



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

2007 asp 6

PART 4

JP COURTS AND JPS

Establishing JP courts etc.

65 Transfer of staff and property

- (1) An order under section 64(1) may include provision by reference to a scheme made (or to be made) under subsection (2).
- (2) The Scottish Ministers must make a scheme for the transfer to the employment of the Scottish Administration of clerks, assessors and other staff of the district court to which the order applies.
- (3) A scheme under subsection (2) may apply to—
 - (a) all, or any description of, staff,
 - (b) an individual member of staff.
- (4) The Transfer of Undertakings (Protection of Employment) Regulations 2006 ([S.I. 2006/246](#)) apply to any transfer of staff by virtue of a scheme made under subsection (2) whether or not they would apply apart from this subsection.
- (5) An order under section 64(1) may include provision for the transfer to, and vesting in, the Scottish Ministers of—
 - (a) property (including rights)—
 - (i) of the local authority responsible for the district court to which the order applies, and
 - (ii) which is used (or exercised) for the time being for or in connection with the operation or administration of that district court,
 - (b) liabilities of that local authority deriving from the operation or administration of that district court.

Status: This is the original version (as it was originally enacted).

- (6) Provision—
- (a) in a scheme under subsection (2),
 - (b) under subsection (5),
- may specify the extent to which the transfer is (or is to be) made.
- (7) Subsection (5) has effect despite any provision (of whatever nature) which would otherwise prevent, penalise or restrict the transfer of the property or liabilities to which it relates.
- (8) A certificate issued by the Scottish Ministers that any property or liability has (or has not) been transferred under subsection (5) is conclusive evidence of that matter.