

Status: Point in time view as at 01/04/2016.

Changes to legislation: Courts Reform (Scotland) Act 2014, PART 10 is up to date with all changes known to be in force on or before 25 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 5 MODIFICATIONS OF ENACTMENTS

PART 10

JUSTICE OF THE PEACE COURTS

Criminal Procedure (Scotland) Act 1995

- 39 (1) The Criminal Procedure (Scotland) Act 1995 is amended in accordance with this paragraph.
- (2) In section 6(2) (constitution of JP courts), for “stipendiary magistrate” substitute “summary sheriff”.
- (3) In section 7 (jurisdiction and powers of JP courts), subsection (5) is repealed.
- (4) In section 245A (restriction of liberty orders), subsection (9) is repealed.
- (5) In section 248C(1) (power to prescribe courts to which sections 248A and 248B apply), the words from “and, without prejudice” to the end are repealed.
- (6) In section 249(8) (compensation orders)—
- (a) in paragraph (a), the words “, or a stipendiary magistrate,” are repealed, and
 - (b) in paragraph (b), the words “(other than a stipendiary magistrate)” are repealed.
- (7) In section 307(1) (interpretation)—
- (a) in the definition of “justice”, the words “stipendiary magistrate or” are repealed, and
 - (b) the definition of “stipendiary magistrate” is repealed.

Commencement Information

- II** Sch. 5 para. 39 in force at 1.4.2016 by S.S.I. 2016/13, art. 2, Sch. (with art. 3)

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

- 40 (1) The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 is amended in accordance with this paragraph.
- (2) In section 61(3)(a) (efficient disposal of business in JP courts), for “stipendiary magistrate” substitute “summary sheriff”.
- (3) In section 62 (area and territorial jurisdiction of JP courts)—
- (a) in each of subsections (4), (5), (6) and (7), the words “or stipendiary magistrate” in each place they appear are repealed,
 - (b) in subsection (4), the words “or (as the case may be) magistrate” are repealed,
 - (c) in subsection (7)(a), the words “or (as the case may be) stipendiary magistrate” are repealed.
- (4) In section 63 (constitution and powers etc. of JP courts), in each of subsections (2) and (5)(a), for “stipendiary magistrate” substitute “summary sheriff”.

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- (5) The following sections are repealed—
- (a) section 74 (appointment of stipendiary magistrates),
 - (b) section 74A (exercise of functions by stipendiary magistrates),
 - (c) section 75 (stipendiary magistrates: further provision).
- (6) In section 76 (signing functions)—
- (a) in subsection (1), the words “or a stipendiary magistrate” are repealed,
 - (b) in subsection (5), the words “, stipendiary magistrate” are repealed.
- (7) In section 77 (records and validity of appointment)—
- (a) in subsection (1), in each of paragraphs (a) and (b)(ii), the words “or stipendiary magistrate” are repealed,
 - (b) in subsection (2), the words “and stipendiary magistrates” are repealed,
 - (c) subsection (5) is repealed.

Commencement Information

I2 [Sch. 5 para. 40](#) in force at 1.4.2016 by [S.S.I. 2016/13](#), art. 2, [Sch.](#)

Judiciary and Courts (Scotland) Act 2008

- 41 In subsection (2) of section 43 of the Judiciary and Courts (Scotland) Act 2008 (meaning of “judicial office holder”), paragraph (h) is repealed.

Commencement Information

I3 [Sch. 5 para. 41](#) in force at 1.4.2016 by [S.S.I. 2016/13](#), art. 2, [Sch.](#)

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