

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2016 No. 13 (C. 2)**

**COURT OF SESSION  
SCOTTISH LAND COURT  
SHERIFF COURT  
JUSTICE OF THE PEACE COURT  
SCOTTISH COURTS AND TRIBUNALS SERVICE**

The Courts Reform (Scotland) Act 2014 (Commencement  
No. 6 and Transitional Provisions) Order 2016

|  |         |                          |
|--|---------|--------------------------|
| <i>Made</i>                                    | - - - - | <i>12th January 2016</i> |
| <i>Laid before the Scottish<br/>Parliament</i> | - - - - | <i>14th January 2016</i> |
| <i>Coming into force</i>                       | - -     | <i>1st April 2016</i>    |

The Scottish Ministers make the following Order in exercise of the powers conferred by section 138(2) and (3) of the Courts Reform (Scotland) Act 2014<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. This Order may be cited as the Courts Reform (Scotland) Act 2014 (Commencement No. 6 and Transitional Provisions) Order 2016 and comes into force on 1st April 2016.

**Appointed day**

2.—(1) Subject to paragraph (2), the day appointed for the coming into force of the provisions of the Courts Reform (Scotland) Act 2014 specified in column 1 of the table in the Schedule to this Order (the subject matter of which is specified in column 2 of that table) is 1st April 2016.

(2) Where a purpose is specified in column 3 of the table in the Schedule, a provision specified in column 1 of that table comes into force only for that purpose.

**Justice of the peace courts: summary criminal jurisdiction and powers where proceedings heard by a stipendiary magistrate**

3.—(1) Paragraph (2) applies to proceedings in a JP court—

- (a) heard to any extent by a stipendiary magistrate; and
- (b) in which sentence has not been pronounced before 1st April 2016.

(2) A JP court when constituted by a summary sheriff has, in addition to the jurisdiction and powers the court has otherwise, the summary criminal jurisdiction and powers of a sheriff.

St Andrew's House,  
Edinburgh  
12th January 2016

*PAUL WHEELHOUSE*  
Authorised to sign by the Scottish Ministers

## SCHEDULE

Article 2

## Provisions of the Act coming into force on 1st April 2016

| <i>Column 1</i>                         | <i>Column 2</i>  | <i>Column 3</i>  |
|---|--|--|
| <i>Provisions of the Act</i>            | <i>Subject Matter</i>  | <i>Purpose</i>   |
| Section 16(12) and (13)                 | Payment of salaries of sheriffs principal, sheriffs and summary sheriffs |  |
| Section 124                             | Payment of salaries of Court of Session judges                           |  |
| Section 126                             | Scottish Land Court: remuneration and expenses                           |  |
| Section 128                             | Abolition of the office of stipendiary magistrate                        |  |
| Section 129                             | Summary sheriffs to sit in justice of the peace courts                   |  |
| Section 132                             | Modifications of enactments  | For the purpose of bringing into force the provisions of schedule 5 listed in column 1 below |
| The following provisions of schedule 5— | Modifications of enactments  |  |
| Paragraph 35                            | Repeal of section 9(5) of the Administration of Justice Act 1973         |  |
| Paragraph 39                            | Amendment of the Criminal Procedure (Scotland) Act 1995                  |  |
| Paragraph 40                            | Amendment of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007  |  |
| Paragraph 41                            | Amendment of the Judiciary and Courts (Scotland) Act 2008                |  |

**EXPLANATORY NOTE***(This note is not part of the Order)*

This Order brings into force provisions of the Courts Reform (Scotland) Act 2014. The provisions specified in column 1 of the table in the Schedule to the Order come into force on 1st April 2016. The subject matter of these provisions is set out in column 2 of the table, and where provisions are brought into force only for a limited purpose, this purpose is given in column 3.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Article 3 of the Order makes transitional provision to deal with the abolition of stipendiary magistrates on 1st April 2016 part-way through criminal proceedings. At present, a JP court when constituted by a stipendiary magistrate has the summary criminal jurisdiction and powers of a sheriff under section 7(5) of the Criminal Procedure (Scotland) Act 1995. A JP court constituted by a summary sheriff will not have those powers and section 7(5) is repealed by paragraph 39 of schedule 5 to the Courts Reform (Scotland) Act 2014 which is commenced by this Order.

Article 3(2) ensures that a summary sheriff will have the same powers previously available under section 7(5) for a limited period, namely in existing cases that were heard to any extent by a stipendiary magistrate and where sentence has not been pronounced before 1st April 2016. This ensures that the summary sheriff has the full range of sentencing options that were available to the stipendiary magistrate that heard the case.

The Courts Reform (Scotland) Act 2014 received Royal Assent on 10th November 2014. Sections 133, 134(1) and (3) and 135 to 139 came into force the following day.

#### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

| <i>Provision</i>                                | <i>Date of Commencement</i> | <i>S.S.I. No.</i>        |
|---|-----------------------------|--------------------------|
| Sections 1 to 4                                 | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 5 (partially)                           | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 5 (for all remaining purposes)          | 22nd September 2015         | <a href="#">2015/247</a> |
| Sections 6 to 9                                 | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 10 (partially)                          | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 10 (for all remaining purposes)         | 22nd September 2015         | <a href="#">2015/247</a> |
| Sections 11 to 15                               | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 16(1) to (11)                           | 1st April 2015              | <a href="#">2015/77</a>  |
| Sections 17 to 22                               | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 23(5)                                   | 12th March 2015             | <a href="#">2015/77</a>  |
| Section 23 (for all remaining purposes)         | 1st April 2015              | <a href="#">2015/77</a>  |
| Sections 24 and 25                              | 1st April 2015              | <a href="#">2015/77</a>  |
| Sections 27 to 38                               | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 39 (partially)                          | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 39 (for all remaining purposes)         | 22nd September 2015         | <a href="#">2015/247</a> |
| Sections 40 to 43                               | 1st April 2015              | <a href="#">2015/77</a>  |
| Sections 44 and 45                              | 22nd September 2015         | <a href="#">2015/247</a> |
| Section 46 (partially)                          | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 46 (for all remaining purposes)         | 22nd September 2015         | <a href="#">2015/247</a> |
| Sections 47 and 48 (partially)                  | 22nd September 2015         | <a href="#">2015/247</a> |
| Sections 47 and 48 (for all remaining purposes) | 1st January 2016            | <a href="#">2015/378</a> |
| Sections 49 to 56                               | 1st April 2015              | <a href="#">2015/77</a>  |

| <i>Provision</i>   | <i>Date of Commencement</i> | <i>S.S.I. No.</i>        |
|--|-----------------------------|--------------------------|
| Section 57(1) and (2)  | 22nd September 2015         | <a href="#">2015/247</a> |
| Section 57(3) to (5)   | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 58   | 22nd September 2015         | <a href="#">2015/247</a> |
| Sections 59 to 62  | 1st April 2015              | <a href="#">2015/77</a>  |
| Sections 63 to 71  | 22nd September 2015         | <a href="#">2015/247</a> |
| Section 72 (partially)   | 1st April 2015              | <a href="#">2015/77</a>  |
| Sections 75 and 76   | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 79   | 22nd September 2015         | <a href="#">2015/247</a> |
| Section 81 (partially)   | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 86 (partially)   | 1st April 2015              | <a href="#">2015/77</a>  |
| Sections 87 and 88   | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 89   | 22nd September 2015         | <a href="#">2015/247</a> |
| Sections 90 and 91   | 1st April 2015              | <a href="#">2015/77</a>  |
| Sections 92 to 94  | 22nd September 2015         | <a href="#">2015/247</a> |
| Section 98   | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 99   | 22nd September 2015         | <a href="#">2015/247</a> |
| Section 102 (partially)  | 1st April 2015              | <a href="#">2015/77</a>  |
| Sections 103 to 107  | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 108  | 22nd September 2015         | <a href="#">2015/247</a> |
| Sections 109 to 114  | 1st January 2016            | <a href="#">2015/378</a> |
| Section 115  | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 116  | 1st January 2016            | <a href="#">2015/378</a> |
| Sections 117 and 118   | 22nd September 2015         | <a href="#">2015/247</a> |
| Section 119 (partially)  | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 119 (for all remaining purposes)   | 22nd September 2015         | <a href="#">2015/247</a> |
| Sections 120 to 122  | 22nd September 2015         | <a href="#">2015/247</a> |
| Section 123  | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 125  | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 127  | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 130 and paragraphs 1(1), (2), (6), (8) and (9) and 3(1) to (4) and (6) of schedule 4 (partially) | 2nd February 2015           | <a href="#">2015/12</a>  |
| Section 130 and schedule 4 (for all remaining purposes)  | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 131  | 1st April 2015              | <a href="#">2015/77</a>  |

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

| <i>Provision</i>  | <i>Date of Commencement</i> | <i>S.S.I. No.</i>        |
|---|-----------------------------|--------------------------|
| Section 132 (for the purpose of bringing into force certain provisions of schedule 5) | 1st April 2015              | <a href="#">2015/77</a>  |
| Section 132 (for the purpose of bringing into force further provisions of schedule 5) | 22nd September 2015         | <a href="#">2015/247</a> |
| Section 132 (for the purpose of bringing into force further provisions of schedule 5) | 19th October 2015           | <a href="#">2015/336</a> |
| Section 132 (for the purpose of bringing into force further provisions of schedule 5) | 1st January 2016            | <a href="#">2015/378</a> |
| Section 134(2)  | 1st April 2015              | <a href="#">2015/77</a>  |
| Schedule 1  | 22nd September 2015         | <a href="#">2015/247</a> |
| Schedule 2 (partially)  | 1st April 2015              | <a href="#">2015/77</a>  |
| Schedule 2 (for all remaining purposes)   | 22nd September 2015         | <a href="#">2015/247</a> |
| Paragraphs 1 to 9, 10(1) to (3), (6) and (7), 11 to 21, 23, 24 and 26 of schedule 3   | 22nd September 2015         | <a href="#">2015/247</a> |
| Schedule 4  |                             |                          |
| The following provisions of schedule 5—   |                             |                          |
| Paragraphs 1 to 3   | 1st April 2015              | <a href="#">2015/77</a>  |
| Paragraph 4(a) (partially)  | 1st April 2015              | <a href="#">2015/77</a>  |
| Paragraph 4(a) (for all remaining purposes)   | 22nd September 2015         | <a href="#">2015/247</a> |
| Paragraphs 4(b) and (c)   | 1st April 2015              | <a href="#">2015/77</a>  |
| Paragraph 4(e)  | 1st January 2016            | <a href="#">2015/378</a> |
| Paragraph 4(f) (partially)  | 1st April 2015              | <a href="#">2015/77</a>  |
| Paragraph 5   | 1st April 2015              | <a href="#">2015/77</a>  |
| Paragraph 6(1) and (2) (partially)  | 1st April 2015              | <a href="#">2015/77</a>  |
| Paragraph 6(1) and (2) (partially)  | 22nd September 2015         | <a href="#">2015/247</a> |
| Paragraph 7   | 1st April 2015              | <a href="#">2015/77</a>  |
| Paragraph 8   | 22nd September 2015         | <a href="#">2015/247</a> |
| Paragraphs 9 to 11  | 1st April 2015              | <a href="#">2015/77</a>  |
| Paragraph 12(1) and (4)   | 1st April 2015              | <a href="#">2015/77</a>  |
| Paragraph 12(2) and (3)   | 1st January 2016            | <a href="#">2015/378</a> |
| Paragraph 13  | 1st January 2016            | <a href="#">2015/378</a> |
| Paragraph 14(1) to (3)  | 22nd September 2015         | <a href="#">2015/247</a> |
| Paragraph 14(4)   | 1st January 2016            | <a href="#">2015/378</a> |
| Paragraph 15  | 22nd September 2015         | <a href="#">2015/247</a> |
| Paragraph 16  | 1st April 2015              | <a href="#">2015/77</a>  |
| Paragraph 17  | 19th October 2015           | <a href="#">2015/336</a> |

| <i>Provision</i>             | <i>Date of Commencement</i> | <i>S.S.I. No.</i>        |
|------------------------------|-----------------------------|--------------------------|
| Paragraph 18                 | 1st April 2015              | <a href="#">2015/77</a>  |
| Paragraph 19                 | 22nd September 2015         | <a href="#">2015/247</a> |
| Paragraphs 24 and 25         | 22nd September 2015         | <a href="#">2015/247</a> |
| Paragraph 26                 | 1st April 2015              | <a href="#">2015/77</a>  |
| Paragraphs 28 to 31          | 1st April 2015              | <a href="#">2015/77</a>  |
| Paragraph 32(1), (2) and (4) | 22nd September 2015         | <a href="#">2015/247</a> |
| Paragraph 32(3)              | 1st January 2016            | <a href="#">2015/378</a> |
| Paragraph 33                 | 22nd September 2015         | <a href="#">2015/247</a> |
| Paragraph 34                 | 1st April 2015              | <a href="#">2015/77</a>  |
| Paragraphs 36 to 38          | 1st April 2015              | <a href="#">2015/77</a>  |
| Paragraphs 42 to 45          | 1st April 2015              | <a href="#">2015/77</a>  |