



Criminal Proceedings etc. (Reform) (Scotland) Act 2007

2007 asp 6

PART 4

JP COURTS AND JPS

Establishing JP courts etc.

60 Making provision for JP courts

- (1) The Scottish Ministers—
 - (a) must make such provision, including provision—
 - (i) as to organisation and administration, and
 - (ii) for suitable and sufficient premises and facilities, as is necessary for the purposes of JP courts,
 - (b) may make such other provision as is expedient in connection with those purposes.
- (2) Provision under subsection (1)(a)(ii)—
 - (a) may, for the purposes of a JP court, require the local authority for the place in which the court is (or is to be) located to—
 - (i) let (or sub-let) premises controlled by the local authority to the Scottish Ministers, or
 - (ii) make such premises available for use,
 - (b) may be effected through arrangements made in agreement with a local authority or other persons.
- (3) A requirement under subsection (2)(a)(i) is subject to agreement—
 - (a) between the Scottish Ministers and the local authority as to the rent payable under, and as to the other terms of, the lease, and
 - (b) with any third party who has an interest in the premises.
- (4) A requirement under subsection (2)(a)(ii) is subject to—

Status: This is the original version (as it was originally enacted).

- (a) reimbursing the authority for any reasonable expenses incurred by it in respect of heating, lighting and cleaning in relation to the use of the premises for the purposes of the JP court, and
 - (b) allowing the premises to continue to be used for any business normally conducted there, or for any business for which it may be used under a local enactment (whether a local Act or otherwise), without adversely affecting that business.
- (5) The Scottish Ministers may allow premises used for the purposes of a JP court to be used by other persons, subject to such conditions as the Scottish Ministers may impose for the purpose of ensuring that the business of the JP court is not adversely affected.
- (6) Any dispute arising from the operation of subsections (2) to (5), which the parties are unable to resolve, is to be determined by an arbiter appointed—
 - (a) by agreement of the parties, or
 - (b) in the absence of such agreement, by the Lord President of the Court of Session on the application of a party.
- (7) A JP court is, having regard to the desirability of minimising the expense and inconvenience caused to persons involved (whether as parties or witnesses) in proceedings before the court, to sit at a suitable place.