



District Courts (Scotland) Act 1975 (repealed)

1975 CHAPTER 20

PART II

JUSTICES AND CLERKS OF THE PEACE

Justices of the peace

9 Appointment and removal of justices.

^{F1}

Textual Amendments

F1 S. 9 repealed (10.12.2007) by [The District Courts and Justices of the Peace \(Scotland\) Order 2007 \(S.S.I. 2007/480\)](#), [art. 3\(a\)](#)

9A Removal and restriction of functions of justices

^{F2}

Textual Amendments

F2 S. 9A repealed (10.12.2007) by [The District Courts and Justices of the Peace \(Scotland\) Order 2007 \(S.S.I. 2007/480\)](#), [art. 3\(b\)](#)

10 Existing justices and magistrates.

^{F3}

Status: Point in time view as at 10/12/2007.
Changes to legislation: There are currently no known outstanding effects for the District Courts (Scotland) Act 1975 (repealed), Part II. (See end of Document for details)

Textual Amendments
F3 S. 10 repealed (10.12.2007) by [The District Courts and Justices of the Peace \(Scotland\) Order 2007 \(S.S.I. 2007/480\)](#), [art. 3\(c\)](#)

11 Ex officio justices.

F4

Textual Amendments
F4 S. 11 repealed (10.12.2007) by [The District Courts and Justices of the Peace \(Scotland\) Order 2007 \(S.S.I. 2007/480\)](#), [art. 3\(c\)](#)

12 Restriction of functions of justices who are councillors etc.

F5

Textual Amendments
F5 S. 12 repealed (10.12.2007) by [The District Courts and Justices of the Peace \(Scotland\) Order 2007 \(S.S.I. 2007/480\)](#), [art. 3\(c\)](#)

13 Disqualification of solicitor who is a justice.

F6

Textual Amendments
F6 S. 13 repealed (10.12.2007) by [The District Courts and Justices of the Peace \(Scotland\) Order 2007 \(S.S.I. 2007/480\)](#), [art. 3\(c\)](#)

13A Disqualification in case of sequestration or bankruptcy.

F7

Textual Amendments
F7 S. 13A repealed (10.12.2007) by [The District Courts and Justices of the Peace \(Scotland\) Order 2007 \(S.S.I. 2007/480\)](#), [art. 3\(c\)](#)

14 Courses for justices.

F8

Status: Point in time view as at 10/12/2007.

Changes to legislation: There are currently no known outstanding effects for the District Courts (Scotland) Act 1975 (repealed), Part II. (See end of Document for details)

Textual Amendments

F8 S. 14 repealed (10.12.2007) by [The District Courts and Justices of the Peace \(Scotland\) Order 2007 \(S.S.I. 2007/480\)](#), **art. 3(c)**

15 Supplemental list.

F9

Textual Amendments

F9 S. 15 repealed (10.12.2007) by [The District Courts and Justices of the Peace \(Scotland\) Order 2007 \(S.S.I. 2007/480\)](#), **art. 3(c)**

16 Justices' committees.

F10

Textual Amendments

F10 S. 16 repealed (10.12.2007) by [The District Courts and Justices of the Peace \(Scotland\) Order 2007 \(S.S.I. 2007/480\)](#), **art. 3(c)**

17 Allowances.

(1) Subject to the provisions of this section, a justice of the peace shall be entitled to receive payments . . . ^{F11} by way of travelling allowance or subsistence allowance where expenditure on travelling or, as the case may be, on subsistence is necessarily incurred by him for the purpose of enabling him to perform any of his duties as a justice, and to receive payments . . . ^{F11} by way of financial loss allowance where for that purpose there is incurred by him any other expenditure to which he would not otherwise be subject or there is suffered by him any loss of earnings or of benefit under the National Insurance Acts 1965 to 1973 which he would otherwise have made or received.

(2) ^{F12}

(3) ^{F13}

(4) ^{F14}

(5) A justice shall not be entitled to any payment under this section in respect of any duties if, in respect of those duties, a payment of the like nature may be paid to him under arrangements made apart from this section or if regulations provide that this section shall not apply.

[^{F15}(5A) Allowances payable under this section shall be paid at rates determined by the Secretary of State with the consent of the Minister for the Civil Service.]

(6) An allowance payable under this section to a justice for any area in respect of his duties as such shall be paid by the local authority concerned.

Status: Point in time view as at 10/12/2007.

Changes to legislation: There are currently no known outstanding effects for the District Courts (Scotland) Act 1975 (repealed), Part II. (See end of Document for details)

- (7) Regulations may make provision as to the manner in which this section is to be administered and, in particular—
 - [^{F16}(a) for prescribing the forms to be used and the particulars to be provided for the purpose of claiming payment of allowances;]
 - (b) for avoiding duplication between payments under this section and under other arrangements where expenditure is incurred for more than one purpose, and otherwise for preventing abuse.
- (8) Regulations for the purposes of this section shall be made by the Secretary of State by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) The provisions of this section do not apply to stipendiary magistrates.

Textual Amendments

- F11** Words repealed by Administration of Justice Act 1977 (c. 38), Sch. 5 Pt. II
- F12** Ss. 10(5), 11(8), 13(3), 17(2), 22 repealed by Licensing (Scotland) Act 1976 (c. 66), Sch. 8
- F13** S. 17(3) repealed (10.12.2007) by The District Courts and Justices of the Peace (Scotland) Order 2007 (S.S.I. 2007/480), art. 3(d)
- F14** S. 17(4) repealed (10.12.2007) by The District Courts and Justices of the Peace (Scotland) Order 2007 (S.S.I. 2007/480), art. 3(d)
- F15** S. 17(5A) inserted by Administration of Justice Act 1977 (c. 38), Sch. 2 para. 9(a)
- F16** S. 17(7)(a) substituted by Administration of Justice Act 1977 (c. 38), Sch. 2 para. 9(b)

Clerks of the peace

18 Appointment and duties of clerk of peace.

- (1) Any person who immediately before 16th May 1975 holds office as clerk of the peace for any area shall, on that date, cease to hold that office, notwithstanding the provisions of any enactment or of any instrument in terms of which any person holds that office.
- (2) On and after that date, the duties of clerk of the peace shall, subject to subsection (3) below, be performed in each commission area by an officer of the local authority concerned, and it shall be the duty of every such authority to appoint and employ, whether on a full-time or part-time basis, an officer to hold the office of clerk of the peace for their area for the purpose of performing those duties.

^{F17}(3)

- (4) It shall be the duty of the clerk of the peace for any commission area—
 - (a) to advise and assist the justices in the performance of their functions;
 - (b) ^{F18}
 - (c) to cause to be kept a record of—
 - (i) those for the time being holding office as a justice for that area, and
 - (ii) those having held that office who have ceased to do so,
 and to include in that record a copy of any instrument appointing or removing a justice for that area in accordance with section 9(2) of this Act;
 - (d) ^{F19}

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- (e) to notify the Secretary of State of all deaths and resignations of justices in that area ^{F20}...;
- (f) to carry out such further duties as may be prescribed.

Textual Amendments

- F17** S. 18(3) repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(d), **Sch. 2**
- F18** S. 18(4)(b) repealed (10.12.2007) by The District Courts and Justices of the Peace (Scotland) Order 2007 (S.S.I. 2007/480), **art. 3(e)**
- F19** S. 18(4)(d) repealed (10.12.2007) by The District Courts and Justices of the Peace (Scotland) Order 2007 (S.S.I. 2007/480), **art. 3(e)**
- F20** Words in s. 18(4)(e) repealed (10.12.2007) by The District Courts and Justices of the Peace (Scotland) Order 2007 (S.S.I. 2007/480), **art. 3(f)**

Status:

Point in time view as at 10/12/2007.

Changes to legislation:

There are currently no known outstanding effects for the District Courts (Scotland) Act 1975 (repealed), Part II.