

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**

Made - - - - - *12th January 2016*

Laid before the Scottish Parliament *14th January 2016*

Coming into force - - - *1st April 2016*

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^(a) 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.

(a) 2014 asp 18.

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.

PAUL WHEELHOUSE

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
12th January 2016

SCHEDULE

Article 2

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

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject Matter</i>	<i>Column 3</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.

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	2015/77
Section 5 (partially)	1st April 2015	2015/77
Section 5 (for all remaining purposes)	22nd September 2015	2015/247
Sections 6 to 9	1st April 2015	2015/77
Section 10 (partially)	1st April 2015	2015/77
Section 10 (for all remaining purposes)	22nd September 2015	2015/247
Sections 11 to 15	1st April 2015	2015/77
Section 16(1) to (11)	1st April 2015	2015/77
Sections 17 to 22	1st April 2015	2015/77
Section 23(5)	12th March 2015	2015/77
Section 23 (for all remaining purposes)	1st April 2015	2015/77
Sections 24 and 25	1st April 2015	2015/77
Sections 27 to 38	1st April 2015	2015/77
Section 39 (partially)	1st April 2015	2015/77
Section 39 (for all remaining purposes)	22nd September 2015	2015/247
Sections 40 to 43	1st April 2015	2015/77
Sections 44 and 45	22nd September 2015	2015/247
Section 46 (partially)	1st April 2015	2015/77
Section 46 (for all remaining purposes)	22nd September 2015	2015/247
Sections 47 and 48 (partially)	22nd September 2015	2015/247
Sections 47 and 48 (for all remaining purposes)	1st January 2016	2015/378
Sections 49 to 56	1st April 2015	2015/77
Section 57(1) and (2)	22nd September 2015	2015/247
Section 57(3) to (5)	1st April 2015	2015/77
Section 58	22nd September 2015	2015/247

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 59 to 62	1st April 2015	2015/77
Sections 63 to 71	22nd September 2015	2015/247
Section 72 (partially)	1st April 2015	2015/77
Sections 75 and 76	1st April 2015	2015/77
Section 79	22nd September 2015	2015/247
Section 81 (partially)	1st April 2015	2015/77
Section 86 (partially)	1st April 2015	2015/77
Sections 87 and 88	1st April 2015	2015/77
Section 89	22nd September 2015	2015/247
Sections 90 and 91	1st April 2015	2015/77
Sections 92 to 94	22nd September 2015	2015/247
Section 98	1st April 2015	2015/77
Section 99	22nd September 2015	2015/247
Section 102 (partially)	1st April 2015	2015/77
Sections 103 to 107	1st April 2015	2015/77
Section 108	22nd September 2015	2015/247
Sections 109 to 114	1st January 2016	2015/378
Section 115	1st April 2015	2015/77
Section 116	1st January 2016	2015/378
Sections 117 and 118	22nd September 2015	2015/247
Section 119 (partially)	1st April 2015	2015/77
Section 119 (for all remaining purposes)	22nd September 2015	2015/247
Sections 120 to 122	22nd September 2015	2015/247
Section 123	1st April 2015	2015/77
Section 125	1st April 2015	2015/77
Section 127	1st April 2015	2015/77
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	2015/12
Section 130 and schedule 4 (for all remaining purposes)	1st April 2015	2015/77
Section 131	1st April 2015	2015/77
Section 132 (for the purpose of bringing into force certain provisions of schedule 5)	1st April 2015	2015/77
Section 132 (for the purpose of bringing into force further provisions of schedule 5)	22nd September 2015	2015/247
Section 132 (for the purpose of bringing into force further provisions of schedule 5)	19th October 2015	2015/336
Section 132 (for the purpose of bringing into force further provisions of schedule 5)	1st January 2016	2015/378
Section 134(2)	1st April 2015	2015/77
Schedule 1	22nd September 2015	2015/247
Schedule 2 (partially)	1st April 2015	2015/77
Schedule 2 (for all remaining purposes)	22nd September 2015	2015/247
Paragraphs 1 to 9, 10(1) to (3), (6) and (7), 11 to 21, 23, 24 and 26 of schedule 3	22nd September 2015	2015/247
Schedule 4		
The following provisions of schedule 5—		
Paragraphs 1 to 3	1st April 2015	2015/77
Paragraph 4(a) (partially)	1st April 2015	2015/77
Paragraph 4(a) (for all remaining purposes)	22nd September 2015	2015/247
Paragraphs 4(b) and (c)	1st April 2015	2015/77

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Paragraph 4(e)	1st January 2016	2015/378
Paragraph 4(f) (partially)	1st April 2015	2015/77
Paragraph 5	1st April 2015	2015/77
Paragraph 6(1) and (2) (partially)	1st April 2015	2015/77
Paragraph 6(1) and (2) (partially)	22nd September 2015	2015/247
Paragraph 7	1st April 2015	2015/77
Paragraph 8	22nd September 2015	2015/247
Paragraphs 9 to 11	1st April 2015	2015/77
Paragraph 12(1) and (4)	1st April 2015	2015/77
Paragraph 12(2) and (3)	1st January 2016	2015/378
Paragraph 13	1st January 2016	2015/378
Paragraph 14(1) to (3)	22nd September 2015	2015/247
Paragraph 14(4)	1st January 2016	2015/378
Paragraph 15	22nd September 2015	2015/247
Paragraph 16	1st April 2015	2015/77
Paragraph 17	19th October 2015	2015/336
Paragraph 18	1st April 2015	2015/77
Paragraph 19	22nd September 2015	2015/247
Paragraphs 24 and 25	22nd September 2015	2015/247
Paragraph 26	1st April 2015	2015/77
Paragraphs 28 to 31	1st April 2015	2015/77
Paragraph 32(1), (2) and (4)	22nd September 2015	2015/247
Paragraph 32(3)	1st January 2016	2015/378
Paragraph 33	22nd September 2015	2015/247
Paragraph 34	1st April 2015	2015/77
Paragraphs 36 to 38	1st April 2015	2015/77
Paragraphs 42 to 45	1st April 2015	2015/77

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£6.00

S201601132 01/2016 19585

<http://www.legislation.gov.uk/id/ssi/2016/13>

ISBN 978-0-11-103061-5



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