
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 31

**The Justice of the Peace Courts (Sheriffdom
of Lothian and Borders) etc. Order 2008**

Incidental, consequential and transitional provisions in relation to certain fixed penalties and conditional offers

6.—(1) The clerk of a relevant district court must transfer to the clerk of the appointed JP court such records, productions and other documents relating to any conditional offer or fixed penalty notice.

(2) The clerk of the appointed JP court—

- (a) shall act as the fixed penalty clerk for the purpose of any conditional offer or fixed penalty notice in which the clerk of a relevant district court was the fixed penalty clerk; and
- (b) shall exercise the functions of a fixed penalty clerk in relation to the disposal of any such offer or notice.

(3) Where paragraph (2)(a) applies, anything done by the clerk of a relevant district court, in the capacity of fixed penalty clerk, shall be treated as if done by the clerk of the appointed JP court acting in that capacity.

(4) A notice requesting a hearing, sent to a relevant district court or the clerk of a relevant district court, shall be treated as if sent to the clerk of the appointed JP court.

(5) In this article—

“the appointed JP court” means the JP court which the sheriff principal determines is the appointed JP court (under section 66(5) of the 2007 Act) in relation to a relevant district court;

“conditional offer” means, as the case may be, a conditional offer within the meaning of—

- (a) section 302 of the 1995 Act; or
- (b) section 75(5) of the 1988 Act;

“fixed penalty clerk” means, as the case may be—

- (a) a fixed penalty clerk within the meaning of section 69(4) of the 1988 Act;
- (b) a fixed penalty clerk within the meaning of section 75(6) of the 1988 Act;
- (c) a clerk of court who has been specified in a conditional offer made under section 302 of the 1995 Act; or
- (d) a clerk of court who has been specified in a fixed penalty notice issued under Part 11 of the 2004 Act;

“fixed penalty notice” means, as the case may be—

- (a) a fixed penalty notice within the meaning of Part 3 of the 1988 Act; or
- (b) a fixed penalty notice within the meaning of Part 11 of the 2004 Act;

“a notice requesting a hearing” has the same meaning as in section 89(2) of the 1988 Act; and

“relevant district court” means a district court disestablished by this Order.