

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

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

#### **Part 4 – Jp Courts and Jps**

#### **Establishing JP courts etc.**

#### ***Section 65: Transfer of staff and property***

365. This section provides that the Scottish Ministers must make a scheme for the transfer of the employment of certain members of district court staff to the Scottish Administration. Such a scheme may be referred to in an order made under section 64(1) of the Act. The scheme may apply to some or all staff who work in the district court that is being disestablished. It may, by way of example, apply only to staff that spend more than a particular proportion of their working time on district court duties. Subsection (4) makes it clear that the [Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#) will apply to staff transferred under this section.
366. Subsections (5) to (8) make provision for the transfer to, and vesting in, Scottish Ministers of district court properties and liabilities when district courts are disestablished under section 64(1). Subsection (6) reflects that fact that the Scottish Ministers are not required to transfer all district court properties to themselves. Some properties may remain with the local authority, depending on the circumstances of each case. Subsection (8) provides that a certificate issued by Scottish Ministers is conclusive evidence of the transfer of any such property or liability.