on the recommendation of the Lord President of the Court of Session.”, and

*Changes to legislation: There are currently no known outstanding effects for the
Judiciary and Courts (Scotland) Act 2008, Section 57. (See end of Document for details)*

(b) in subsection (5)(b), for “Scottish Ministers” substitute “ Lord President ”.

Commencement Information

II S. 57 in force at 1.4.2010 by [S.S.I. 2010/39](#), art. 2(b), [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, Section 57.