SCOTTISH STATUTORY INSTRUMENTS

2001 No. 217

DISTRICT COURTS

The Justices of the Peace (Tribunal) (Scotland) Regulations 2001

Made - - - -	*23rd May 2001*
Coming into force - -	*24th May 2001*

The Scottish Ministers, in exercise of the powers conferred by section 9A(7) of the District Courts (Scotland) Act 1975(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has, in accordance with section 9A(9) of that Act, been laid before, and approved by resolution of the Scottish Parliament:

Citation and commencement

1. These Regulations may be cited as the Justices of the Peace (Tribunal) (Scotland) Regulations 2001 and shall come into force on the day after the day on which they are made.

Interpretation

2. In these Regulations–

"the Act" means the District Courts (Scotland) Act 1975;

"investigation" means an investigation carried out under section 9A(2) of the Act;

"justice" means the full justice who is the subject of the investigation;

"tribunal" means a tribunal constituted by and under section 9A(3) of the Act.

Commencement of investigation

3. Prior to an investigation by the tribunal commencing, the Scottish Ministers shall give the justice written notice of the investigation and of their reasons for requesting the investigation.

Payments to members

4. The Scottish Ministers may pay to a member of the tribunal such sums as they consider appropriate in respect of the performance of that person's duties as a member.

(**1**) 1975 c. 20; section 9A was inserted by the Bail, Judicial Appointments etc. (Scotland) Act 2000 (asp 9), section 9.

Change in membership of tribunal

5.—(1) This regulation shall apply where, after commencement of an investigation, any member of the tribunal–

(a) dies;

(b) resigns; or

(c) is, in the opinion of the Lord President, unable to act.

(2) Subject to paragraph (3), the Lord President shall appoint a new member to replace the member referred to in paragraph (1).

(3) Where the member referred to in paragraph (1) is not the person presiding over the tribunal, a new member need not be appointed under paragraph (2) unless the justice so wishes.

(4) On a new member being appointed under paragraph (2), the tribunal may (but need not) commence the investigation again.

Procedure – general

6. Other than as specified in these Regulations, the procedure to be followed by and before the tribunal shall be that determined by the tribunal.

Procedure – further provisions

7.—(1) The tribunal may receive oral or written evidence from such persons as it thinks fit.

(2) The tribunal shall give the justice the opportunity to make written and, if the justice wishes, oral representations regarding the matters which are the subject of the investigation.

(3) Representations under paragraph (2) may be made by the justice personally or by anyone acting on his or her behalf.

(4) The tribunal shall sit in private and no member shall disclose information received in the course of an investigation other than for the purposes of carrying out the functions conferred on the tribunal by the Act and these Regulations.

Suspension

8.—(1) At any time during an investigation, the tribunal may suspend the justice from office or from performing functions of a judicial nature.

(2) A suspension imposed under paragraph (1) shall terminate–

(a) on the tribunal deciding not to order removal of the justice from office; or

(b) before then, on the tribunal deciding to bring the suspension to an end.

(3) If the tribunal so directs, a justice suspended under this regulation may remain in office as a full justice but only for the purpose of continuing to deal with proceedings commenced prior to the suspension taking effect.

Draft findings to be sent to justice

9.—(1) The tribunal shall send to the justice a draft of its findings on the investigation and shall give the justice an opportunity to make comments on the draft by such date as the tribunal may specify.

(2) The tribunal shall have regard to any comments made under paragraph (1), but need not give the justice an opportunity to comment on any alterations made to the draft prior to submission of the final report under regulation 10.