



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

## PART 4

### JP COURTS AND JPS

#### *Establishing JP courts etc.*

#### **59 Establishing JP courts**

- (1) <sup>F1</sup> .....
- (2) The Scottish Ministers may<sup>F2</sup>, following submission of a proposal under subsection (7),] by order establish courts of summary criminal jurisdiction to be known as justice of the peace courts.
- (3) JP courts are to be established by reference to a particular sheriff court district.
- (4) There is to be at least one JP court located in every sheriff court district except where, in relation to a district, the [<sup>F3</sup>Lord President of the Court of Session determines] that a JP court is not necessary.
- (5) In determining for the purposes of subsection (4) whether a JP court is necessary, the [<sup>F4</sup>Lord President] must have regard to—
  - (a) the amount of summary criminal court business in the district, and
  - (b) the capacity of—
    - (i) other JP courts in the same sheriffdom,
    - (ii) the sheriff courts in that sheriffdom.
- (6) The Scottish Ministers may<sup>F5</sup>, following submission of a proposal under subsection (7),] by order provide for—
  - (a) the relocation of a JP court,
  - (b) the disestablishment of a JP court.

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 59. (See end of Document for details)*

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- [<sup>F6</sup>(7) The Scottish Courts and Tribunals Service may, with the agreement of the Lord President, submit a proposal to the Scottish Ministers for the making of an order under subsection (2) or (6).
- (7A) Before submitting a proposal to the Scottish Ministers, the Scottish Courts and Tribunals Service must consult such persons as it considers appropriate.
- (7B) If, following submission of a proposal, the Scottish Ministers decide to make an order, they must have regard to the proposal in deciding what provision to make in the order.
- (7C) The Scottish Ministers may make an order under subsection (2) or (6) only with the consent of—
- (a) the Lord President, and
  - (b) the Scottish Courts and Tribunals Service.]
- (8) This section—
- (a) <sup>F7</sup> .....
  - (b) does not affect the operation of the sheriff court.
- (9) In this Part—
- a “district court” is a court of that name established under the 1975 Act,
  - a “JP court” is a justice of the peace court,
  - a “JP” is a justice of the peace.

#### Textual Amendments

- F1** S. 59(1) repealed (1.4.2010) by [Judiciary and Courts \(Scotland\) Act 2008 \(asp 6\)](#), **ss. 57(2)(a)**, 76; [S.S.I. 2010/39](#), **art. 2**, Sch.
- F2** Words in s. 59(2) inserted (1.4.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), **ss. 127(2)**, 138(2); [S.S.I. 2015/77](#), **art. 2(2)(3)**, sch.
- F3** Words in s. 59(4) substituted (1.4.2010) by [Judiciary and Courts \(Scotland\) Act 2008 \(asp 6\)](#), **ss. 57(2)(b)**, 76; [S.S.I. 2010/39](#), **art. 2**, Sch.
- F4** Words in s. 59(5) substituted (1.4.2010) by [Judiciary and Courts \(Scotland\) Act 2008 \(asp 6\)](#), **ss. 57(2)(c)**, 76; [S.S.I. 2010/39](#), **art. 2**, Sch.
- F5** Words in s. 59(6) inserted (1.4.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), **ss. 127(2)**, 138(2); [S.S.I. 2015/77](#), **art. 2(2)(3)**, sch.
- F6** S. 59(7)-(7C) substituted for s. 59(7)(7A) (1.4.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), **ss. 127(3)**, 138(2); [S.S.I. 2015/77](#), **art. 2(2)(3)**, sch.
- F7** S. 59(8)(a) and following word repealed (1.4.2010) by [Judiciary and Courts \(Scotland\) Act 2008 \(asp 6\)](#), **ss. 73**, 76, **Sch. 5 para. 5(3)(a)**; [S.S.I. 2010/39](#), **art. 2**, Sch.

#### Commencement Information

- I1** S. 59 wholly in force at 22.2.2010; s. 59 not in force at Royal Assent, see s. 84; s. 59 in force for certain purposes at 10.12.2007, 10.3.2008, 2.6.2008, 8.12.2008, 23.2.2009, 14.12.2009 and 22.2.2010 otherwise by [S.S.I. 2007/479](#), **art. 3**, Sch.; [S.S.I. 2008/42](#), **art. 3**, Sch.; [S.S.I. 2008/192](#), **art. 3**, Sch.; [S.S.I. 2008/329](#), **art. 3**, Sch.; [S.S.I. 2008/362](#), **art. 3**, Sch.; [S.S.I. 2009/432](#), **art. 3(1)(2)**, Sch. 1, Sch. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 59.