



# District Courts (Scotland) Act 1975

## 1975 CHAPTER 20

### PART II

#### JUSTICES AND CLERKS OF THE PEACE

##### *Clerks of the peace*

#### **18 Appointment and duties of clerk of peace**

- (1) Any person who immediately before 16th May 1975 holds office as clerk of the peace for any area shall, on that date, cease to hold that office, notwithstanding the provisions of any enactment or of any instrument in terms of which any person holds that office.
- (2) On and after that date, the duties of clerk of the peace shall, subject to subsection (3) below, be performed in each commission area by an officer of the local authority concerned, and it shall be the duty of every such authority to appoint and employ, whether on a full-time or part-time basis, an officer to hold the office of clerk of the peace for their area for the purpose of performing those duties.
- (3) Notwithstanding subsection (2) above, where under an agreement an officer of a regional council is placed at the disposal of a district council for the purposes of the performance of their duties under that subsection, that officer may perform the duties of clerk of the peace for the commission area comprising their district.
- (4) It shall be the duty of the clerk of the peace for any commission area—
  - (a) to advise and assist the justices in the performance of their functions;
  - (b) to arrange meetings of the justices for that area ;
  - (c) to cause to be kept a record of—
    - (i) those for the time being holding office as a justice for that area, and
    - (ii) those having held that office who have ceased to do so,and to include in that record a copy of any instrument appointing or removing a justice for that area in accordance with section 9(2) of this Act;

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*Status: This is the original version (as it was originally enacted).*

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- (d) to cause to be kept a record of the justices in that area whose names are entered in the supplemental list;
- (e) to notify the Secretary of State of all deaths and resignations of justices in that area and of any justice in that area who has become incapable of exercising any function as a justice or who has ceased to meet the residential requirements mentioned in section 9(3) above ;
- (f) to carry out such further duties as may be prescribed.