



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- (a) subsection (1) is repealed,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

Status: This is the original version (as it was originally enacted).

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