



Administration of Justice Act 1964

1964 CHAPTER 42

PART I

GREATER LONDON

The Central Criminal Court

1 Jurisdiction and sessions of Central Criminal Court

- (1) The Central Criminal Court shall have jurisdiction to try and determine indictments for offences committed within Greater London, and accordingly Greater London shall be specified as the Court's area of jurisdiction in any commission of oyer and terminer and gaol delivery with respect to the Court instead of the area so specified before the passing of this Act.
- (2) Sessions of the Central Criminal Court shall be held at least four times in every year instead of twelve times in every year as required by section 15 of the Central Criminal Court Act 1834.
- (3) The provisions of Schedule 1 to this Act shall have effect with respect to the Central Criminal Court (being provisions re-enacting, with additions and modifications consequential on the foregoing provisions of this section, and with other minor modifications and omissions, the provisions of the Central Criminal Court Act 1834 and other enactments relating to the constitution, jurisdiction, proceedings and officers of that Court).
- (4) Nothing in this section shall be construed as affecting the jurisdiction of the Central Criminal Court or any other court to try and determine any case brought before it by virtue of sections 11 and 14(2) of the Criminal Justice Act 1925, sections 9 to 11 of the Magistrates' Courts Act 1952 or any other enactment.

Commissions and justices of the peace

2 The London commission areas

- (1) Subject to the provisions of section 3 of this Act, there shall be a separate commission of the peace for each of the following areas of Greater London, that is to say—
 - (a) an area to be known as the inner London area, consisting of the inner London boroughs;
 - (b) an area to be known as the north-east London area, consisting of the London boroughs of Barking, Havering, Newham, Redbridge and Waltham Forest;
 - (c) an area to be known as the south-east London area, consisting of the London boroughs of Bexley, Bromley and Croydon;
 - (d) an area to be known as the south-west London area, consisting of the London boroughs of Kingston upon Thames, Merton, Richmond upon Thames and Sutton ;
 - (e) an area to be known as the Middlesex area, consisting of the London boroughs of Barnet, Brent, Ealing, Enfield, Haringey, Harrow, Hillingdon and Hounslow ;and any existing commission of the peace for a county or borough abolished by section 3 of the London Government Act 1963 shall cease to have effect.
- (2) The areas specified in subsection (1) of this section are hereafter in this Act referred to as the London commission areas and the areas specified in paragraphs (b) to (e) of that subsection are hereafter in this Act referred to as the outer London areas.
- (3) Subject to the provisions of this Act, a London commission area shall be deemed to be a county for all purposes of the law relating to commissions of the peace, justices of the peace, quarter sessions, magistrates' courts, the *custos rotulorum*, the clerk of the peace, justices' clerks and matters connected with any of those matters; and references to a county in any enactment passed or instrument made before the passing of this Act shall be construed accordingly.
- (4) A separate commission of the peace shall not be granted to a London borough by virtue of section 156 of the Municipal Corporations Act 1882, and accordingly section 162 of that Act (separate court of quarter sessions) shall not apply to a London borough.

3 Power to adjust London commission areas

- (1) Her Majesty may by Order in Council substitute for any one or more of the areas specified in subsection (1) of section 2 of this Act any other area or areas comprising the whole or part of Greater London, or alter the boundaries of any area so specified ; but the City shall not by virtue of any such Order be included in an area for which a commission of the peace is issued under the said subsection (1).
- (2) An Order in Council under this section may contain such incidental, consequential, transitional or supplementary provisions as may be necessary or expedient for the purposes of the Order (including provisions amending this Act or any other enactment).
- (3) Any statutory instrument made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Quarter sessions

4 Whole-time chairmen and deputy chairmen

- (1) Her Majesty may on the recommendation of the Lord Chancellor appoint for the court of quarter sessions for each London commission area a whole-time chairman and one or more whole-time deputy chairmen:

Provided that the number of deputy chairmen appointed under this subsection for the courts of quarter sessions for all the London commission areas shall not exceed twenty-five.

- (2) A person shall not be qualified to be appointed a whole-time chairman or deputy chairman under this section unless he is a barrister or solicitor of not less than ten years' standing.
- (3) The following provisions shall apply to each whole-time chairman and deputy chairman, that is to say—
- (a) he shall by virtue of his office be a justice of the peace for each of the London commission areas and may act as deputy chairman of the court of quarter sessions for a London commission area other than the court for the area for which he was appointed ;
 - (b) he shall be paid by the Greater London Council a yearly salary at such rate as the Lord Chancellor may, after consultation with the Greater London Council and with the consent of the Treasury, determine ;
 - (c) he shall not during his continuance in office practise as a barrister or solicitor;
 - (d) he may be removed from office by the Lord Chancellor for inability or misbehaviour ;
 - (e) he shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy-two unless the Lord Chancellor considers it desirable in the public interest to retain him in office after that year, and in that event the Lord Chancellor may from time to time authorise him to continue in office to such age (not exceeding seventy-five years) as the Lord Chancellor thinks fit.

5 County court judges as deputy chairmen

- (1) The Lord Chancellor may appoint any county court judge for a district wholly or partly situated in Greater London to act during such period or on such occasions as the Lord Chancellor thinks fit as deputy chairman of the court or courts of quarter sessions for one or more of the London commission areas.
- (2) The limit imposed by section 4(1) of the County Courts Act 1959 on the total number of county court judges shall be increased from eighty to ninety and the number of judges who may be assigned to a district under section 4(4) of that Act shall, in the case of a district situated wholly or partly in a London commission area, be increased from two to three.
- (3) Every county court judge for the time being assigned to a district wholly or partly situated in a London commission area shall by virtue of his office be a justice of the peace for each of those areas; and section 11 of the County Courts Act 1959 (which provides for including county court judges in the commission of the peace for a county

or borough in their district) shall not apply in relation to any of the London commission areas.

- (4) The Greater London Council shall, subject to subsection (5) of this section, pay to the Lord Chancellor by way of contribution towards the salary of a county court judge who has been appointed to act as deputy chairman of a court or courts of quarter sessions under this section, and towards the pension and other benefits payable under the Administration of Justice (Pensions) Act 1950 in respect of the service as a county court judge of a person who has so acted, such sums at such times as the Lord Chancellor may, after consultation with the Greater London Council and with the consent of the Treasury, determine.
- (5) Contributions shall not be required to be made under subsection (4) of this section in respect of any county court judges in excess of the relevant limit for any period during which that limit is exceeded; and for the purposes of this subsection the relevant limit at any time is a number equal to the difference between twenty-five and the number of whole-time deputy chairmen at that time of all the courts of quarter sessions for the London commission areas.

6 Temporary deputy chairmen

- (1) If it appears to the Lord Chancellor that it is expedient to do so in order to avoid delays in disposing of the business of the court of quarter sessions for a London commission area, he may appoint a person qualified to be a deputy chairman of the court to act as such during such period or on such occasions as the Lord Chancellor thinks fit.
- (2) The Greater London Council shall pay to any person appointed under this section such remuneration as the Lord Chancellor may, after consultation with the Greater London Council and with the consent of the Treasury, determine.

7 Proceedings and jurisdiction of quarter sessions

- (1) The court of quarter sessions for a London commission area may sit in more than one division simultaneously, and may sit at any place within Greater London or an adjoining county, notwithstanding that the place is not within the area for which the court is set up; and for the purposes of this subsection a county borough surrounded by or adjoining a county shall be treated as forming part of that county.
- (2) Section 4(1) of the Criminal Justice Administration Act 1962 (times for holding quarter sessions) shall apply to the court of quarter sessions for a London commission area as it applies to a court of quarter sessions for a county elsewhere in England and Wales.
- (3) For the purposes of section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1938 (extended jurisdiction of quarter sessions) and of this section a person shall be deemed to be a legally qualified chairman in relation to the court of quarter sessions for a London commission area if he is a whole-time chairman or deputy chairman of that or of another such court or is a person appointed to act as deputy chairman of that court under section 5 or 6 of this Act, and not otherwise.
- (4) The court of quarter sessions for a London commission area shall not be properly constituted for the purpose of any sitting unless a legally qualified chairman of the court is present and presiding, and in the case of the court of quarter sessions for any such area the Lord Chancellor may direct that the court or any division of the court

shall, for the purpose of dealing with persons committed to the court for trial, persons committed to the court under section 5 of the Vagrancy Act 1824 or persons committed to the court for sentence or order by any court other than a juvenile court, be held before a legally qualified chairman of the court sitting alone.

- (5) Section 4(5) of the Criminal Justice Administration Act 1962 (power of legally qualified chairman to sit alone if no other members of the court are available) shall apply to the court of quarter sessions for a London commission area as it applies to a court of quarter sessions for a county elsewhere in England and Wales.
- (6) Subject to subsection (4) of this section, and to any directions given thereunder, the court of quarter sessions for a London commission area when sitting for the purpose of—
- (a) hearing appeals of any description ;
 - (b) hearing applications under section 21 of the Firearms Act 1937; or
 - (c) dealing with persons committed for sentence or order,
- shall be constituted in like manner and in accordance with the like arrangements as a court of quarter sessions for a county elsewhere in England and Wales when sitting for the like purpose; and section 8 of the Summary Jurisdiction (Appeals) Act 1933 shall cease to have effect.
- (7) The powers of the court of quarter sessions for a London commission area under section 84(3) of the Magistrates' Courts Act 1952 (extension of (time for appealing) shall be exercised by a legally qualified chairman of the court.

8 Clerks of the peace and other officers

- (1) It shall be the duty of the court of quarter sessions for each London commission area to appoint a clerk of the peace for that area, a deputy clerk of the peace for that area and such other officers of the court as may be determined by the court after consultation with the Greater London Council to be necessary.
- (2) A person shall not be qualified to be appointed a clerk of the peace for a London commission area unless he is a barrister or solicitor of not less than five years' standing.
- (3) The salaries and other terms and conditions of service of the clerk of the peace and the deputy clerk of the peace for a London commission area and the other officers of the court of quarter sessions for such an area, and the grades in which those other officers are employed, shall be such as may from time to time be determined by the court after consultation with the Greater London Council.
- (4) The sums payable by way of salary or expenses to the said clerks and other officers, together with any employer's contributions payable in respect of those officers under the National Insurance Acts 1946 to 1963, shall be paid by the Greater London Council.
- (5) The salary paid to the clerk of the peace for a London commission area shall be deemed to be remuneration for all business which he may by reason of his office of clerk of the peace be called upon to perform, and all fees and costs payable to the clerk of the peace, except any fees and costs expressly excluded when his salary is determined, shall, in accordance with such directions as may be given by the Greater London Council, be accounted for and paid to the Council.
- (6) If the Greater London Council are aggrieved by any determination of a court of quarter sessions under this section, or if the clerk of the peace for a London commission area

is aggrieved by any such determination with respect to his salary, the Council or the clerk, as the case may be, may appeal to the Secretary of State.

- (7) The clerk of the peace and the deputy clerk of the peace for a London commission area and the other officers of the court of quarter sessions for such an area shall be treated for the purposes of section 75 of the London Government Act 1963 as if they were whole-time officers of the Greater London Council.
- (8) The Minister of Housing and Local Government may by regulations provide that the Local Government Superannuation Acts 1937 to 1953 and any regulations made thereunder shall apply, subject to such adaptations, modifications, and exceptions as may be prescribed by the regulations, to clerks of the peace and deputy clerks of the peace for a London commission area and other officers of the court of quarter sessions for such an area or to any class of such officers; and any such regulations may make different provision with respect to different classes of officers and may contain such incidental, consequential or supplementary provisions as appear to the Minister to be necessary or expedient.
- (9) Any regulations under subsection (8) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) The Local Government (Clerks) Act 1931, except sections 4(5) and (7) and 5(2) and (3), shall not apply to a London commission area or the clerk or deputy clerk of the peace thereof.
- (11) The Recorders, Stipendiary Magistrates, and Clerks of the Peace Act 1906 shall not apply in relation to a London commission area.

Summary jurisdiction in inner London

9 Integration of jurisdiction of stipendiary and lay magistrates

- (1) In the inner London area the jurisdiction conferred on justices of the peace by any enactment, by their commission or by the common law shall be exercisable both by metropolitan stipendiary magistrates and by justices of the peace for that area who are not metropolitan stipendiary magistrates (hereafter in this Act referred to as lay justices).
- (2) Metropolitan stipendiary magistrates shall continue to exercise the jurisdiction conferred on them as such by any enactment, but the inner London area shall take the place of the metropolitan stipendiary courts area as the area for which magistrates' courts are to be held by metropolitan stipendiary magistrates.
- (3) Lay justices for the inner London area may, in addition to exercising the jurisdiction mentioned in subsection (1) of this section, exercise the jurisdiction conferred on metropolitan stipendiary magistrates as such by any enactment except the following enactments:—
 - (a) the Extradition Acts 1870 to 1935 ;
 - (b) section 40 of the Pawnbrokers Act 1872 ;
 - (c) the Fugitive Offenders Act 1881;
 - (d) section 28 of the Pilotage Act 1913 ;
 - (e) section 25 of the Children and Young Persons Act 1933 ;

but a magistrates' court consisting of lay justices for the inner London Area shall not by virtue of this subsection try an information summarily or hear a complaint except when composed of at least two justices.

- (4) Without prejudice to subsection (1) of this section, sections 1 to 3 of the Stipendiary Magistrates Act 1858 (which enable a provincial stipendiary magistrate sitting alone to exercise the jurisdiction exercisable by two justices of the peace, except jurisdiction exercisable by quarter sessions) shall apply to metropolitan stipendiary magistrates.

10 Metropolitan stipendiary magistrates

- (1) Metropolitan stipendiary magistrates shall be appointed by Her Majesty and Her Majesty shall from time to time appoint such number of persons as is necessary, but the number of metropolitan stipendiary magistrates shall not at any time exceed forty.
- (2) A person shall not be qualified to be appointed a metropolitan stipendiary magistrate unless he is a barrister or solicitor of not less than seven years' standing.
- (3) The Lord Chancellor shall designate one of the metropolitan stipendiary magistrates to be the chief metropolitan stipendiary magistrate.
- (4) The following provisions shall apply to each metropolitan stipendiary magistrate, that is to say—
- (a) he shall by virtue of his office be a justice of the peace for each of the London commission areas and for the counties of Essex, Hertfordshire, Kent and Surrey;
 - (b) he shall not during his continuance in office practise as a barrister or solicitor;
 - (c) he may be removed from office by the Lord Chancellor for inability or misbehaviour.
- (5) A metropolitan stipendiary magistrate who is by virtue of his office a justice of the peace for any area mentioned in paragraph (a) of subsection (4) of this section shall not by reason only of his being a justice of the peace for that area by virtue of that office—
- (a) act as a member of a court of quarter sessions for that area; or
 - (b) be qualified to be chosen under section 13(2) of the Justices of the Peace Act 1949 as chairman or deputy chairman of the justices for a petty sessional division of that area or to vote under that subsection at the election of any such chairman or deputy chairman.
- (6) The Lord Chancellor may assign metropolitan stipendiary magistrates to petty sessional divisions constituted under section 14 of this Act and may alter any assignment under this subsection, but the assignment of a magistrate to a particular division shall not preclude him from exercising jurisdiction for any other division of the inner London area.
- (7) Metropolitan stipendiary magistrates shall sit at such courthouses provided for the inner London area under the following provisions of this Act, on such days and at such times as may be determined by or in accordance with directions given by the Lord Chancellor from time to time.
- (8) The chief metropolitan stipendiary magistrate shall cause to be held at least once in every quarter of a year a meeting of all the metropolitan stipendiary magistrates or such of them as are able to attend and, if present, shall preside over the meeting.

11 Composition of courts for domestic proceedings

- (1) For the purpose of exercising jurisdiction to hear domestic proceedings a magistrates' court for an inner London petty sessions area shall be composed of—
 - (a) a metropolitan stipendiary magistrate as chairman and one or two lay justices ;
or
 - (b) two or three lay justices;or, if it is not practicable for such a court to be so composed, the court shall for that purpose be composed of a metropolitan stipendiary magistrate sitting alone; and section 56(2) of the Magistrates' Courts Act 1952 (composition of magistrates' courts for hearing domestic proceedings) shall not apply to a magistrates' court for any such area.
- (2) A domestic court for an inner London petty sessions area which includes lay justices shall, so far as practicable, include both a man and a woman.
- (3) A domestic court for an inner London petty sessions area shall, in addition to hearing proceedings which (apart from the next following subsection) may be heard by a domestic court for that area, have jurisdiction to hear proceedings which could be heard before a domestic court for any other such area, but shall not exercise the jurisdiction conferred by this subsection except in such cases or classes of case as may be determined by the committee of magistrates.
- (4) A magistrates' court for an inner London petty sessions area shall not hear any domestic proceedings if the committee of magistrates so determine.
- (5) In this section—
 - " domestic court " means a magistrates' court when composed for the purpose of exercising jurisdiction to hear domestic proceedings;
 - " domestic proceedings " has the same meaning as in the Magistrates' Courts Act 1952; and
 - " inner London petty sessions area " means the City or any petty sessional division of the inner London area.

12 Composition of juvenile courts

- (1) Without prejudice to the general adaptations of enactments for which provision is made hereafter in this Act, Schedule 2 to the Children and Young Persons Act 1963 (constitution of juvenile courts) shall have effect as if for any reference to the metropolitan stipendiary court area there were substituted a reference to the inner London area, and Part II of that Schedule shall apply accordingly to the inner London area and the City subject to the following provisions of this section.
- (2) In paragraph 15 of the said Schedule 2 for any reference to a justice or justices of the peace for the county of London there shall be substituted a reference to a lay justice or justices for the inner London area.
- (3) The functions of the Secretary of State under the said Part II with respect to the nomination or selection of the chairmen and other members of the juvenile courts shall be transferred to the Lord Chancellor, and accordingly for any reference to the Secretary of State in paragraphs 15, 16 and 18 of the said Schedule 2 there shall be substituted a reference to the Lord Chancellor.

13 The committee of magistrates

- (1) No magistrates courts' committee shall be set up under section 16 of the Justices of the Peace Act 1949 for the inner London area, but instead a committee (to be known as the committee of magistrates) shall be set up for that area in accordance with the following provisions of this section with such functions in relation to—
 - (a) the division of that area into petty sessional divisions,
 - (b) the employment of clerks and other officers,
 - (c) the division of work between the metropolitan stipendiary magistrates and lay justices,
 - (d) the provision of courses of instruction for justices, and
 - (e) other matters of a financial or administrative character,as are or may be provided by or under this Act or as the committee may be authorised to undertake by the Secretary of State.
- (2) The *custos rotulorum* for the inner London area, the chairman of the court of quarter sessions for that area and the chief metropolitan stipendiary magistrate shall each, by virtue of his office, be a member of the committee of magistrates.
- (3) The committee of magistrates shall in addition to the members mentioned in subsection (2) of this section consist of the following members:—
 - (a) one lay justice chosen from amongst themselves by the lay justices for each petty sessional division ;
 - (b) three members of the juvenile court panel for the inner London area and the City, chosen jointly by the members of that panel and by any chairmen of juvenile courts for that area and the City who are not members of that panel;
 - (c) such number of metropolitan stipendiary magistrates nominated by the chief metropolitan stipendiary magistrate as is equal to the total number of members required to be chosen under paragraphs (a) and (b) of this subsection.
- (4) The members of the committee of magistrates who are chosen or nominated under subsection (3) of this section shall hold office as such for the period of one year beginning on such date as the Secretary of State may direct, but may again be chosen or nominated as members of the committee.
- (5) There shall be a chairman, a vice-chairman and a deputy chairman of the committee of magistrates, and the chairman of the court of quarter sessions for the inner London area shall be the chairman of the committee, the chief metropolitan stipendiary magistrate shall be the vice-chairman and a person chosen from amongst themselves by the lay justices who are members of the committee shall be the deputy chairman.
- (6) The chief metropolitan stipendiary magistrate shall, subject to and in accordance with any directions given by the committee of magistrates, carry on the day to day administration of the magistrates' courts in the inner London area (including domestic courts and including juvenile courts for that area and the City).
- (7) Paragraphs 7 to 11 of Schedule 4 to the Justices of the Peace Act 1949 (which relate to the proceedings of a magistrates' courts committee), except so much of paragraph 9 of that Schedule as relates to the chairman of such a committee, shall apply to the committee of magistrates as it applies to a magistrates' courts committee.

14 Establishment of petty sessional divisions

- (1) The Secretary of State may, on the recommendation of or after consultation with the committee of magistrates, by order make provision for the division of the inner London area or any part thereof into petty sessional divisions.
- (2) It shall be the duty of the committee of magistrates from time to time and also when directed to do so by the Secretary of State to take into consideration the division of the inner London area into petty sessional divisions and to recommend to the Secretary of State (giving reasons for their recommendation) whether or not to make any changes in those divisions and, if changes are recommended, what changes; and the Secretary of State shall not act otherwise than in accordance with any recommendations under this subsection except after consultation with the committee.
- (3) An order under this section may contain transitional and other consequential provisions.

15 Appointment of justices' clerks and other officers

- (1) It shall be the duty of the committee of magistrates, subject to the following provisions of this section, to appoint—
 - (a) a principal chief clerk for the inner London area, one or more chief clerks for each petty sessional division of that area and one or more chief clerks for the juvenile courts for that area and the City ; and
 - (b) such deputy chief clerks and other officers as may be necessary;and the committee shall, where there is more than one chief clerk for such a division or for those courts, designate one of them to be the senior chief clerk for that division or all those courts, as the case may be.
- (2) The officers mentioned in subsection (1)(a) of this section shall rank as justices' clerks and be treated as such for the purposes of the enactments relating to justices' clerks.
- (3) The principal chief clerk shall assist the chief metropolitan stipendiary magistrate to perform the latter's duty under section 13(6) of this Act of carrying on the day to day administration of the magistrates' courts in the inner London area.
- (4) The justices' clerks and deputy chief clerks mentioned in subsection (1) of this section shall not be appointed or dismissed by the committee of magistrates without the approval of the Secretary of State, and—
 - (a) the committee shall inform the Secretary of State of the age, qualification and experience of any person proposed to be appointed such a clerk and, if the Secretary of State so requires, of any other person offering himself for the appointment;
 - (b) before approving the dismissal of any such clerk the Secretary of State, shall consider any representations made to him by the clerk.
- (5) The number of justices' clerks and of other officers employed by the committee of magistrates in each grade below that of principal chief clerk, the grades in which such officers below that of deputy chief clerk are to be employed and the terms and conditions of employment of all officers employed by the committee shall be such as may from time to time be determined by the committee.
- (6) The following provisions of this subsection shall have effect with respect to determinations under subsection (5) of this section and related matters:—

Status: This is the original version (as it was originally enacted).

- (a) no such determination shall have effect unless confirmed with or without modifications, by the Secretary of State ;
 - (b) the committee of magistrates shall not make or refuse to make any such determination with respect to terms and conditions of employment except after consultation with persons appearing to the committee to represent the interests of the officers affected ;
 - (c) any refusal of the Committee to make any such determination with respect to any terms and conditions of employment may be reviewed by the Secretary of State and on the review the Secretary of State may confirm the refusal or make such determination with respect to those terms and conditions as he thinks fit;
 - (d) in the case of any matter which falls to be determined under the said subsection (5) and affects officers employed by the committee who immediately before 1st April 1965—
 - (i) were clerks or other officers of metropolitan stipendiary courts; or
 - (ii) were justices' clerks or officers employed by the magistrates' courts committee for the county of London,the functions of the Secretary of State under paragraphs (a) to (c) of this subsection shall be exercised in such manner as he thinks necessary for protecting the interests of those officers.
- (7) The Secretary of State may by order amend subsection (1)(a) of this section by substituting for or adding to the offices therein mentioned such other offices as he thinks fit; and any such order—
- (a) may contain transitional and other consequential provisions (including provisions amending the foregoing provisions of this section); and
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) Sections 19 and 23 of the Justices of the Peace Act 1949 (appointment and conditions of service of justices' clerks) shall not apply to the inner London area.

16 Other functions of the committee of magistrates

- (1) It shall be the duty of the committee of magistrates to keep under consideration the division of work in the inner London area between the metropolitan stipendiary magistrates and the lay justices and to give general directions as to the division of the work.
- (2) It shall be the duty of the committee of magistrates, in accordance with arrangements approved by the Lord Chancellor, to make and administer schemes providing for courses of instruction for justices of the peace of the inner London area.
- (3) In addition to exercising the functions conferred on them by or by virtue of the foregoing provisions of this Part of this Act, the committee of magistrates shall consider any matters referred to them by the Lord Chancellor or the Secretary of State and, if required to do so, shall make recommendations on any matter so referred.

17 Administrative and financial provisions

- (1) The Receiver shall provide such courthouses and other accommodation, and such furniture, books and other things, as the committee of magistrates may determine to be proper for the due transaction of the business, and convenient keeping of the records

and documents, of magistrates' courts in the inner London area (including domestic courts and including juvenile courts for that area and the City) or for enabling the justices' clerks for that area or for juvenile courts for that area and the City to carry out their duties; but any determination under this subsection shall not have effect unless confirmed, with or without modifications, by the Secretary of State.

- (2) The Receiver shall pay out of the metropolitan police fund—
- (a) any expenses of the committee of magistrates, to such an amount and of such a nature as may be approved by the Secretary of State ;
 - (b) the sums payable by way of salary or expenses to justices' clerks and other officers employed by the committee of magistrates, together with any employer's contributions payable in respect of those officers under the National Insurance Acts 1946 to 1963 ;
 - (c) any superannuation benefits payable in respect of such clerks and other officers under the enactments and instruments applied to them under section 24 of this Act, other than benefits payable by the Greater London Council, and any superannuation contributions and other payments for which the committee of magistrates may be liable as their employer under those enactments and instruments.
- (3) Any accommodation provided under this section for any magistrates' court or justices' clerk may be outside the area for which the court or clerk acts and, if outside that area, shall be deemed to be in that area for the purpose of the jurisdiction of the court.
- (4) The Secretary of State may assign courthouses and other accommodation either to petty sessional divisions of the inner London area or to particular magistrates' courts for that area (including domestic courts and including juvenile courts for that area and the City) and may alter any assignment under this subsection, but after the committee of magistrates has been set up shall not exercise his powers under this subsection except after consultation with the committee.
- (5) Sections 25 and 26 of the Justices of the Peace Act 1949 (which impose on councils of counties and certain boroughs duties similar to those imposed by this section on the Receiver) shall not apply to the inner London area.

Lieutenant and Sheriff

18 Lieutenant of Greater London

- (1) For the purposes of the Militia Act 1802, the Militia Act 1882, the Deputy Lieutenants Act 1918 and paragraph 1(c) and (d) of Schedule 1 to the Auxiliary Forces Act 1953 Greater London other than the City shall be treated as a county ; and the foregoing provision shall have effect notwithstanding the definition of " county " in section 48(1) of the said Act of 1882.
- (2) Subsection (1) of this section, so far as it relates to Schedule 1 to the Auxiliary Forces Act 1953, shall have effect subject to any order made by virtue of section 84(3) of the London Government Act 1963 (which relates to associations established under that Act for the whole or part of Greater London).
- (3) The lieutenant of Greater London may with the approval of Her Majesty appoint not more than four deputy lieutenants of Greater London to be assistant lieutenants of Greater London for the purpose of discharging such of his functions as he may delegate to them.

19 Sheriff of Greater London

- (1) For Greater London other than the City a sheriff, who shall be known as the sheriff of Greater London, shall be appointed in accordance with the enactments and customs applied by the following provisions of this section and for each London commission area an under-sheriff shall be so appointed.
- (2) Subject to the following provisions of this section—
 - (a) for the purposes of the Sheriffs Act 1887 and the customs relating to the appointment of sheriffs Greater London other than the City shall be treated as a county;
 - (b) any enactment not contained in the said Act of 1887 or the House of Commons Disqualification Act 1957 shall apply to the sheriff of Greater London as if Greater London other than the City were a county and shall apply to the under-sheriff of any London commission area as if that area were a county;
 - (c) any reference in any enactment to the sheriff of the county of London or of Middlesex shall be construed as a reference to the sheriff of Greater London.
- (3) Paragraphs (a) and (b) of subsection (2) of this section shall have effect notwithstanding the definition of " county " in section 38 of the said Act of 1887, but shall not apply to any reference to a county adapted by subsection (4) of this section or to any reference to a court of quarter sessions for a county.
- (4) The Sheriffs Act 1887 shall, in its application to Greater London, the sheriff of Greater London and the under-sheriff of any London commission area, have effect subject to the following additional modifications:—
 - (a) in sections 7(1), 17, 23(3) and 26 any reference to a justice of the peace for a county shall be construed as a reference to a justice of the peace for any of the London commission areas;
 - (b) the duty of the sheriff of Greater London to appoint an under-sheriff under section 23(1) shall be a duty to appoint an under-sheriff for each London commission area, and where the sheriff of Greater London appoints different persons to be under-sheriffs for different London commission areas—
 - (i) he shall by the relevant instrument of appointment nominate one of them to execute the office of sheriff in accordance with section 25 in the event of his death; and
 - (ii) section 25 shall have effect as if it empowered only the under-sheriff nominated for the purpose under this paragraph to execute the office of a deceased sheriff of Greater London, but as if it continued in office all the under-sheriffs nominated by the deceased sheriff;
 - (c) the documents required by sections 6(3), 23(1) and 30 to be sent to the clerk of the peace shall be sent to the clerk of the peace for each London commission area.

Miscellaneous and Supplementary

20 Extension of jurisdiction of magistrates' courts to try offences

A magistrates' court for a London commission area by which a person is tried for an offence shall have jurisdiction to try him for any summary offence for which he could be tried by a magistrates' court for any other London commission area.

21 Juries

- (1) Without prejudice to section 2(3) of this Act but subject to the following provisions of this section, each of the London commission areas shall be treated as a county for the purposes of the Juries Acts 1825 to 1954 and any other enactment relating to juries or jurors; and references in any such enactment to the body of a county shall be construed accordingly.
- (2) The foregoing subsection shall not apply to any reference to a county adapted by any provision of this Act other than that subsection or section 2(3) of this Act and, in particular, shall not apply to any reference to the sheriff or under-sheriff of a county.
- (3) Notwithstanding anything in section 1 of the Juries Act 1825, any person qualified and liable to serve as a juror for any of the London commission areas or the City shall be qualified and liable to serve as a juror for the trial in the High Court (within Greater London) or the Central Criminal Court of any issue other than one to be tried by a special jury; and references in the enactments mentioned in subsection (1) of this section to a county or body of a county shall, in relation to jurors for the trial of such issues, be construed as references to Greater London.
- (4) The judges of the Central Criminal Court may issue precepts to the sheriffs of the City and the sheriff of Greater London directing them to summon and return for the City or Greater London, as the case may be, a sufficient number of persons, qualified according to law, to serve as jurors at the Central Criminal Court.
- (5) The Juries Act 1825 shall have effect subject to the following additional modifications:
 - (a) in section 1 for the reference to the county of Middlesex there shall be substituted a reference to Greater London other than the City;
 - (b) sections 37 and 52 shall apply to Greater London as if it were a county;
 - (c) a person who has served as a juror at the High Court or the Central Criminal Court shall be exempt under section 42 from jury service in the High Court and the Central Criminal Court for the same period as a person who has served as a juror at a court of assize in one of the counties not specified in that section is exempt from jury service in a court of assize in that county, and accordingly so much of that section as makes special provision for jurors at the High Court and the Central Criminal Court shall cease to have effect.
- (6) In the application to a London commission area of section 1 of the Juries Act 1922 (jurors books), the references in subsections (7) to (9) of that section to the clerk of the county council shall be construed as references to the clerk of the peace.
- (7) In section 4 of the Juries Act 1949 (which defines the appropriate local treasurer and the appropriate local fund for the purpose of making certain payments under that Act), for paragraph (c) there shall be substituted the following paragraph:—
 - “(c) in relation to a payment in respect of jury service at the Central Criminal Court or the court of quarter sessions for a London commission area, the treasurer to the Greater London Council and the general fund of that Council; ” and in paragraph (d) after the words “ quarter sessions ” there shall be inserted the words “ other than the court for a London commission area ”.”
- (8) Any sum falling to be defrayed by virtue of subsection (7) of this section out of the general fund of the Greater London Council in respect of jury service at the court of

quarter sessions for a London commission area shall be chargeable only on the London boroughs.

- (9) Sections 112 and 113 of the Common Law Procedure Act 1852 (special jurors) shall cease to have effect.

22 The probation service

- (1) Paragraph 7(1) of Schedule 5 to the Criminal Justice Act 1948 (special provisions as to the probation system in the metropolitan police court area) shall cease to have effect; and subject to the following provisions of this section that Schedule shall apply in the inner London area as it applies outside Greater London.
- (2) The Secretary of State shall make provision by order under paragraph 1 of the said Schedule 5 for combining in one probation area all of the petty sessional divisions of the inner London area; and the probation committee for that area shall consist of the following members:—
- (a) such number of the judges of the Central Criminal Court, appointed in such manner, as may be prescribed by the order;
 - (b) such number as may be so prescribed of persons holding office as whole-time chairman or deputy chairman of the court of quarter sessions for the inner London area, nominated by the chairman of the court;
 - (c) such number as may be so prescribed of metropolitan stipendiary magistrates, nominated by the chief metropolitan stipendiary magistrate;
 - (d) such number as may be so prescribed of lay justices for the petty sessional divisions of the area, chosen, in such manner as may be so prescribed, by the lay justices for those divisions ;
 - (e) such number as may be so prescribed of the members of the juvenile courts panel for the inner London area and the City, chosen in such manner as may be so prescribed.
- (3) The provisions of the said Schedule with respect to the constitution, procedure and functions of case committees shall not apply to the inner London area except so far as applied by the following provisions of this subsection; but—
- (a) the probation committee may appoint such case committees, constituted in such manner and for such areas within the probation area, as the probation committee may determine, and shall pay the expenses of any case committee appointed under this subsection; and
 - (b) any case committee so appointed shall exercise functions conferred on case committees for areas elsewhere than the inner London area by paragraph 3(6) of the said Schedule to such extent and in such cases as may be determined by the probation committee.
- (4) In the case of any probation committee for the inner London area, there shall be paid out of the metropolitan police fund such sums as the Secretary of State may direct to meet the expenses and contributions which, in the case of a probation area outside Greater London, would be payable by the local authority; and paragraph 5 of the said Schedule shall not apply to such expenses and contributions.
- (5) Any expenditure incurred in relation to a probation area in any outer London area by the Greater London Council by virtue of the said paragraph 5 shall be chargeable only on the outer London boroughs.

23 Superannuation of chairmen of quarter sessions

- (1) Section 22 of, and Schedule 4 to, the Administration of Justice (Pensions) Act 1950 shall apply to the whole-time chairman and deputy chairmen of the court of quarter sessions for a London commission area as they apply to the chairman and deputy chairmen of the existing court of quarter sessions for the county of London, but shall have effect subject to the following provisions:—
 - (a) service as a salaried chairman or deputy chairman of the court of quarter sessions for the county of London or of Middlesex shall be treated for the purpose of determining whether any pension or other benefits are payable under or by virtue of the said section 22 in respect of service as chairman or deputy chairman of the court of quarter sessions for a London commission area, and of computing the amount of those benefits, as service in the latter capacity ;
 - (b) a chairman or deputy chairman of the court of quarter sessions for a London commission area who vacates his office at the end of the year of service in the course of which he attains the age of seventy-two years shall be treated for the purpose of the said section 22 as retiring after the end of that year ;
 - (c) in section 22(7) for the references to the London County Council there shall be substituted references to the Greater London Council.
- (2) Schedule 2 to this Act shall apply to a whole-time chairman or deputy chairman of the court of quarter sessions for a London commission area who, immediately before his appointment to the office of chairman or deputy chairman of that court or the court of quarter sessions for another such area, was a stipendiary magistrate.
- (3) A pension shall not be paid to any person in respect of his service as a stipendiary magistrate while serving as chairman or deputy chairman of the court of quarter sessions for a London commission area; and not more than one pension shall be paid to the same person in respect of his service as chairman or deputy chairman of the court of quarter sessions for a London commission area and in respect of his service as a stipendiary magistrate.
- (4) Subsection (3) of this section applies to any derivative benefit within the meaning of the Administration of Justice (Pensions) Act 1950 which depends upon eligibility for a pension as it applies to the pension.
- (5) Any pension payable under section 395 of the Middlesex County Council Act 1944 to or in respect of a person who has been chairman or deputy chairman of Middlesex quarter sessions shall be paid by the Greater London Council.

24 Superannuation of justices' clerks

- (1) The Secretary of State shall by regulations provide that one or other of the following codes, that is to say—
 - (a) the Metropolitan Police Staff (Superannuation), Acts 1875 to 1931, any enactments applied thereby and any instruments made under those Acts or enactments; or
 - (b) Schedule 3 to the Local Government Superannuation Act 1953 (which relates to the superannuation of justices' clerks and their staffs) and any regulations made thereunder,shall apply, with any necessary modifications, in relation to justices' clerks for the inner London area and other officers employed by the committee of magistrates.

- (2) Any regulations under this section may contain transitional and other consequential provisions (including provisions amending or repealing or revoking any enactment or any instrument made under an enactment), and in particular may make such transitional or other special provision as the Secretary of State thinks proper for preserving the rights of persons who, before the coming into operation of the regulations, were subject to enactments other than those applied by the regulations.
- (3) Regulations under this section may be made with retrospective effect to any date not being earlier than 1st April 1965.
- (4) No regulations shall be made under this section unless a draft thereof has been laid before Parliament and been approved by resolution of each House of Parliament.

25 Counties adjoining Greater London

- (1) Without prejudice to the power conferred by section 75 of the Supreme Court of Judicature (Consolidation) Act 1925 to hold a court of assize outside the county for which the court is held, a court of assize for any county adjoining Greater London may be held at any place in Greater London.
- (2) For the purposes of commissions of assize and commissions of the peace and of the law relating to justices of the peace, quarter sessions, magistrates' courts, the custos rotulorum, lieutenants, sheriffs, juries, clerks of the peace and matters connected with any of those matters, the urban district of Potters Bar shall form part of the county of Hertfordshire and of the St. Alban division of that county and the urban districts of Staines and Sunbury-on-Thames shall form part of the county of Surrey.
- (3) Subsection (2) of this section shall not be construed as derogating from any power of Her Majesty with respect to the issue of commissions of assize and the regulation of circuits.
- (4) In this section " commission of assize " has the same meaning as in the Supreme Court of Judicature (Consolidation) Act 1925.

26 The Inner and Middle Temples

It is hereby declared that the Inner Temple and the Middle Temple are included in the City of London, and in no other area, for the purposes of the law relating to county courts, commissions of the peace, justices of the peace, quarter sessions, magistrates' courts, lieutenants, sheriffs, juries and matters connected therewith.

PART II

GENERAL PROVISIONS

Indemnification of justices and clerks

27 General provision for indemnity

- (1) Subject to the provisions of this section and of section 28 of this Act, a justice of the peace or justices' clerk may be indemnified out of local funds in respect of—

Status: This is the original version (as it was originally enacted).

- (a) any costs reasonably incurred by him in or in connection with proceedings against him in respect of anything done or omitted in the exercise or purported exercise of the duty of his office, or in taking steps to dispute any claim which might be made in such proceedings;
- (b) any damages awarded against him or costs ordered to be paid by him in any such proceedings ;
- (c) any sums payable by him in connection with a reasonable settlement of any such proceedings or claim ;

and shall be entitled to be so indemnified if, in respect of the matters giving rise to the proceedings or claim, he acted reasonably and in good faith.

- (2) Any question whether or to what extent a person is to be indemnified under this section shall be determined by the magistrates' courts committee for the area for which he acted at the material time; and a determination under this subsection with respect to any such costs or sums as are mentioned in paragraph (a) or paragraph (c) of subsection (1) of this section may, if the person claiming to be indemnified so requests, be made in advance before those costs are incurred or the settlement made, as the case may be:

Provided that any such determination in advance for indemnity in respect of costs to be incurred shall be subject to such limitations, if any, as the committee think proper and to the subsequent determination of the amount of the costs reasonably incurred, and shall not affect any other determination which may fall to be made in connection with the proceedings or claim in question.

- (3) An appeal shall lie to a person appointed for the purpose by the Lord Chancellor—
- (a) on the part of the person claiming to be indemnified, from any decision of the magistrates' courts committee under subsection (2) of this section, other than a decision to postpone until after the conclusion of the proceedings any determination with respect to his own costs or to impose limitations on making a determination in advance for indemnity in respect of such costs ;
 - (b) on the part of the local authority, from any determination of the magistrates' courts committee under that subsection, other than a determination in advance for indemnity in respect of costs to be incurred by the person claiming to be indemnified.
- (4) The Lord Chancellor may make rules prescribing the procedure to be followed in any appeal under this section; and any statutory instrument made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In this section "justices' clerk" includes a clerk to a stipendiary magistrate, a person appointed by a magistrates' courts committee to assist a justices' clerk and any member of the staff of a part-time justices' clerk assisting the clerk in his duties as such; " local funds", in relation to a justice or a justices' clerk, means the fund out of which any salary or allowance to which he is entitled (or, if he is entitled to more than one, is entitled in the relevant capacity) is payable; and " local authority " means the authority responsible for the payment of any such salary or allowance.
- (6) Subsection (5) of this section shall not apply to the inner London area, but in the application of the other provisions of this section to that area for any reference to local funds there shall be substituted a reference to the metropolitan police fund, for any reference to a magistrates' courts committee there shall be substituted a reference to the committee of magistrates set up under section 13 of this Act, for any reference to

the local authority there shall be substituted a reference to the Receiver, and " justices' clerk " includes any officer employed by the committee of magistrates.

28 Prerogative proceedings and acts done in quarter sessions

- (1) Section 27 of this Act shall not apply to proceedings for an order of prohibition, mandamus or certiorari, or to proceedings arising out of anything done or omitted by any person in his capacity as or as a member of a court of quarter sessions.
- (2) The Lord Chancellor may, if he thinks fit, defray out of moneys provided by Parliament—
 - (a) any costs awarded against a justice, justices' clerk or clerk of the peace in proceedings for an order of prohibition, mandamus or certiorari, or any part of such costs;
 - (b) any such costs, damages or other sums as could be the subject of indemnity under section 27 of this Act if that section applied to proceedings in respect of things done or omitted in quarter sessions and the persons qualified for indemnity thereunder included (as well as a recorder) any deputy or assistant recorder and any clerk of the peace.
- (3) In this section " justices' clerk " has the same meaning as in section 27 of this Act and " clerk of the peace " includes a deputy clerk of the peace and a member of the staff of a clerk of the peace.

Miscellaneous

29 Administrative provisions relating to quarter sessions and their staff

- (1) The existing functions of the standing joint committee of the court of quarter sessions and the council of any county, except functions exercisable by the committee as police authority, shall cease to be exercisable by the committee and shall be exercisable in accordance with the following provisions of this section.
- (2) Subject to the following provisions of this section, the county council shall provide such courthouses and other accommodation, whether in the county or elsewhere, and such furniture, books and other things, as the council may determine to be proper for the due transaction of the business, and convenient keeping of the records and documents, of the court of quarter sessions for the county or any committee of quarter sessions; and the functions of the county council under this subsection shall include the functions of managing, controlling and maintaining any such accommodation which by virtue of section 30(3) of the Local Government Act 1888 were exercisable immediately before the commencement of this Act by the standing joint committee.
- (3) The county council shall consult with the court of quarter sessions before making any determination under subsection (2) of this section and, without prejudice to the foregoing provision, shall consider and determine any matter which they have been requested by the court to consider and determine.
- (4) If a court of quarter sessions are aggrieved by any determination of a county council under this section they may appeal to the Secretary of State.
- (5) Any functions to which subsection (1) of this section applies, other than functions relating to the matters mentioned in subsection (2) of this section, shall be exercisable by the court of quarter sessions for the county.

Status: This is the original version (as it was originally enacted).

- (6) The court of quarter sessions for a county where the offices of clerk of the county council and clerk of the peace are held by different persons shall appoint such officers (in addition to a deputy clerk of the peace) or provide such other assistance as they may, after consultation with the county council, determine to be necessary for the purpose of assisting the clerk of the peace in carrying out his duties as such, and—
- (a) the salary and other terms and conditions of service of any officer appointed under this subsection and the terms on which other assistance is provided thereunder shall be such as may from time to time be determined by the court after consultation with the county council; and
 - (b) section 60 of the Local Government Act 1958 (transfer and compensation of officers) shall apply to officers affected by the fact of the clerk of the county council's becoming or, as the case may be, ceasing to be clerk of the peace for the county as it applies to officers affected by an order under Part II of that Act, subject, however, to the following modifications—
 - (i) a reference to the aforesaid fact shall be substituted for the reference in subsection (2) of that section to the provisions of any such order; and
 - (ii) the provisions mentioned in subsection (1) of that section shall, instead of being contained in any such order, be contained in regulations made by such Minister as may be determined by the Treasury to be appropriate in relation to the officers affected and those regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Section 8(8) and (9) of this Act shall apply to the following officers of a court of quarter sessions as they apply to officers of the court of quarter sessions for a London commission area, that is to say—
- (a) a clerk of the peace who is not also clerk of the county council;
 - (b) a deputy clerk of the peace who does not fall within paragraph C of Part II of Schedule 2 to the Local Government Superannuation Act 1937 ;
 - (c) an officer appointed under subsection (6) of this section.
- (8) The provisions of subsections (6) and (7) of this section, except such of those provisions as are adopted by a resolution of the county council, shall not apply to any county for which provision for purposes corresponding to any of the purposes of those subsections is made by any local Act passed before, or in the same session as, this Act.
- (9) The following expenditure of a court of quarter sessions, that is to say.—
- (a) any expenditure incurred by them in exercising their functions under subsection (5) of this section ; and
 - (b) the sums payable by way of salary or expenses to officers appointed under subsection (6) of this section, together with any employer's contributions payable in respect of them under the National Insurance Acts 1946 to 1963, and any expenditure on any other assistance provided for the clerk of the peace under that subsection ;
- shall be defrayed by the county council.
- (10) If a county council are aggrieved—
- (a) by the incurring of any expenditure by a court of quarter sessions in the exercise of their functions under subsection (5) of this section; or

- (b) by any determination of a court of quarter sessions under subsection (6) of this section ;
the council may appeal to the Secretary of State.
- (11) Any functions of a court of quarter sessions with respect to the appointment of, and other matters relating to, the clerk of the peace, deputy clerk of the peace and other officers of the court shall, except so far as the court otherwise resolves, be exercised by a committee consisting of the chairman of the court and such other justices as may be appointed by the court, and any other administrative functions of a court of quarter sessions may, if the court so resolves, be exercised by a committee so constituted; and section 96 of the Local Government Act 1933 (proceedings of committees) shall apply to any such committee with the substitution of references to the court of quarter sessions for references to a local authority.
- (12) The foregoing provisions of this section, except subsections (6) to (8), shall apply to a London commission area as they apply to a county with the substitution of references to the Greater London Council for references to a county council.
- (13) The Secretary of State may by order make such amendments of or repeals in any local Act, including an Act confirming a provisional order, or any instrument in the nature of a local enactment made under any Act, as appear to him to be appropriate in consequence of the foregoing provisions of this section or of a resolution under subsection (8) of this section; and any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

30 Promissory oaths of justices of the peace

- (1) Subject to the provisions of this section, any person who under this Act or any other enactment is a justice of the peace for any area by virtue of any other office held by him shall, before acting as such a justice, take the oath of allegiance and judicial oath in accordance with the Promissory Oaths Acts.
- (2) A person shall not be required by virtue of this section to take the said oaths as a justice of the peace by reason only of his being appointed under this Act or any other enactment to act temporarily as deputy for, or as if he were, the holder of any office to which subsection (1) of this section applies; but those oaths may be taken by and administered to any such person notwithstanding anything in the Promissory Oaths Acts or any other enactment.
- (3) A person shall not be required by virtue of this section to take the said oaths as a justice of the peace for any area if, at the time of his appointment or election to the office in question, he is already a justice of the peace for that area and has taken those oaths as such.
- (4) A person who is a justice of the peace for any of the London commission areas (including a person who is such a justice by virtue of any other office held by him) shall not be required to take the said oaths as such if, being a justice of the peace for any other of those areas, he takes or has taken those oaths as such.
- (5) In this section " the Promissory Oaths Acts " means the Promissory Oaths Act 1868 and the Promissory Oaths Act 1871.

31 Allowances of justices and members of committees

(1) Section 8 of the Justices of the Peace Act 1949 (travelling and lodging allowances of justices of the peace) and section 36 of that Act (travelling and lodging allowances of members of probation and case committees) shall be amended as follows:—

- (a) for the words "lodging allowance", wherever those words occur, there shall be substituted the words "subsistence allowance";
- (b) for the words "on accommodation for the night" in subsection (1) of each of those sections, there shall be substituted the words "on subsistence".

(2) This section extends to Scotland.

32 Compensation under Justices of the Peace Act 1949, s. 42

Regulations under section 42 of the Justices of the Peace Act 1949 (compensation for loss of office) may, so far as they provide for compensation in consequence of anything done under Part II or Part III of that Act, apply to persons who are or were at any time qualified under paragraphs (a) to (c) of subsection (2) of that section, notwithstanding that they were not so qualified at the date of the passing of that Act.

33 Chairmanship of bench of magistrates

A person who, under the Local Government Act 1933, is a justice of the peace for any area by virtue of his office as mayor of a borough or chairman of the council of a county or county district or of the Greater London Council shall not, by reason only of his being a justice of the peace by virtue of that office, be qualified to be chosen under section 13(2) of the Justices of the Peace Act 1949 as chairman or deputy chairman of the justices for that area (or any petty sessional division of that area) or to vote under that subsection at the election of any such chairman or deputy chairman.

34 Assessors in Lancashire Crown Courts in juvenile cases

Section 19 of the Children and Young Persons Act 1963 (assessors for recorders in appeals and committals from juvenile courts) shall apply to the Crown Court at Liverpool and the Crown Court at Manchester as it applies to the court of quarter sessions for Liverpool or Manchester, as the case may be, but as if any reference therein to the recorder included a reference to any judge of the Court.

PART III

SUPPLEMENTAL

35 Application of supplementary provisions of the London Government Act 1963

- (1) The following provisions of the London Government Act 1963, that is to say—
- (a) section 84 (power to make orders containing consequential, transitional and supplementary provisions);
 - (b) section 85(1) to (4) (transfer and compensation of officers); and
 - (c) section 87 (local Acts and instruments);

shall, subject to subsections (2) to (4) of this section, have effect as if the provisions of Part I of and Schedule 4 to this Act were provisions of that Act.

- (2) The officers to whom the said section 85(1) applies by virtue of subsection (1) of this section shall not include any persons other than clerks of the peace, deputy clerks of the peace and other officers of a court of quarter sessions, members of the staff of metropolitan stipendiary courts, justices' clerks and other members of the staff of magistrates' courts and probation officers and other persons employed by probation committees or the Secretary of State in connection with the work of probation officers.
- (3) Section 85(2) of the London Government Act 1963 shall have effect subject to the following modifications:—
- (a) the reference to local authorities who are or include a council to whom section 3(1)(b) of the said Act of 1963 applies and the second reference to local authorities shall include a reference to the following authorities, that is to say—
 - (i) the Secretary of State ;
 - (ii) the standing joint committees for the counties of London and Middlesex ;
 - (iii) the magistrates' courts committees for the counties of London and Middlesex and the county boroughs of Croydon, East Ham and West Ham;
 - (iv) the probation committees for the county of Middlesex, the said county boroughs and the petty sessional division of Beacontree in the county of Essex;
 - (b) the authorities to whom any person may be transferred under the subsection shall, in the case of a person affected by Part I of this Act, include such of the following authorities for a London commission area or a county adjoining any such area as may be specified in or determined under the order, that is to say, the court of quarter sessions, the magistrates' courts committee (or in the case of the inner London area the committee of magistrates) and the probation committee;
 - (c) the power of making orders under the subsection in the case of persons not employed by a local authority shall be exercisable by the Secretary of State and not by the Minister of Housing and Local Government.
- (4) For the purposes of section 85(1) to (4) of the London Government Act 1963 and of this section the clerk of the peace, deputy clerk of the peace and justices' clerk for any area shall each be treated as employed by an authority, if that authority appointed him, and as having been transferred to, and thereafter as being in, the employment of an authority, if that authority has power to appoint such a clerk.
- (5) Nothing in section 86 of the said Act of 1963 shall be construed as requiring a joint committee established under that section to consider any matters falling to be dealt with under section 84 or 87 of that Act by virtue only of this section.

36 Orders, rules and regulations

- (1) Any power to make orders, rules or regulations under this Act shall be exercisable by statutory instrument.
- (2) Any order under any provision of this Act may be varied or revoked by a subsequent order under that provision.

37 Financial provisions

- (1) Any increase attributable to the provisions of this Act in the sums payable under any other enactment out of the Consolidated Fund or out of moneys provided by Parliament shall be paid out of that Fund or out of moneys so provided.
- (2) Any sums paid to the Lord Chancellor under section 5 of this Act shall be paid into the Exchequer.
- (3) Any expenses falling to be defrayed by the Greater London Council under this Act or any enactment applied by this Act shall, except so far as the expenses are incurred in relation to the Central Criminal Court or any matter connected with that Court, be chargeable only on the London boroughs; but the foregoing provision shall have effect subject to any express provision of this Act or of any other enactment with respect to any particular sums which by virtue of any Act fall to be paid by the Council.
- (4) Any sums payable to the Greater London Council under section 8(4) of this Act, section 77(3)(a) of the Criminal Justice Act 1948 or section 27(2) of the Justices of the Peace Act 1949 shall be placed to the credit of the special London account out of which the relevant expenses of the Council are payable; and in this subsection " the relevant expenses " means—
 - (a) in relation to payments under section 8(4) of this Act, expenses under that section;
 - (b) in relation to payments under section 77(3)(a) of the said Act of 1948, expenses under Schedule 5 to that Act;
 - (c) in relation to payments under section 27(2) of the said Act of 1949, expenses under section 25(2) of that Act.

38 Interpretation

- (1) In this Act, unless the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them, that is to say—
 - " the City " means the City of London ;
 - " committed for sentence or order " means committed to be dealt with under section 28 or 29 of the Magistrates' Courts Act 1952, or under section 67 of the Mental Health Act 1959;
 - " domestic court " has the meaning assigned to it by section 11 of this Act;
 - " existing ", in relation to any authority or thing, means that authority or thing as it existed immediately before the commencement of this Act;
 - " London commission areas ", " inner London area " and " outer London areas " have the meanings respectively assigned to them by section 2 of this Act;
 - " officer " includes the holder of any place, situation or employment and " office " shall be construed accordingly;
 - " Receiver " means the Receiver for the metropolitan police district;
 - " stipendiary magistrate " includes metropolitan stipendiary magistrate.
- (2) References in this Act to any enactment shall, except in so far as the context otherwise requires, be construed as references to that enactment as amended by or under any subsequent enactment including this Act.

39 Consequential and minor modifications and amendments

- (1) Part I of Schedule 3 to this Act shall have effect for the purpose of making general adaptations of enactments in consequence of the foregoing provisions of this Act.
- (2) The enactments specified in Part II of the said Schedule 3 shall have effect subject to the modifications and amendments set out in that Part, being modifications and amendments consequential on the foregoing provisions of this Act and other minor amendments.

40 Transitional provisions

- (1) Schedule 4 to this Act shall have effect for the purposes of the transition to the provisions of this Act from the law in force before the commencement of this Act.
- (2) No provision contained in this Act or any instrument thereunder shall be construed as prejudicing the powers conferred by section 148 of the Local Government Act 1933, Part II of the Local Government Act 1958 or section 84 or 87 of the London Government Act 1963 (whether as originally enacted or as extended by section 35 of this Act).

41 Short title, commencement, extent and repeal

- (1) This Act may be cited as the Administration of Justice Act 1964.
- (2) Subject to the provisions of Schedule 4 to this Act, Part I of this Act shall come into force on 1st April 1965 except that if the Secretary of State by order appoints an earlier day for the commencement of any provision of the said Part I, that provision shall come into force on that earlier day.
- (3) The following provisions of this Act, that is to say, Part II (except section 31), section 39 and subsection (8) of this section shall come into force on such day as the Secretary of State may by order appoint.
- (4) Different days may be appointed under this section for different purposes of this Act; and any reference in any provision of this Act to the commencement of this Act shall, unless otherwise provided by any order under this section, be construed as a reference to the day on which that provision comes into operation.
- (5) Any order under this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or any provisions of this Act then in force as appear to him necessary or expedient in consequence of the partial operation of this Act (whether before or after the day appointed by the order).
- (6) This Act, except section 31 and so much of Schedule 3 as amends the House of Commons Disqualification Act 1957, shall not extend to Scotland.
- (7) This Act, except so much of Schedule 3 as amends the said Act of 1957, shall not extend to Northern Ireland.
- (8) The enactments described in Schedule 5 to this Act (which include enactments which were already obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent specified in the third column of that Schedule.