

CRIMINAL PROCEEDINGS ETC. (REFORM) (SCOTLAND) ACT 2007

EXPLANATORY NOTES

INTRODUCTION

Part 4 – Jp Courts and Jps

Establishing JP courts etc.

Section 62: Area and territorial jurisdiction of JP courts

356. The territorial jurisdiction of JP courts is set out in subsection (1), which provides that a JP court may try offences committed within the sheriff court district in which it is located, or in any other sheriff court district within the sheriffdom. This is similar to the territorial jurisdiction of the sheriff court. Further provision relating to the jurisdiction of JP courts is contained in sections 9 and 10 of the 1995 Act, as modified by paragraphs 9 and 10 of the schedule to this Act.
357. Subsection (4) provides that a JP or stipendiary magistrate may exercise their judicial functions at any place within the sheriffdom where s/he is appointed. Subsection (5) further provides that a JP or stipendiary magistrate may sign, at any place in Scotland, a warrant, judgement, interlocutor or other document relating to criminal proceedings within the sheriffdom where s/he is appointed. Subsection (6) makes it clear that a JP or stipendiary magistrate may exercise signing functions, as defined in subsection 76(6) of the Act, within Scotland.
358. Subsection (7) is a transitional provision. It ensures that, after a JP or stipendiary magistrate has been appointed for a sheriffdom (in terms of section 67 of the Act), s/he may continue to work within any remaining district court that lies wholly or partly within the sheriffdom.