

These notes relate to the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6) which received Royal Assent on 22 February 2007

CRIMINAL PROCEEDINGS ETC. (REFORM) (SCOTLAND) ACT 2007

EXPLANATORY NOTES

INTRODUCTION

Part 4 – Jp Courts and Jps

Establishing JP courts etc.

Section 63: Constitution and powers etc. of JP courts

359. **Section 63(1)** makes clear that the JP court has competence, subject to the provisions in sections 6 and 7 of the 1995 Act, to deal with summary proceedings in respect of offences. Section 7(1) of the 1995 Act provides that district courts have the power to deal with common law offences. That subsection is repealed by paragraph 9(2) of the schedule to this Act. The revised subsection 7(3) of the 1995 Act, which is inserted by the same paragraph of the schedule, instead makes it clear that district courts have the power to try any common law or statutory offences which are triable summarily.
360. Section 6(2) of the 1995 Act provides that a district court may be constituted by one or more JPs. Some district courts sit with benches of 3 JPs, in others only 1 JP presides. Section 6(2) is modified in the schedule to the Act and, as modified, will allow the JP court to be constituted by one or more JPs. However, section 63(2) provides the Scottish Ministers with the power to amend section 6(2) of the 1995 Act, by order, to provide that a JP court may be constituted by one JP only.
361. This section also makes provision relating to the staff of JP courts, including clerks of court. The clerk of a JP court will be a solicitor or advocate, and will provide legal advice to the court. Clerks of court and other staff will be appointed and employed by Scottish Ministers (in practice they will be employees of the SCS).