



# District Courts (Scotland) Act 1975 (repealed)

## 1975 CHAPTER 20

### PART I

#### DISTRICT COURTS

#### 5 Stipendiary magistrates.

- (1) Subject to subsections (2) and (3) below, a local authority may appoint a stipendiary magistrate to sit in a district court, and the terms and conditions of such an appointment, including superannuation and other benefits, shall be those applicable to service in local government.
- (2) A person shall not be appointed to be a stipendiary magistrate unless he is, and has been for at least five years, legally qualified, and for the purposes of this subsection a person shall be legally qualified if he is an advocate or a solicitor.
- (3) A person shall not be appointed to be a stipendiary magistrate until the Secretary of State approves—
  - (a) the establishment of the office of stipendiary magistrate in the district court concerned;
  - (b) the salary which it is proposed should pertain to that office; and
  - (c) the appointment of the person proposed for that office.
- (4) Where it appears to the Secretary of State that it is expedient so to do in order to avoid delays in the administration of justice in any district court, he may direct the local authority concerned to appoint a person qualified to be so appointed to act as stipendiary magistrate in that court during such period as the Secretary of State thinks fit.
- (5) Any person who immediately before 16th May 1975 holds office as stipendiary magistrate for any area shall, on that date, become stipendiary magistrate in the district

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*Status: Point in time view as at 01/04/1996. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the District Courts (Scotland) Act 1975 (repealed), Section 5. (See end of Document for details)*

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court having jurisdiction in that area and shall be deemed in all respects to have been appointed by virtue of this section.

- (6) The salary of any such stipendiary magistrate as is mentioned in subsection (5) above shall not be less than that payable to him immediately before 16th May 1975.
- (7) Every stipendiary magistrate shall, by virtue of his office, be a justice of the peace for the commission area in which he is appointed.
- (8) Section 12 of the <sup>M1</sup>Sheriff Courts (Scotland) Act 1971 (removal from office of sheriff) shall apply in relation to a stipendiary magistrate as it applies in relation to a sheriff.

**Modifications etc. (not altering text)**

**C1** S. 5(1) extended (4.1.1995) by 1994 c. 39, s. 50(1)(with s. 7(2)); S.I. 1994/2850, art. 3(a), Sch. 2

**Marginal Citations**

**M1** 1971 c. 58.

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