



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

## PART 4

### JP COURTS AND JPS

#### *Establishing JP courts etc.*

#### **63 Constitution and powers etc. of JP courts**

- (1) A JP court has competence, subject to sections 6 and 7 of the 1995 Act (which include provision as to the constitution and powers of JP courts), as respects summary proceedings for offences.
- (2) The Scottish Ministers may by order amend section 6(2) of the 1995 Act so that it provides that a JP court (when not constituted by a [<sup>F1</sup>summary sheriff]) is to be constituted by one JP only.
- [<sup>F2</sup>(2A) The Scottish Ministers may make an order under subsection (2) only on the recommendation of the Lord President of the Court of Session.]
- (3) Each JP court is to have a clerk of the court.
- (4) The clerk of a JP court is to be a solicitor or advocate.
- (5) The clerk of a JP court—
  - (a) except on occasions when a [<sup>F3</sup>summary sheriff] presides, is to act as legal adviser to the court, and
  - (b) has such other functions as the [<sup>F4</sup>Lord President] may confer.
- (6) <sup>F5</sup>.....

#### **Textual Amendments**

- F1** Words in s. 63(2) substituted (1.4.2016) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 5 para. 40\(4\)](#); S.S.I. 2016/13, art. 2, sch.

---

*Status: Point in time view as at 01/04/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 63. (See end of Document for details)*

---

- F2** S. 63(2A) inserted (1.4.2010) by Judiciary and Courts (Scotland) Act 2008 (asp 6), **ss. 57(3)(a)**, 76; S.S.I. 2010/39, **art. 2**, Sch.
- F3** Words in s. 63(5)(a) substituted (1.4.2016) by Courts Reform (Scotland) Act 2014 (asp 18), s. 138(2), **sch. 5 para. 40(4)**; S.S.I. 2016/13, art. 2, sch.
- F4** Words in s. 63(5)(b) substituted (1.4.2010) by Judiciary and Courts (Scotland) Act 2008 (asp 6), **ss. 57(3)(b)**, 76; S.S.I. 2010/39, **art. 2**, Sch.
- F5** S. 63(6) repealed (1.4.2010) by Judiciary and Courts (Scotland) Act 2008 (asp 6), ss. 73, 76, **Sch. 5 para. 5(3)(c)**; S.S.I. 2010/39, **art. 2**, Sch.

---

**Commencement Information**

- I1** S. 63 partly in force; s. 63 not in force at Royal Assent, see s. 84; s. 63(1)(3)-(6) in force at 10.3.2008 by S.S.I. 2008/42, **art. 3**, Sch.

**Status:**

Point in time view as at 01/04/2016.

**Changes to legislation:**

There are currently no known outstanding effects for the *Criminal Proceedings etc. (Reform) (Scotland) Act 2007*, Section 63.