
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 179

JUSTICE OF THE PEACE COURTS

**The Justice of the Peace Courts (Sheriffdom of Grampian,
Highland and Islands) Amendment Order 2008**

<i>Made</i>	- - - -	<i>8th May 2008</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>9th May 2008</i>
<i>Coming into force</i>	- -	<i>2nd June 2008</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 64(1), 65(1) and 65(5) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007(1) and all other powers enabling them to do so.

In accordance with section 64(3) of that Act they have consulted with the Sheriff Principal for the Sheriffdom of Grampian, Highland and Islands, Aberdeen City Council, Aberdeenshire Council, Comhairle nan Eilean Siar, Highland Council and Moray Council.

Citation and commencement

1. This Order may be cited as the Justice of the Peace Courts (Sheriffdom of Grampian, Highland and Islands) Amendment Order 2008 and comes into force on 2nd June 2008.

Amendments to the Justice of the Peace Courts (Sheriffdom of Grampian, Highland and Islands) Order 2008

2.—(1) The Justice of the Peace Courts (Sheriffdom of Grampian, Highland and Islands) Order 2008(2) is amended in accordance with this article.

(2) After article 6 insert—

“Transfer of staff

7. The scheme made (or to be made) by the Scottish Ministers under section 65(2) of the 2007 Act shall contain such information as is sufficient to identify the staff, being staff of the district courts which are disestablished by this Order, to whom the scheme applies.

(1) 2007 asp 6.
(2) S.S.I.2008/93.

Transfer of property, rights and liabilities

8.—(1) All of the property, rights and liabilities of the local authority specified in column 1 of Schedule 4 to this Order, in relation to the heritable property specified in column 2 of that Schedule, are transferred to and vest in the Scottish Ministers on the relevant date.

(2) The transfer, by virtue of this article, of any property, rights and liabilities to the Scottish Ministers shall not affect the validity of anything done (or having effect as if done) by or in relation to that local authority, so far as it relates to any property, rights and liabilities transferred by virtue of this article, before the relevant date.

(3) Anything (including legal proceedings) which, on the relevant date, is in the process of being done by or in relation to that local authority, so far as it relates to any property, rights and liabilities transferred by virtue of this article, shall be continued by or in relation to the Scottish Ministers.

(4) Anything done (or having effect as if done) by or in relation to that local authority for the purposes of or in connection with any property, rights and liabilities transferred to the Scottish Ministers by virtue of this article shall, if in force on the relevant date, have effect as if done by or in relation to the Scottish Ministers in so far as that is required for continuing its effect after that date.”.

(3) After Schedule 3 insert—

“SCHEDULE 4

Article 8

TRANSFER OF PROPERTY, RIGHTS AND LIABILITIES

<i>Column 1 (local authority)</i>	<i>Column 2 (heritable property)</i>
Aberdeen City Council	Those subjects extending to 434 square metres or thereby situated on the ground floor annex of the Police Headquarters Building, Queen Street, Aberdeen, AB10 1AQ designated by the Local Authority as the District Court before the making of this order (incorporating the courtroom, JPs room, 2 offices, 2 holding cells, interview room, agents room, 2 witness rooms, 2 plant rooms, toilets, public counter, waiting area, general office, and staff mess room); Together with that area of land associated with the subjects hereinbefore described currently used as 11 car parking spaces.”

St Andrew’s House, Edinburgh
8th May 2008

KENNY MACASKILL
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Justice of the Peace Courts (Sheriffdom of Grampian, Highland and Islands) Order 2008 (“the 2008 Order”).

The 2008 Order makes provision for the establishment of JP courts (and the associated disestablishment of district courts) in the Sheriffdom of Grampian, Highland and Islands. The majority of the provisions of that Order will come into force on 2nd June 2008, however, certain transitional provisions came into force in respect of the establishment of JP courts on 31st March 2008.

A new article 7 is inserted into the 2008 Order and confirms that a scheme to be made by the Scottish Ministers (under section 65(2) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007) will identify which staff of the district courts that scheme will apply to. The effect of that scheme will be that certain staff (being employees of the local authorities which administer the district courts) will transfer to the employment of the Scottish Administration.

New article 8 is inserted to make provision for the transfer of property, rights and liabilities to the Scottish Ministers of the heritable property which is specified in the newly inserted Schedule 4.

References in these newly inserted provisions to the “relevant date” will attract the definition given to that term in article 1 of the 2008 Order. “Relevant date” is defined there as meaning 2nd June 2008.