



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

2007 asp 6

PART 4

JP COURTS AND JPS

Establishing JP courts etc.

63 Constitution and powers etc. of JP courts

- (1) A JP court has competence, subject to sections 6 and 7 of the 1995 Act (which include provision as to the constitution and powers of JP courts), as respects summary proceedings for offences.
- (2) The Scottish Ministers may by order amend section 6(2) of the 1995 Act so that it provides that a JP court (when not constituted by a [^{F1}summary sheriff]) is to be constituted by one JP only.
- [^{F2}(2A) The Scottish Ministers may make an order under subsection (2) only on the recommendation of the Lord President of the Court of Session.]
- (3) Each JP court is to have a clerk of the court.
- (4) The clerk of a JP court is to be a solicitor or advocate.
- (5) The clerk of a JP court—
 - (a) except on occasions when a [^{F3}summary sheriff] presides, is to act as legal adviser to the court, and
 - (b) has such other functions as the [^{F4}Lord President] may confer.
- (6) ^{F5}.....

Textual Amendments

- F1** Words in s. 63(2) substituted (1.4.2016) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\), s. 138\(2\), sch. 5 para. 40\(4\)](#); S.S.I. 2016/13, art. 2, sch.

Changes to legislation: *There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 63. (See end of Document for details)*

- F2** S. 63(2A) inserted (1.4.2010) by Judiciary and Courts (Scotland) Act 2008 (asp 6), **ss. 57(3)(a)**, 76; S.S.I. 2010/39, **art. 2**, Sch.
- F3** Words in s. 63(5)(a) substituted (1.4.2016) by Courts Reform (Scotland) Act 2014 (asp 18), s. 138(2), **sch. 5 para. 40(4)**; S.S.I. 2016/13, art. 2, sch.
- F4** Words in s. 63(5)(b) substituted (1.4.2010) by Judiciary and Courts (Scotland) Act 2008 (asp 6), **ss. 57(3)(b)**, 76; S.S.I. 2010/39, **art. 2**, Sch.
- F5** S. 63(6) repealed (1.4.2010) by Judiciary and Courts (Scotland) Act 2008 (asp 6), ss. 73, 76, **Sch. 5 para. 5(3)(c)**; S.S.I. 2010/39, **art. 2**, Sch.

Commencement Information

- I1** S. 63 partly in force; s. 63 not in force at Royal Assent, see s. 84; s. 63(1)(3)-(6) in force at 10.3.2008 by S.S.I. 2008/42, **art. 3**, Sch.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 63.