

## 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- (3) In section 7 (jurisdiction and powers of JP courts), subsection (5) is repealed.
- (4) In section 245A (restriction of liberty orders), subsection (9) is repealed.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to prescribe courts to which sections 248A and 248B apply), the words from “and, without prejudice” to the end are repealed.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- (a) in paragraph (a), the words “, or a stipendiary magistrate,” are repealed, and
  - (b) in paragraph (b), the words “(other than a stipendiary magistrate)” are repealed.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- (a) in the definition of “justice”, the words “stipendiary magistrate or” are repealed, and
  - (b) the definition of “stipendiary magistrate” is repealed.

##### *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- (a) in each of subsections (4), (5), (6) and (7), the words “or stipendiary magistrate” in each place they appear are repealed,
  - (b) in subsection (4), the words “or (as the case may be) magistrate” are repealed,
  - (c) in subsection (7)(a), the words “or (as the case may be) stipendiary magistrate” are repealed.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”.
- (5) The following sections are repealed—
- (a) section 74 (appointment of stipendiary magistrates),
  - (b) section 74A (exercise of functions by stipendiary magistrates),

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*Status: This is the original version (as it was originally enacted).*

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- (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  - (a) in subsection (1), the words “or a stipendiary magistrate” are repealed,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.

*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.