

2008 No. 374

JUSTICE OF THE PEACE COURTS

The Justice of the Peace Court (Sheriffdom of Glasgow and Strathkelvin) Amendment Order 2008

Made - - - - - *13th November 2008*

Laid before the Scottish Parliament *14th November 2008*

Coming into force *8th December 2008*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 64(1) and 65(5) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007(a) and all other powers enabling them to do so.

In accordance with section 64(3) of that Act they have consulted with the Sheriff Principal for the Sheriffdom of Glasgow and Strathkelvin and Glasgow City Council.

Citation and commencement

1. This Order may be cited as the Justice of the Peace Court (Sheriffdom of Glasgow and Strathkelvin) Amendment Order 2008 and comes into force on 8th December 2008.

Amendments to the Justice of the Peace Court (Sheriffdom of Glasgow and Strathkelvin) Order 2008

2.—(1) The Justice of the Peace Court (Sheriffdom of Glasgow and Strathkelvin) Order 2008(b) is amended in accordance with this article.

(2) In article 8—

(a) omit “the” where it appears before “Schedule”; and

(b) after “Schedule” insert “1”.

(3) After article 8 insert—

“Transfer of property, rights and liabilities

9.—(1) All of the property, rights and liabilities of the local authority specified in column 1 of Schedule 2 to this Order, in relation to the heritable property specified in column 2 of that Schedule, are transferred to and vest in the Scottish Ministers on the relevant date.

(2) The transfer, by virtue of this article, of any property, rights and liabilities to the Scottish Ministers shall not affect the validity of anything done (or having effect as if done)

(a) 2007 asp 6.
(b) S.S.I. 2008/328.

by or in relation to that local authority, so far as it relates to any property, rights and liabilities transferred by virtue of this article, before the relevant date.

(3) Anything (including legal proceedings) which, on the relevant date, is in the process of being done by or in relation to that local authority, so far as it relates to any property, rights and liabilities transferred by virtue of this article, shall be continued by or in relation to the Scottish Ministers.

(4) Anything done (or having effect as if done) by or in relation to that local authority for the purposes of or in connection with any property, rights and liabilities transferred to the Scottish Ministers by virtue of this article shall, if in force on the relevant date, have effect as if done by or in relation to the Scottish Ministers in so far as that is required for continuing its effect after that date.”.

(4) Renumber the Schedule as Schedule 1.

(5) After the Schedule insert–

“SCHEDULE 2

Article 9

TRANSFER OF PROPERTY, RIGHTS AND LIABILITIES

<i>Column 1 (local authority)</i>	<i>Column 2 (heritable property)</i>
Glasgow City Council	Those subjects situated at Number Twenty one St Andrew’s Street, Glasgow, G1 5PW extending to two thousand three hundred and fifteen square metres (2,315m ²) or thereby designated by the local authority as the District Court before the making of this Order all as shown delineated in red on the plan which is signed by Kenny MacAskill, Cabinet Secretary for Justice and a member of the Scottish Executive, and marked “Plan referred to in the Justice of the Peace Court (Sheriffdom of Glasgow and Strathkelvin) Amendment Order 2008”, a copy of which is deposited in the office of the Scottish Government Criminal Justice Directorate, St Andrew’s House, Regent Road, Edinburgh, EH1 3DG.”.

KENNY MACASKILL

A member of the Scottish Executive

St Andrew’s House,
Edinburgh
13th November 2008

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Justice of the Peace Court (Sheriffdom of Glasgow and Strathkelvin) Order 2008 (“the 2008 Order”).

The 2008 Order makes provision for the establishment of a JP court in Glasgow (and the associated disestablishment of the existing district courts). The majority of the provisions of that Order will come into force on 8th December 2008, however, certain transitional provisions came into force in respect of the establishment of the JP court on 10th November 2008.

Article 9 is inserted to make provision for the transfer of property, rights and liabilities to the Scottish Ministers of the heritable property which is specified in the newly inserted Schedule 2, that being one of the existing Glasgow District Court buildings. A plan delineating the extent of the heritable property described in Schedule 2 is held by the Scottish Government Criminal Justice Directorate at St. Andrew’s House, Regent Road, Edinburgh, EH1 3DG.

References in these newly inserted provisions to the “relevant date” will attract the definition given to that term in article 1 of the 2008 Order. “Relevant date” is defined there as meaning 8th December 2008.

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