

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

EXPLANATORY NOTES

INTRODUCTION

Part 4 – Jp Courts and Jps

Establishing JP courts etc.

Section 64: Abolition of district courts

362. This section sets out the process for the disestablishment of district courts. The intention is that all of the district courts in a particular sheriffdom will be disestablished at the same time as JP courts are established in a sheriffdom under section 59 of the Act. The Scottish Ministers must consult the relevant sheriff principal and local authority before making an order to disestablish a district court.
363. The existing legislation governing the operation of district courts is the District Courts (Scotland) Act 1975. Subsection (4) provides for this legislation to be repealed by the Scottish Ministers by order. The intention is that the legislation relating to the operation of the district courts will be repealed for a particular sheriffdom at the same time as the district courts are disestablished and the JP courts are established. The parts of the legislation relating to the lay justice system (for example the provisions on the appointment and removal of justices of the peace) will be repealed across the country at the same time.
364. Subsections (5) to (8) contain transitional provisions for remaining district courts. Legislation relating to JP courts (including the provisions in this Act relating to matters such as the sentencing powers of the JP court) may be applied to district courts pending their disestablishment.