

## SCHEDULE MODIFICATION OF ENACTMENTS

### *The 1995 Act*

- 9 (1) In section 6 (district courts: area, constitution and prosecutor) of the 1995 Act—
- (a) subsection (1) is repealed,
  - (b) in subsection (3), for the words “commission area” there is substituted “JP court”,
  - (c) subsection (4) is repealed,
  - (d) for subsection (5) there is substituted—
    - “(5) The authority of the procurator fiscal to prosecute in JP courts is without prejudice to the authority of any other person to take proceedings there in pursuance of section 43 (prosecutions and penalties) of the Education (Scotland) Act 1980 (c. 44).”
  - (e) for subsection (6) there is substituted—
    - “(6) In this section, “justice” means a justice of the peace.”
- (2) In section 7 (district court: jurisdiction and powers) of that Act—
- (a) subsections (1) and (2) are repealed,
  - (b) in subsection (3), for the words “to try any statutory offence which is triable summarily” there is substituted “to—
    - (a) try any common law or statutory offence which is triable summarily;
    - (b) make such orders and grant such warrants as are appropriate to a court of summary jurisdiction;
    - (c) do anything else (by way of procedure or otherwise) as is appropriate to such a court”
  - (c) in subsection (5), for the words “mentioned in subsection (1) above” there is substituted “the court has otherwise”,
  - (d) in subsection (8), paragraph (a) and the word “or” immediately following it are repealed,
  - (e) in subsection (10), for the word “district” there is substituted “area”.
- (3) In section 8 (sittings of sheriff and district courts) of that Act—
- (a) in subsection (3), for the words from the beginning to “authority,” there is substituted “A sheriff principal may”,
  - (b) in that subsection, the words “, after such consultation,” are repealed.
- (4) In sections 6(2), 7(3) to (8) and 8(1), (3) and (4) of that Act, for the words “district court” and “district courts” wherever occurring there is substituted “JP court” and “JP courts” respectively.
- (5) In relation to sections 6 to 8 of that Act—
- (a) the italic cross-heading immediately preceding section 6 becomes “*JP courts*”,
  - (b) the title of section 6 becomes “JP courts: constitution and prosecutor”,
  - (c) the title of section 7 becomes “JP courts: jurisdiction and powers”,
  - (d) the italic cross-heading immediately preceding section 8 becomes “*Sittings of sheriff and JP courts*”,

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

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- (e) the title of section 8 becomes “Sittings of sheriff and JP courts”.
- (6) In section 9 (boundaries of jurisdiction) of that Act, in subsection (4)—
- (a) for the words “under one indictment or complaint” there is substituted “together”,
  - (b) for the words from “offences” in the second place where it occurs to the end there is substituted “offences—
    - (a) under one indictment or complaint before the sheriff of any one of the districts; or
    - (b) under one complaint in the JP court for any one of the districts.”.
- (7) Section 9A of that Act is repealed.