



# Criminal Proceedings etc. (Reform) (Scotland) Act 2007

2007 asp 6

## PART 4

### JP COURTS AND JPS

#### *Establishing JP courts etc.*

#### **64 Abolition of district courts**

- (1) For the purpose mentioned in subsection (2), the Scottish Ministers may by order—
  - (a) provide for any district court to be disestablished,
  - (b) impose, in relation to the disestablishment, specific requirements on the local authority responsible for the court.
- (2) The purpose is that, by the end of a period determined by the Scottish Ministers, the district courts (taken as a whole) cease to exist.
- (3) Before making an order under subsection (1), the Scottish Ministers must consult—
  - (a) the sheriff principal for the sheriffdom in which the district court is located, and
  - (b) the local authority responsible for the court.
- (4) The Scottish Ministers may by order repeal any or all of the provisions of the 1975 Act to such extent as they consider to be appropriate for the purposes of or in connection with the provisions of this Part.
- (5) The Scottish Ministers may by order provide for the application for the purpose of the operation of any remaining district courts of any provisions of the 1995 Act, or any other enactment, which refer to JP courts.
- (6) The provisions of—
  - (a) the 1975 Act for the time being in force,
  - (b) the 1995 Act, or any other enactment, so far as applying in relation to any remaining district courts,

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*Status: This is the original version (as it was originally enacted).*

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have effect with or subject to such modifications as the Scottish Ministers may by order make for the purpose of the operation of any remaining district courts.

- (7) Any function of any remaining district court (including as referable to jurisdiction or powers) exercisable by virtue of—
- (a) a provision of the 1975 Act (including as modified under subsection (6)(a) or as affected by repeal by or under this Act),
  - (b) a provision of the 1995 Act (including as applied under subsection (5), as modified under subsection (6)(b) or as affected by repeal by or under this Act),
  - (c) a provision of any other enactment (including as modified under subsection (6)(b) or as affected by repeal by or under this Act),
- is subject to such provision as the Scottish Ministers may by order make for the purpose of the operation of any remaining district courts.
- (8) Any function of a local authority under a provision of the 1975 Act for the time being in force (including as modified under subsection (6)(a)) is subject to any requirements imposed under subsection (1)(b).