



# Courts Reform (Scotland) Act 2014

## 2014 asp 18

### PART 9

#### JUSTICE OF THE PEACE COURTS

#### **127 Establishing, relocating and disestablishing justice of the peace courts**

- (1) Section 59 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (establishing etc. JP courts) is amended in accordance with subsections (2) and (3).
- (2) In each of subsections (2) and (6), after “may” insert “, following submission of a proposal under subsection (7),”.
- (3) For subsections (7) and (7A) substitute—
  - “(7) The Scottish Courts and Tribunals Service may, with the agreement of the Lord President, submit a proposal to the Scottish Ministers for the making of an order under subsection (2) or (6).
  - (7A) Before submitting a proposal to the Scottish Ministers, the Scottish Courts and Tribunals Service must consult such persons as it considers appropriate.
  - (7B) If, following submission of a proposal, the Scottish Ministers decide to make an order, they must have regard to the proposal in deciding what provision to make in the order.
  - (7C) 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 Courts and Tribunals Service.”.
- (4) In section 81(3)(a) of that Act (orders under the Act that are subject to affirmative procedure), after “56” insert “, 59(2) or (6)”.

#### **128 Abolition of the office of stipendiary magistrate**

- (1) The office of stipendiary magistrate is abolished.

---

*Status: This is the original version (as it was originally enacted).*

---

- (2) Subsection (3) applies to a person who, immediately before this section comes into force, holds office as a full-time stipendiary magistrate.
- (3) The person is to be appointed, by virtue of this subsection, as a summary sheriff unless the person declines the appointment.
- (4) Subsection (3) applies regardless of whether the person is qualified for appointment as a summary sheriff.
- (5) Subsection (6) applies to a person who, immediately before this section comes into force, holds office as a part-time stipendiary magistrate.
- (6) The person is to be appointed, by virtue of this subsection, as a part-time summary sheriff unless the person declines the appointment.
- (7) Subsection (6) applies regardless of whether the person is qualified for appointment as a part-time summary sheriff.
- (8) A person appointed—
  - (a) as a summary sheriff by virtue of subsection (3) is to be treated for all purposes as if appointed as such under section 5(2),
  - (b) as a part-time summary sheriff by virtue of subsection (6) is to be treated for all purposes as if appointed as such under section 10(1).

## **129 Summary sheriffs to sit in justice of the peace courts**

A summary sheriff of a sheriffdom may constitute, and exercise the jurisdiction and powers of, any justice of the peace court established for any sheriff court district in the sheriffdom.