



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

2007 asp 6

PART 4

JP COURTS AND JPS

Appointment of JPs etc.

76 Signing functions

- (1) A person who is a JP ^{F1}... may not exercise the judicial functions of office (but may exercise signing functions) if the person is—
 - (a) a member of a local authority,
 - (b) a member of the Scottish Parliament,
 - (c) a member of the House of Commons or the House of Lords.
- (2) A member of a local authority, despite not being a JP, may exercise [^{F2}the same signing functions as are exercisable by] a JP.
- (3) Where a member of a local authority exercises a signing function, the document, declaration or certificate concerned has effect—
 - (a) as if that function were exercised by a JP,
 - (b) even where that document, declaration or certificate requires (or bears to require) to be signed, authenticated or given by a JP,if the words “member of a local authority” appear on it adjacent to the member's signature.
- ^{F3}(4)
- (5) A JP^{F4}... or member of a local authority may not charge a fee for exercising signing functions.
- (6) In this Part, “signing functions” are—
 - (a) signing any document for the purpose of authenticating another person's signature,

Changes to legislation: There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 76. (See end of Document for details)

- (b) taking and authenticating by signature any written declaration,
- (c) giving a signed certificate of—
 - (i) facts within the giver's knowledge, or
 - (ii) the giver's opinion as to any matter.

Textual Amendments

- F1** Words in s. 76(1) repealed (1.4.2016) by Courts Reform (Scotland) Act 2014 (asp 18), s. 138(2), **sch. 5 para. 40(6)(a)**; S.S.I. 2016/13, art. 2, sch.
- F2** Words in s. 76(2) substituted (28.3.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), s. 206(1), **Sch. 7 para. 82(a)**; S.S.I. 2011/178, art. 2, Sch.
- F3** S. 76(4) repealed (28.3.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), s. 206(1), **Sch. 7 para. 82(b)**; S.S.I. 2011/178, art. 2, Sch.
- F4** Words in s. 76(5) repealed (1.4.2016) by Courts Reform (Scotland) Act 2014 (asp 18), s. 138(2), **sch. 5 para. 40(6)(b)**; S.S.I. 2016/13, art. 2, sch.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 76.