



Law Reform (Miscellaneous Provisions) (Scotland) Act 1985

1985 CHAPTER 73

Criminal courts, procedure, evidence and justice

33 Establishment and disestablishment of district courts.

After section 1 of the ^{M1}District Courts (Scotland) Act 1975 there shall be inserted the following section—

“1A Further provision as to establishment and disestablishment of district courts.

- (1) Where it appears to the Secretary of State that—
 - (a) there is insufficient business for the district court in a particular commission area; and
 - (b) such insufficiency of business is likely to continue,he may by order provide that the district court for that area cease to exist on a specified date.
- (2) Where it appears to the Secretary of State that, in a commission area in which there is no district court, there is likely to be sufficient business to justify the establishment of such a court, he may by order provide for the establishment of such a court in that area on a specified date.
- (3) An order under subsection (1) or (2) above may contain all such provisions as appear to the Secretary of State to be necessary or expedient for rendering the order of full effect and any incidental, supplemental or consequential provisions which appear to him to be necessary or expedient for the purposes of the order, including, but without prejudice to the generality of the foregoing words, provisions amending, repealing or revoking any enactment (whether passed or made before or after the commencement of this enactment).

Changes to legislation: Law Reform (Miscellaneous Provisions) (Scotland) Act 1985, Cross Heading: Criminal courts, procedure, evidence and justice is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) Before making an order under subsection (1) or (2) above, the Secretary of State shall consult the district or islands council for the area concerned, and such other persons as appear to him to have an interest in the proposed order.
- (5) Orders under subsection (1) or (2) above shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

Marginal Citations
M1 1975 c. 20.

34 Power of Secretary of State to remove justices etc.

In the ^{M2}District Courts (Scotland) Act 1975—

- (a) at the end of subsection (7) of section 11 (which relates to ex officio justices) there shall be inserted the words “ and, notwithstanding that he remains a duly nominated member of the authority, may be removed from office in like manner as a justice appointed under that section. ”;
- (b) in subsection (2) of section 15 (which relates to the supplemental list of justices), at the end of paragraph (a) there shall be inserted—
 - “(aa) that by reason of the justice’s conduct it is expedient that he should cease to exercise judicial functions as a justice for the area; or”

Marginal Citations
M2 1975 c. 20.

^{F1}**35**

Textual Amendments
F1 S. 35 repealed (19.2.2001) by 2000 c. 11, s. 125(2), **Sch. 16 Pt. I**; S.I. 2001/421, **art. 2**

^{F2}**36**

Textual Amendments
F2 S. 36 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5** (with **Sch. 3** paras 1, 3)

^{F3}**37**

Changes to legislation: Law Reform (Miscellaneous Provisions) (Scotland) Act 1985, Cross Heading: Criminal courts, procedure, evidence and justice is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F3 S. 37 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5** (with Sch. 3 paras 1, 3)

38 **F4**

Textual Amendments

F4 S. 38 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1, Sch. 4 paras. 1, 2

39 **F5**

Textual Amendments

F5 S. 39 repealed by Criminal Justice (Scotland) Act 1987 (c. 41, SIF 39:1), ss. 47(4)(a), 70(2), **Sch. 2**

F6 **40**

Textual Amendments

F6 S. 40 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5** (with Sch. 3 paras 1, 3)

41 Penalties under food and drugs legislation.

In the ^{M3}Food and Drugs (Scotland) Act 1956—

- (a) in subsection (1)(a) of section 40 (which relates to penalties) the words from “or to imprisonment” to “offence is continued” shall cease to have effect ;
- (b) in subsection (1)(b) the words from “and”, where it occurs for the second time, to the end shall cease to have effect ;
- (c) in subsection (8A) of section 56 (which specifies certain maximum penalties)
 - (i) in paragraph (a) the words “or imprisonment for a term not exceeding 6 months or both” shall cease to have effect ; and
 - (ii) in paragraph (b)(i) the words “or imprisonment for a term not exceeding 6 months or both” shall cease to have effect.

Marginal Citations

M3 1956 c. 30.

42 **F7**

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Textual Amendments

F7 Ss. 42, 44, 45 repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), **Sch. 3**

F8 **43**

Textual Amendments

F8 S. 43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5** (with **Sch. 3** paras 1, 3)

44, 45. **F9**

Textual Amendments

F9 Ss. 42, 44, 45 repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), **Sch. 3**

46 Post-release supervision of service offenders.

(1) In section 71AA of the ^{M4}Army Act 1955 and the ^{M5}Air Force Act 1955 respectively and section 43AA of the ^{M6}Naval Discipline Act 1957 (custodial orders), after subsection (6A) in each case there shall be substituted the following subsection—

“(6B) Section 12 of the Criminal Justice (Scotland) Act 1963 (supervision of young offenders following release) shall apply to persons released from a term of detention under a custodial order as it applies to those releases from a term of detention imposed under section 207 or section 415 of the Criminal Procedure (Scotland) Act 1975.”

(2) In paragraph 10 of Schedule 5A to the ^{M7}Army Act 1955 and to the ^{M8}Air Force Act 1955 respectively and Schedule 4A to the ^{M9}Naval Discipline Act 1957 (custodial orders), after sub-paragraph (6A) in each case there shall be inserted the following sub-paragraph—

“(6B) Section 12 of the Criminal Justice (Scotland) Act 1963 (supervision of young offenders following release) shall apply to persons released from a term of detention under a custodial order as ot applies to those released from a term of detention imposed under section 207 or section 415 of the Criminal Procedure (Scotland) Act 1975.”

Marginal Citations

- M4** 1955 c. 18.
- M5** 1955 c. 19.
- M6** 1957 c. 53.
- M7** 1955 c. 18.
- M8** 1955 c. 19.
- M9** 1957 c. 53.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8(5A) inserted by [2007 asp 3 s. 48\(3\)](#)