



Courts Reform (Scotland) Act 2014

2014 asp 18

PART 9

JUSTICE OF THE PEACE COURTS

127 Establishing, relocating and disestablishing justice of the peace courts

- (1) Section 59 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (establishing etc. JP courts) is amended in accordance with subsections (2) and (3).
- (2) In each of subsections (2) and (6), after “may” insert “, following submission of a proposal under subsection (7), ”.
- (3) For subsections (7) and (7A) substitute—
 - “(7) The Scottish Courts and Tribunals Service may, with the agreement of the Lord President, submit a proposal to the Scottish Ministers for the making of an order under subsection (2) or (6).
 - (7A) Before submitting a proposal to the Scottish Ministers, the Scottish Courts and Tribunals Service must consult such persons as it considers appropriate.
 - (7B) If, following submission of a proposal, the Scottish Ministers decide to make an order, they must have regard to the proposal in deciding what provision to make in the order.
 - (7C) 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 Courts and Tribunals Service.”.
- (4) In section 81(3)(a) of that Act (orders under the Act that are subject to affirmative procedure), after “56” insert “, 59(2) or (6) ”.

Commencement Information

II S. 127 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

Status: Point in time view as at 01/04/2016.

Changes to legislation: Courts Reform (Scotland) Act 2014, PART 9 is up to date with all changes known to be in force on or before 02 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

128 Abolition of the office of stipendiary magistrate

- (1) The office of stipendiary magistrate is abolished.
- (2) Subsection (3) applies to a person who, immediately before this section comes into force, holds office as a full-time stipendiary magistrate.
- (3) The person is to be appointed, by virtue of this subsection, as a summary sheriff unless the person declines the appointment.
- (4) Subsection (3) applies regardless of whether the person is qualified for appointment as a summary sheriff.
- (5) Subsection (6) applies to a person who, immediately before this section comes into force, holds office as a part-time stipendiary magistrate.
- (6) The person is to be appointed, by virtue of this subsection, as a part-time summary sheriff unless the person declines the appointment.
- (7) Subsection (6) applies regardless of whether the person is qualified for appointment as a part-time summary sheriff.
- (8) A person appointed—
 - (a) as a summary sheriff by virtue of subsection (3) is to be treated for all purposes as if appointed as such under section 5(2),
 - (b) as a part-time summary sheriff by virtue of subsection (6) is to be treated for all purposes as if appointed as such under section 10(1).

Commencement Information

I2 S. 128 in force at 1.4.2016 by S.S.I. 2016/13, art. 2, Sch. (with art. 3)

129 Summary sheriffs to sit in justice of the peace courts

A summary sheriff of a sheriffdom may constitute, and exercise the jurisdiction and powers of, any justice of the peace court established for any sheriff court district in the sheriffdom.

Commencement Information

I3 S. 129 in force at 1.4.2016 by S.S.I. 2016/13, art. 2, Sch. (with art. 3)

Status:

Point in time view as at 01/04/2016.

Changes to legislation:

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