
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes various provisions in relation to the establishment of justice of the peace courts (“JP courts”) in the Sheriffdom of Tayside, Central and Fife.

JP courts are being established on a Sheriffdom by Sheriffdom basis and have already been established in Lothian and Borders and Grampian, Highland and Islands, and from 8th December 2008, in Glasgow and Strathkelvin.

Article 2 of and Schedule 1 to the Order specify the justice of the peace courts which are to be established in the various Sheriff Court Districts within the Sheriffdom of Tayside, Central and Fife.

Article 3 of and Schedule 2 to the Order make provision for the disestablishment of the district courts (established under the District Courts (Scotland) Act 1975) which sit within the Sheriffdom of Tayside, Central and Fife. Those district courts are disestablished by reference to commission areas (areas of Councils) in which they were established.

Article 4 confirms that a scheme to be made by the Scottish Ministers (under section 65(2) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007) will identify which staff of the district courts that scheme will apply to. The effect of that scheme will be that certain staff (being employees of the local authorities which administer the district courts) will transfer to the employment of the Scottish Administration.

Article 5 makes incidental, consequential and transitional provision in relation to certain fixed penalties and conditional offers of penalties. These provisions will allow the clerks to the justice of the peace courts to deal with matters relating to these penalties and offers which were previously dealt with by the clerk to the, disestablished, district courts.

Article 6 makes further transitional provision allowing accused persons and witnesses to be cited to the JP courts in the Sheriffdom of Tayside, Central and Fife, prior to their establishment. The article also makes transitional provision for fixing diets in those courts and for dealing with the alteration of such diets (under sections 137 and 137ZA of the Criminal Procedure (Scotland) Act 1995) and incidental applications made in respect of such cases (under section 134 of that Act).

Article 7 of and Schedule 3 to the Order make provision in relation to the repeal of various sections of the District Courts (Scotland) Act 1975. These repeals apply only to the Sheriffdom of Tayside, Central and Fife and are consequential upon the establishment of JP courts in that Sheriffdom and the disestablishment of the district courts.