

2009 No. 293

SHERIFF COURT

The Sheriff Court Districts Amendment Order 2009

Made - - - - *17th August 2009*

Coming into force - - *31st August 2009*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 3 and 43 of the Sheriff Courts (Scotland) Act 1971(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Sheriff Court Districts Amendment Order 2009 and comes into force on 31st August 2009.

Amendment of the Sheriff Court Districts (Alteration of Boundaries) Order 1996

2.—(1) The Sheriff Court Districts (Alteration of Boundaries) Order 1996(b) is amended as follows.

(2) In column 2 of Schedule 1 for “Linlithgow” substitute “Livingston”.

(3) In column 4 of Schedule 1 omit the words “Linlithgow and”.

Transitional provision

3.—(1) With effect from 31st August 2009—

- (a) any proceedings which were instituted in Linlithgow Sheriff Court, but which have not been completed, are to continue in Livingston Sheriff Court as if instituted there;
- (b) ongoing cases at Linlithgow Sheriff Court are to be heard and disposed of at Livingston Sheriff Court as if Livingston Sheriff Court always had jurisdiction for the proceedings;
- (c) any relevant—
 - (i) verdict, sentence, order or other determination; and
 - (ii) indictment, complaint, petition, writ, notice, citation, warrant, extract or other document,

which makes reference to Linlithgow Sheriff Court or Linlithgow Sheriff Court District has effect as though that reference is a reference to Livingston Sheriff Court or Livingston Sheriff Court District (whichever is applicable);

(a) 1971 c.58. The functions of the Secretary of State under sections 3 and 43 of the 1971 Act were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1996/1005, as amended by the Sheriff Court Districts (Alteration of Boundaries) Amendment Order 1996 (S.I. 1996/2192).

- (d) any sentence, decree, fine, fixed penalty, conditional offer or other penalty that was enforceable in Linlithgow Sheriff Court District is to continue to be enforceable in Livingston Sheriff Court District;
 - (e) any expenses that were enforceable in Linlithgow Sheriff Court District are to continue to be enforceable in Livingston Sheriff Court District; and
 - (f) the general jury book maintained in respect of Linlithgow Sheriff Court District in terms of section 3 of the Jurors (Scotland) Act 1825(a) is to continue to be maintained in respect of Livingston Sheriff Court District.
- (2) Where immediately before 31st August 2009—
- (a) a sheriff was required or directed to perform duties as a sheriff in Linlithgow Sheriff Court District that sheriff is to, on and after that date, without the necessity of any new direction being made, perform duties in Livingston Sheriff Court District; and
 - (b) a person held the office of sheriff clerk or sheriff clerk depute in Linlithgow Sheriff Court District, that person is to, on and after that date, without the necessity of a new appointment, hold the office of sheriff clerk, or as the case may be sheriff clerk depute, in Livingston Sheriff Court District.

Consequential provision relating to Justice of the Peace Court

4. The Justice of the Peace Court established for the Linlithgow Sheriff Court District under the Justice of the Peace Courts (Sheriffdom of Lothian and Borders) etc. Order 2008(b) is deemed to be established for the Livingston Sheriff Court District.

KENNY MACASKILL
A member of the Scottish Executive

St Andrew's House,
Edinburgh
17th August 2009

(a) 1825 c.22.
(b) S.S.I. 2008/31.

EXPLANATORY NOTE

(This note is not part of the Order)

The Sheriff Court Districts (Alteration of Boundaries) Order 1996 made provision as to the boundaries of the sheriff court districts in Scotland. That Order was amended in 1996. Article 2 makes further amendments to that Order so that Linlithgow Sheriff Court District will become Livingston Sheriff Court District and Livingston will be the only place where a sheriff court will be held within that district.

Article 3 makes provision for the transfer of court business from Linlithgow Sheriff Court to Livingston Sheriff Court.

Article 4 makes provision so that the Justice of the Peace Court established in the Linlithgow Sheriff Court District is now to be treated as the Justice of the Peace Court in the Livingston Sheriff Court District.

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