



Judiciary and Courts (Scotland) Act 2008

2008 asp 6

PART 3

THE COURTS

Justice of the peace courts

57 Establishment, constitution etc.

(1) The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6) is amended as follows.

(2) In section 59 (establishing justice of the peace courts)—

- (a) subsection (1) is repealed,
- (b) in subsection (4), for “Scottish Ministers determine” substitute “Lord President of the Court of Session determines”,
- (c) in subsection (5), for “Scottish Ministers” substitute “Lord President”, and
- (d) for subsection (7) substitute—

“(7) The Scottish Ministers may make an order under subsection (2) or (6) only with the consent of—

- (a) the Lord President, and
- (b) the Scottish Court Service.

(7A) Before consenting to the making of such an order—

- (a) the Lord President must consult the sheriff principal for the sheriffdom in which the JP court is, or is to be, located, and
- (b) the Scottish Court Service must consult such persons as it considers appropriate.”.

(3) In section 63 (constitution and powers etc. of justice of the peace courts)—

- (a) after subsection (2) insert—

“(2A) The Scottish Ministers may make an order under subsection (2) only on the recommendation of the Lord President of the Court of Session.”, and

- (b) in subsection (5)(b), for “Scottish Ministers” substitute “Lord President”.

58 Sheriff principal’s responsibility

- (1) The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6) is amended as follows.
- (2) For section 61 substitute—

“61 Efficient disposal of business in JP courts

- (1) The sheriff principal of each sheriffdom is responsible for securing the efficient disposal of business in JP courts in that sheriffdom.
- (2) If, in carrying out that responsibility, the sheriff principal gives a direction of an administrative character to a person mentioned in subsection (3), the person must comply with the direction.
- (3) Those persons are—
- (a) a justice of the peace, or stipendiary magistrate, appointed for the sheriffdom,
 - (b) a member of staff of the Scottish Court Service.
- (4) Subsections (1) and (2) are subject to section 2(2)(a) and (3) of the Judiciary and Courts (Scotland) Act 2008 (asp 6) (which make the Head of the Scottish Judiciary responsible for maintaining arrangements for securing the efficient disposal of business in the Scottish courts and require compliance with directions given in pursuance of that responsibility).”
- (3) In section 74(3) (pre-condition for appointment of stipendiary magistrate), for the words “administration of” substitute “disposal of business in”.