

Changes to legislation: There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, Cross Heading: Power to use local authority premises. (See end of Document for details)

SCHEDULE 3 [^{F1}THE SCOTTISH COURTS AND TRIBUNALS SERVICE]

Textual Amendments

- F1** Sch. 3 title substituted (1.4.2015) by Courts Reform (Scotland) Act 2014 (asp 18), s. 138(2), **Sch. 4 para. 1(12)(c)**; S.S.I. 2015/77, art. 2(2)(3), Sch.

Power to use local authority premises

- 16 (1) The [^{F1}SCTS] may, where it considers it necessary for the purposes of carrying out its functions under section 61 or 62, require a local authority to—
- (a) let (or sub-let) premises controlled by the local authority to the [^{F1}SCTS], or
 - (b) make such premises available for use for the purposes of the [^{F1}SCTS].
- (2) A requirement under sub-paragraph (1)(a) is subject to agreement—
- (a) between the [^{F1}SCTS] and the local authority as to the rent payable under, and as to the other terms of, the lease (or sub-lease), and
 - (b) with any third party who has an interest in the premises.
- (3) Where a requirement is made under sub-paragraph (1)(b)—
- (a) the [^{F1}SCTS] is to reimburse the authority for any reasonable expenses incurred by the authority in respect of heating, lighting and cleaning in relation to the use of the premises for the purposes of the [^{F1}SCTS], and
 - (b) the [^{F1}SCTS] is to allow the premises to continue to be used for any business normally conducted there, or for any business for which it may be used under a local enactment (whether a local Act or otherwise), without adversely affecting that business.
- (4) The [^{F1}SCTS] may allow any premises let, sub-let or used under sub-paragraph (1) to be used by other persons subject to—
- (a) such conditions as the [^{F1}SCTS] may impose, and
 - (b) sub-paragraph (3)(b).
- (5) Any dispute arising from the operation of this paragraph which the parties are unable to resolve is to be determined by an arbiter appointed—
- (a) by agreement of the parties, or
 - (b) in the absence of such agreement, by the Scottish Ministers on the application of a party.

Textual Amendments

- F1** Word in Act substituted (2.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by Courts Reform (Scotland) Act 2014 (asp 18), s. 138(2), **Sch. 4 para. 1(2)**; S.S.I. 2015/12, art. 2; S.S.I. 2015/77, art. 2(2)(3), Sch.

Commencement Information

- I1** Sch. 3 para. 16 in force at 1.4.2010 by S.S.I. 2010/39, art. 2(b), **Sch.**

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