

2008 No. 330

CRIMINAL LAW

**The Stipendiary Magistrates (Specified Day) (Sheriffdom of
Glasgow and Strathkelvin) Order 2008**

<i>Made</i> - - - -	<i>2nd October 2008</i>
<i>Laid before the Scottish Parliament</i>	<i>3rd October 2008</i>
<i>Coming into force</i> - -	<i>8th December 2008</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 74(12) and 81(2) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Stipendiary Magistrates (Specified Day) (Sheriffdom of Glasgow and Strathkelvin) Order 2008 and comes into force on 8th December 2008.

Termination of appointments for stipendiary magistrates under the District Courts (Scotland) Act 1975

2. The specified day for the purposes of section 74(12) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 in the Sheriffdom of Glasgow and Strathkelvin is 8th December 2008.

KENNY MACASKILL
A member of the Scottish Executive

St Andrew's House,
Edinburgh
2nd October 2008

EXPLANATORY NOTE

(This note is not part of the Order)

Section 5 of the District Courts (Scotland) Act 1975 (c.20) (“the 1975 Act”) provides for the appointment of stipendiary magistrates by local authorities.

Section 74 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (“the 2007 Act”) makes changes to the regime for the appointment of stipendiary magistrates, and gives Scottish Ministers the power to appoint stipendiary magistrates following advice from a sheriff principal.

Section 74(12) of the 2007 Act makes provision for what is to happen to stipendiary magistrates who hold appointment under the 1975 Act at the time section 74 comes into force. Section 74 comes into force in the Sheriffdom of Glasgow and Strathkelvin on 8th December 2008. It provides that, on a day specified by Scottish Ministers, those stipendiary magistrates will cease to hold appointment under the 1975 Act and, provided that they do not decline the appointment, are to be appointed as stipendiary magistrates under the 2007 Act.

This Order specifies the 8th December 2008 as the day on which the change of statutory basis of appointment described above is to take place in the Sheriffdom of Glasgow and Strathkelvin. Specifying the day for that sheriffdom reflects the fact that section 74 of the 2007 Act has been commenced on a sheriffdom by sheriffdom basis, and that the only stipendiary magistrates currently holding office under the 1975 Act are those appointed by Glasgow City Council.

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