



District Courts (Scotland) Act 1975

1975 CHAPTER 20

PART II

JUSTICES AND CLERKS OF THE PEACE

Justices of the peace

15 Supplemental list

- (1) Subject to subsection (5) below, there shall be entered in the supplemental list the name of any justice of the peace who is of the age of 70 years or over.
- (2) The Secretary of State may direct that the name of a justice of the peace for any area shall be entered in the supplemental list if the Secretary of State is satisfied—
 - (a) that by reason of the justice's age or infirmity or other like cause it is expedient he shall cease to exercise judicial functions as a justice for the area; or
 - (b) that by reason of the circumstances existing in that area it is expedient that the justice should cease to exercise such functions and confine his functions to doing all or any of those acts as a justice mentioned in subsection (9) below; or
 - (c) that the justice declines or neglects to take a proper part in the exercise of his judicial or other functions; or
 - (d) that the justice declines or neglects to attend a course of instruction provided by virtue of section 14 of this Act, being a course suitable to his experience.
- (3) On a person's appointment as a justice of the peace for any area, the Secretary of State may direct that his name shall be entered in the supplemental list if that person is appointed a justice for that area on ceasing to be a justice for some other area (including any commission area within the meaning of the Administration of Justice Act 1973).
- (4) The name of a justice of the peace shall be entered in the supplemental list if he applies for it to be entered and the application is approved by the Secretary of State.
- (5) Nothing in subsections (1) to (4) above shall apply to a person holding office as stipendiary magistrate.

Status: This is the original version (as it was originally enacted).

- (6) A person's name shall be removed from the supplemental list if he ceases to be a justice of the peace.
- (7) The Secretary of State may direct that the name of any person entered in the supplemental list, if not required to be so entered by virtue of subsection (1) above, shall be removed from that list.
- (8) Subject to the following subsections, a justice of the peace for any area, while his name is entered in the supplemental list, shall not, by reason of being a justice for that area, be qualified as a justice to do any act or to be a member of any committee or other body.
- (9) Subsection (8) above shall not preclude a justice from doing all or any of the following acts as a justice, that is to say—
 - (a) signing any document for the purpose of authenticating another person's signature;
 - (b) taking and authenticating by his signature any written declaration; and
 - (c) giving a certificate of facts within his knowledge or of his opinion as to any matter.
- (10) No act or appointment shall be invalidated by reason of the disqualification under subsection (8) above of the person acting or appointed.
- (11) Where immediately before 16th May 1975 a person's name is entered in the supplemental list kept in connection with any commission of the peace by virtue of section 4 of the Justices of the Peace Act 1949, his name shall be treated as included in the supplemental list for Scotland under this section.