



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

2007 asp 6

PART 4

JP COURTS AND JPS

Appointment of JPs etc.

70 Reappointment of JPs

- (1) A person—
- (a) whose 5-year term of appointment as a JP has expired, or
 - (b) who has resigned from office as a JP,
- is eligible for reappointment.
- (2) And a person who is eligible under subsection (1)(a) is to be reappointed except where—
- (a) the person declines the reappointment,
 - ^{F1}(b)
 - (c) the person is disqualified under section 73,
 - (d) the sheriff principal for the sheriffdom for which the person was appointed as a JP makes a recommendation to the Scottish Ministers against the reappointment.
- (3) A recommendation for the purpose of subsection (2)(d) may be made—
- (a) on the ground that the JP has inadequately performed the functions of a JP,
 - (b) on the ground that the JP has, without good reason, failed to meet a condition imposed under section 68(2),
 - (c) on the ground that the JP does not ordinarily reside in the sheriffdom of appointment or within 15 miles of it,
 - (d) on such other ground as the sheriff principal considers relevant.
- ^{F2}(4) Where a person is reappointed as a JP under subsections (1)(a) and (2) (including on a second or subsequent occasion), an oath—

Changes to legislation: There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 70. (See end of Document for details)

- (a) previously taken by the person as required by section 6 of the Promissory Oaths Act 1868 (and in accordance with the Promissory Oaths Act 1871) in relation to the person's appointment as a JP under subsection (1) of section 67, or
- (b) which by virtue of subsection (9) of section 67 counts in relation to the person's appointment as a JP under subsection (1) of that section,
- also counts in relation to the person's reappointment as a JP by virtue of subsections (1)(a) and (2).]

Textual Amendments

- F1** S. 70(2)(b) repealed (30.5.2014) by [The Judicial Pensions and Retirement Act 1993 \(Part-time Sheriff, Stipendiary Magistrate and Justice of the Peace\) Order 2014 \(S.S.I. 2014/155\)](#), arts. 1(2), **4(3)**
- F2** S. 70(4) added (10.12.2007) by [The Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(Incidental, Supplemental and Consequential Provisions\) Order 2007 \(S.S.I. 2007/540\)](#), **art. 6**

Changes to legislation:

There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 70.