
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 155

**The Judicial Pensions and Retirement
Act 1993 (Part-time Sheriff, Stipendiary
Magistrate and Justice of the Peace) Order 2014**

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

4.—(1) The Criminal Proceedings etc. (Reform) (Scotland) Act 2007(1) is amended in accordance with this article.

(2) In section 67 (appointment of JPs), for subsection (4)(b) substitute—

“(b) ceases to hold office when the JP retires from office.”.

(3) In section 70 (reappointment of JPs), subsection (2)(b) is repealed.

(4) After section 71 (removal of JPs) insert—

“71A Re-employment of former JPs

(1) A sheriff principal of a sheriffdom may appoint a qualifying former JP to act as a JP of the sheriffdom.

(2) An individual appointed to act as mentioned in subsection (1) may so act only during such periods or on such occasions as the sheriff principal may determine.

(3) A sheriff principal may make an appointment under subsection (1) only if it appears to the sheriff principal to be expedient as a temporary measure in order to facilitate the efficient disposal of business in the JP courts of the sheriffdom.

(4) A “qualifying former JP” is an individual who—

(a) ceased to hold that office other than—

(i) by virtue of an order under section 71,

(ii) by virtue of not being reappointed to the office on the ground mentioned in section 70(2)(d),

(b) has not reached the age of 75, and

(c) is not disqualified under section 73.

71B Re-employment of former JPs: further provision

(1) Subject to subsection (3), an individual’s appointment under section 71A lasts until the sheriff principal by whom the individual was appointed (or a successor to that sheriff principal) recalls the individual’s appointment.

(2) An individual appointed under section 71A(1) to act as a JP of a sheriffdom may exercise in the sheriffdom the jurisdiction and powers that attach to the office of JP.

(3) An individual's appointment under section 71A(1) ceases when that individual reaches the age of 75.

(4) Despite the ending (whether by virtue of subsection (3) or otherwise) of an individual's appointment under section 71A(1)—

(a) the individual may continue to deal with, give judgment in or deal with an ancillary matter relating to, a case begun before the individual while acting under that appointment,

(b) so far as is necessary for that purpose, and for the purpose of any subsequent proceedings arising out of the case or the matter, the individual is to be treated as acting, or as the case may be, having acted under that appointment.

(5) The Scottish Court Service may pay to a former JP appointed under section 71A(1) such allowances as the Scottish Ministers may determine.”.

(5) For section 74(8)(b) (appointment of stipendiary magistrates) substitute—

“(b) ceases to hold office when the stipendiary magistrate retires from office.”.

(6) In section 75 (stipendiary magistrates: further provision)—

(a) after subsection (3)(c) insert—

“(ca) sections 71A and 71B, except section 71B(5), apply,”; and

(b) after subsection (3) insert—

“(4) The Scottish Ministers may pay to a former stipendiary magistrate appointed under section 71A(1) such remuneration or allowances as they may determine.”.