



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

2007 asp 6

PART 4

JP COURTS AND JPS

Appointment of JPs etc.

76 **Signing functions**

- (1) A person who is a JP or a stipendiary magistrate may not exercise the judicial functions of office (but may exercise signing functions) if the person is—
 - (a) a member of a local authority,
 - (b) a member of the Scottish Parliament,
 - (c) a member of the House of Commons or the House of Lords.
- (2) A member of a local authority, despite not being a JP, may exercise signing functions in the same manner as a JP.
- (3) Where a member of a local authority exercises a signing function, the document, declaration or certificate concerned has effect—
 - (a) as if that function were exercised by a JP,
 - (b) even where that document, declaration or certificate requires (or bears to require) to be signed, authenticated or given by a JP,if the words “member of a local authority” appear on it adjacent to the member’s signature.
- (4) Where in exercising a signing function a stipendiary magistrate uses the title of office of JP, the document, declaration or certificate concerned has effect as if the magistrate were a JP.
- (5) A JP, stipendiary magistrate or member of a local authority may not charge a fee for exercising signing functions.
- (6) In this Part, “signing functions” are—

Status: This is the original version (as it was originally enacted).

- (a) signing any document for the purpose of authenticating another person's signature,
- (b) taking and authenticating by signature any written declaration,
- (c) giving a signed certificate of—
 - (i) facts within the giver's knowledge, or
 - (ii) the giver's opinion as to any matter.