

2010 No. 15

JUSTICE OF THE PEACE COURTS

**The Justice of the Peace Courts (Sheriffdom of South
Strathclyde, Dumfries and Galloway) etc. Amendment
Order 2010**

<i>Made</i>	- - - -	<i>21st January 2010</i>
<i>Laid before the Scottish Parliament</i>		<i>22nd January 2010</i>
<i>Coming into force</i>	- -	<i>22nd February 2010</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 South Strathclyde, Dumfries and Galloway, North Lanarkshire Council and South Lanarkshire Council.

Citation and commencement

1. This Order may be cited as the Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) etc. Amendment Order 2010 and comes into force on 22nd February 2010.

Amendments to the Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) etc. Order 2009

2.—(1) The Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) etc. Order 2009(b) is amended in accordance with this article.

(2) After article 7 insert—

“8. -Transfer of property, rights and liabilities

(1) All the property, rights and liabilities of the local authorities specified in column 1 of Schedule 3 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 those local authorities, so far as it relates to any property, rights and liabilities transferred by virtue of this article, before the relevant date.

(a) 2007 asp 6.
(b) S.S.I. 2009/332.

(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, 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 2 insert—

“SCHEDULE 3

Article 8

TRANSFER OF PROPERTY, RIGHTS AND LIABILITIES

<i>Column 1 (local authority)</i>	<i>Column 2 (heritable property)</i>
The North Lanarkshire Council	ALL and WHOLE that plot or area of ground in the County of Dumbarton extending to Four hundred and eight square metres and thirty five decimal or one hundredth parts of a square metre (408.35 square metres) or thereby designated by the local authority as the District Court before the making of this Order all as shown delineated in red and shown hatched in blue 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 South Strathclyde, Dumfries and Galloway) etc. Amendment Order 2010”, 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 UNDER EXCEPTION of the airspace and solum insofar as lying beneath the underside of the overhang of the first or uppermost floor of the building erected on the said plot or area of ground hereby described; Which plot or area of ground under exception aforesaid forms part and portion of ALL and WHOLE that plot of ground lying in the said County extending to One acre and fifty three decimal or hundredth parts of an acre or thereby more particularly described in, disposed by and shown coloured pink and outlined in red on the plan annexed and subscribed as relative to Feu Disposition by Cumbernauld Development Corporation in favour of Cumbernauld and Kilsyth District Council dated Fourth and recorded in the Division of the General Register of Sasines for the County of Dumbarton on Twenty fifth, both days of May, Nineteen hundred and seventy seven; TOGETHER WITH (One) the subjects known as and forming Cumbernauld District Court, Bron Way, Cumbernauld G67 1DZ 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.

<p>The South Lanarkshire Council</p>	<p>ALL and WHOLE that plot of ground lying in the Parish and Burgh of Hamilton and the County of Lanark extending to One thousand one hundred and sixty five square metres (1165 sq.m.) or thereby 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 South Strathclyde, Dumfries & Galloway) etc. Amendment Order 2010”, 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; Which plot or area of ground forms part and portion of ALL and WHOLE that plot or area of ground in the said Parish, Burgh and County extending to 1590.34 square metres or thereby more particularly described in and shown bounded in red and shaded pink on the plan thereof annexed and subscribed as relative to Notice of Title by Hamilton District Council recorded in the Division of the General Register of Sasines applicable to the County of Lanark on Sixth day of September 1982; TOGETHER WITH (One) the subjects known as and forming Hamilton District Court, Campbell Street, 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.</p>
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St Andrew’s House,
Edinburgh
21st January 2010

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 South Strathclyde, Dumfries and Galloway) etc. Order 2009 (“the 2009 Order”).

The 2009 Order makes provision for the establishment of justice of the peace courts (“JP courts”) in the Sheriffdom of South Strathclyde, Dumfries and Galloway (and the associated disestablishment of the existing district courts). The majority of the provisions of that Order will come into force on 22nd February 2010, however, certain transitional provisions came into force in respect of the establishment of the JP courts on 23rd November 2009.

Article 8 is inserted in the 2009 Order 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 3. Plans delineating the extent of the relevant heritable property described in Schedule 3 are held by the Scottish Government Justice Directorate at St Andrew’s House, Regent Road, Edinburgh, EH1 3DG.

References in these newly inserted provisions to the “relevant date” will attract the definition given to that term in article 1 of the 2009 Order. “Relevant date” is defined there as meaning 22nd February 2010.

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