

**2009 No. 20**

**JUSTICE OF THE PEACE COURTS**

**The Justice of the Peace Courts (Sheriffdom of Tayside, Central and Fife) Amendment Order 2009**

<i>Made</i> - - - -	<i>21st January 2009</i>
<i>Laid before the Scottish Parliament</i>	<i>23rd January 2009</i>
<i>Coming into force</i> - -	<i>23rd February 2009</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 64(1), 65(5) and 81(2) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007(a) and all other powers enabling them to do so.

In accordance with section 64(3) of that Act they have consulted with the Sheriff Principal for the Sheriffdom of Tayside, Central and Fife, Dundee City Council and Fife Council.

**Citation and commencement**

1. This Order may be cited as the Justice of the Peace Courts (Sheriffdom of Tayside, Central and Fife) Amendment Order 2009 and comes into force on 23rd February 2009.

**Amendments to the Justice of the Peace Courts (Sheriffdom of Tayside, Central and Fife) Order 2008**

2.—(1) The Justice of the Peace Courts (Sheriffdom of Tayside, Central and Fife) Order 2008(b) is amended in accordance with this article.

(2) After article 7 insert—

**“Transfer of property, rights and liabilities**

8.—(1) All of the property, rights and liabilities of the local authorities specified in column 1 of Schedule 4 to this Order, in relation to the heritable property specified in column 2 of that Schedule, are transferred to and vest in the Scottish Ministers on the relevant date.

(2) The transfer, by virtue of this article, of any property, rights and liabilities to the Scottish Ministers shall not affect the validity of anything done (or having effect as if done) by or in relation to that local authority, so far as it relates to any property, rights and liabilities transferred by virtue of this article, before the relevant date.

(3) Anything (including legal proceedings) which, on the relevant date, is in the process of being done by or in relation to those local authorities, so far as it relates to any property,

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(a) 2007 asp 6.  
(b) S.S.I. 2008/363.

rights and liabilities transferred by virtue of this article, shall be continued by or in relation to the Scottish Ministers.

(4) Anything done (or having effect as if done) by or in relation to those local authorities for the purposes of or in connection with any property, rights and liabilities transferred to the Scottish Ministers by virtue of this article shall, if in force on the relevant date, have effect as if done by or in relation to the Scottish Ministers in so far as that is required for continuing its effect after that date.”.

(3) After Schedule 3 insert–

## “SCHEDULE 4

Article 8

### TRANSFER OF PROPERTY, RIGHTS AND LIABILITIES

<i>(Column 1) Local Authority</i>	<i>(Column 2) Heritable Property</i>
Dundee City Council	ALL and WHOLE that plot or area of ground in the City of Dundee and County of Angus (formerly Forfar) extending to 780m <sup>2</sup> designated by the local authority as the District Court at the making of this Order all as shown delineated in red on the plan which is signed by Kenny MacAskill, Cabinet Secretary for Justice and a member of the Scottish Executive, and marked “Plan referred to in the Justice of the Peace Courts (Sheriffdom of Tayside, Central and Fife) Amendment Order 2009”, a copy of which is deposited in the office of the Scottish Government Criminal Justice Directorate, St Andrew’s House, Regent Road, Edinburgh, EH1 3DG; TOGETHER WITH (One) the subjects known as and forming Dundee District Court, 6 West Bell Street, Dundee DD1 9RD and the whole other buildings and erections thereon; (Two) the whole parts, privileges and pertinents thereof; (Three) the whole mines, metals and minerals pertaining thereto; (Four) the fittings and fixtures in and on the said property hereby described, and (Five) the whole right, title and interest, present and future, in and to the said property.
Fife Council	ALL and WHOLE that plot of ground lying in the Burgh of Kirkcaldy, Parish of Kirkcaldy and Dysart and the County of Fife extending to Ninety one decimal or one thousandth parts of an acre (0.091ac) Imperial Measure or thereby being the subjects more particularly described in, disposed by and delineated and coloured pink on the plan or sketch thereof annexed and subscribed as relative to Feu Charter by Mrs Mary Beveridge or Douglas or Kininmonth in favour of Robert Lawson Currie dated Twenty seventh and recorded in the Particular Register of Sasines, Reversions et cetera kept for the Burgh of Kirkcaldy on Twenty eighth, both

<i>(Column 1) Local Authority</i>	<i>(Column 2) Heritable Property</i>
	days of November, Nineteen hundred and eight; TOGETHER WITH (One) the subjects known as and forming Kirkcaldy District Court, 23 St Brycedale Road, Kirkcaldy KY1 1ER and the whole other buildings and erections therein and thereon, (Two) the parts, privileges and pertinents thereof, (Three) the fittings and fixtures therein and thereon, and (Four) the whole right, title and interest, present and future, therein and thereto.

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St Andrew's House,  
Edinburgh  
21st January 2009

*KENNY MACASKILL*  
A member of the Scottish Executive

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes amendments to the Justice of the Peace Courts (Sheriffdom of Tayside, Central and Fife) Order 2008 (“the 2008 Order”).

The 2008 Order makes provision for the establishment of JP courts in the Sheriffdom of Tayside, Central and Fife (and the associated disestablishment of the existing district courts in that Sheriffdom). The majority of the provisions of that Order will come into force on 23rd February 2009, however, certain transitional provisions came into force in respect of the establishment of JP courts on 1st December 2008.

Article 8 is inserted to make provision for the transfer of property, rights and liabilities to the Scottish Ministers of the heritable property which is specified in the newly inserted Schedule 4.

References in these newly inserted provisions to the “relevant date” will attract the definition given to that term in article 1 of the 2008 Order. “Relevant date” is defined there as meaning 23rd February 2009.

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