



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

2007 asp 6

## PART 4

### JP COURTS AND JPS

#### *Appointment of JPs etc.*

#### **67 Appointment of JPs**

- (1) Justices of the peace are to be appointed by name on behalf of and in the name of Her Majesty by instrument under the hand of the Scottish Ministers.
- (2) A JP is to be appointed for a sheriffdom.
- (3) An appointment of a JP is to be for a term of 5 years.
- (4) However, a JP—
  - (a) may resign from office by giving notice to the Scottish Ministers,
  - [<sup>F1</sup>(b) ceases to hold office when the JP retires from office.]
- (5) In making appointments of JPs, except—
  - (a) appointments under subsection (7)(b),
  - (b) reappointments under section 70(2),the Scottish Ministers must comply with such provision as to procedure and consultation as they may by order make.
- (6) Provision in an order under subsection (5) may, in particular, relate to—
  - (a) the participation in the appointments process of persons who are not—
    - (i) legally qualified,
    - (ii) involved in the administration of the law or of government,
  - (b) the manner in which vacancies in office are publicised.
- (7) A person who, on the coming into force of this section, holds the office of justice of the peace under the 1975 Act—

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**Changes to legislation:** There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 67. (See end of Document for details)

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- (a) ceases to hold that office under that Act on such day as the Scottish Ministers may by order specify for the purpose of this subsection, and
  - (b) is, on the day so specified, to be appointed as a JP under subsection (1) unless the person declines the appointment.
- (8) Subsection (7)(b) applies only in relation to the full justices (within the meaning given by section 9 of the 1975 Act) whose names were included in a duty rota of justices (that is, such a rota as approved under section 16(1)(b) of that Act) for any time during the 12 months ending on the day specified as mentioned in that subsection.
- [<sup>F2</sup>(9) Where a person is, by virtue of subsection (7)(b), appointed as a JP under subsection (1), an oath previously taken by the person as required by section 6 of the Promissory Oaths Act 1868 (c. 72) (and in accordance with Promissory Oaths Act 1871 (c. 48)) in relation to the holding by the person of the office of justice of the peace under the 1975 Act also counts in relation to the person's appointment as a JP under subsection (1).]

#### Textual Amendments

- F1** S. 67(4)(b) substituted (30.5.2014) by [The Judicial Pensions and Retirement Act 1993 \(Part-time Sheriff, Stipendiary Magistrate and Justice of the Peace\) Order 2014 \(S.S.I. 2014/155\)](#), arts. 1(2), **4(2)**
- F2** S. 67(9) added (10.12.2007) by [The Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(Incidental, Supplemental and Consequential Provisions\) Order 2007 \(S.S.I. 2007/540\)](#), **art. 5**

#### Commencement Information

- I1** S. 67 wholly in force at 10.12.2007; s. 67 not in force at Royal Assent, see s. 84; s. 67(5)(6) in force at 23.4.2007 by [S.S.I. 2007/250](#), **art. 3**; s. 67(1)-(4)(7)(8) in force at 10.12.2007 by [S.S.I. 2007/479](#), **art. 3**, Sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 67.