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

2007 asp 6

PART 4

JP COURTS AND JPS

Appointment of JPs etc.

71 Removal of JPs

(1) A JP may be removed from office by, and only by, an order made under subsection (2).

(2) A tribunal appointed by the Lord President of the Court of Session may order the removal of a JP from office.

(3) The tribunal is to consist of three members, namely—
- (a) a sheriff principal,
- (b) a person who is, and has been for at least 10 years, a solicitor or advocate,
- (c) another person.

(4) The sheriff principal member of the tribunal must not be—
- (a) the sheriff principal for the sheriffdom for which the JP is appointed,
- (b) a temporary sheriff principal.

(5) The sheriff principal member of the tribunal is to chair the tribunal.

(6) The tribunal may make an order under subsection (2) only if, after investigation carried out at the instance of the sheriff principal for the sheriffdom for which the JP is appointed, it finds that—
- (a) the JP is—
  - (i) unfit for that office, or
  - (ii) unfit for performing judicial functions,

  by reason of inability, neglect of duty or misbehaviour,
- (b) the JP has inadequately performed the functions of a JP,

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Changes to legislation: *There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 71. (See end of Document for details)*

(c) the JP has, without good reason, failed to meet a condition imposed under section 68(2).

(7) The **[**[F1]Court of Session may by act of sederunt**]** make provision—

(a) as respects the tribunal,

(b) authorising a specified body or class of persons to recommend (by reference to information provided with the recommendation) to a sheriff principal that an investigation for the purposes of subsection (6) be carried out.

(8) Provision in an **[**[F2]act of sederunt**]** under subsection (7)(a) may, in particular—

(a) prescribe the tribunal's procedures,

(b) enable the tribunal, at any time during an investigation, to suspend a JP from office or from acting as a JP.

(9) A person who is removed from office as a JP is ineligible for reappointment as a JP.

Textual Amendments

F1 Words in s. 71(7) substituted (1.4.2010) by Judiciary and Courts (Scotland) Act 2008 (asp 6), **ss. 41(2)**, 76; S.S.I. 2010/39, **art. 2**, Sch. (with art. 5)

F2 Words in s. 71(8) substituted (1.4.2010) by Judiciary and Courts (Scotland) Act 2008 (asp 6), **ss. 41(3)**, 76; S.S.I. 2010/39, **art. 2**, Sch. (with art. 5)

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