

**Changes to legislation:** There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Cross Heading: The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6). (See end of Document for details)

## SCHEDULE 7 MODIFICATIONS OF ENACTMENTS

*The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6)*

78 The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 is amended as follows.

### Commencement Information

**I1** Sch. 7 para. 78 in force at 28.3.2011 by S.S.I. 2011/178, art. 2, Sch.

79 In section 7 (liberation on undertaking), in subsection (2), paragraphs (c), (e), (f) and (g) are repealed.

### Commencement Information

**I2** Sch. 7 para. 79 in force at 28.3.2011 by S.S.I. 2011/178, art. 2, Sch.

80 In section 74 (appointment of stipendiary magistrates), subsection (6) is repealed.

### Commencement Information

**I3** Sch. 7 para. 80 in force at 28.3.2011 by S.S.I. 2011/178, art. 2, Sch.

81 After section 74 insert—

#### “74A Exercise of functions by stipendiary magistrates

- (1) A stipendiary magistrate may, by reason of holding that office—
  - (a) exercise the same judicial and signing functions as are exercisable by a JP,
  - (b) do so in the same manner as a JP (including by using the title of office of JP).
- (2) For the purpose of subsection (1)—
  - (a) the acts of a stipendiary magistrate are valid as if the magistrate were a JP,
  - (b) it does not matter if an enactment from which a JP derives authority to act in a specific case does not bear to give equivalent authority to a stipendiary magistrate.
- (3) However, subsections (1) and (2) are subject to any provision of an enactment which expressly excludes a stipendiary magistrate from acting in a specific case.
- (4) This section does not limit any other functions of a stipendiary magistrate (in particular, those exercisable in that capacity only).”

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**Commencement Information**

**I4** Sch. 7 para. 81 in force at 28.3.2011 by S.S.I. 2011/178, art. 2, Sch.

- 82 In section 76 (signing functions)—
- (a) in subsection (2), for “signing functions in the same manner as” substitute “the same signing functions as are exercisable by”, and
  - (b) subsection (4) is repealed.

**Commencement Information**

**I5** Sch. 7 para. 82 in force at 28.3.2011 by S.S.I. 2011/178, art. 2, Sch.

- 83 In the schedule (modification of enactments)—
- (a) paragraph 3(b) is repealed, and
  - (b) in paragraph 26—
    - (i) the words “(in addition to the provisions amended by paragraphs 7(4) and 16(a))” are repealed, and
    - (ii) sub-paragraph (b) is repealed.

**Commencement Information**

**I6** Sch. 7 para. 83 in force at 28.3.2011 by S.S.I. 2011/178, art. 2, Sch.

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