



# 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,
  - (b) ceases to hold office on reaching the age of 70 years.
- (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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*Status: This is the original version (as it was originally enacted).*

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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.