

SCHEDULE 7 MODIFICATIONS OF ENACTMENTS

The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6)

81 After section 74 insert—

“74A Exercise of functions by stipendiary magistrates

- (1) A stipendiary magistrate may, by reason of holding that office—
 - (a) exercise the same judicial and signing functions as are exercisable by a JP,
 - (b) do so in the same manner as a JP (including by using the title of office of JP).
- (2) For the purpose of subsection (1)—
 - (a) the acts of a stipendiary magistrate are valid as if the magistrate were a JP,
 - (b) it does not matter if an enactment from which a JP derives authority to act in a specific case does not bear to give equivalent authority to a stipendiary magistrate.
- (3) However, subsections (1) and (2) are subject to any provision of an enactment which expressly excludes a stipendiary magistrate from acting in a specific case.
- (4) This section does not limit any other functions of a stipendiary magistrate (in particular, those exercisable in that capacity only).”