



# Justices of the Peace Act 1997 (repealed)

## 1997 CHAPTER 25

### PART III

#### MAGISTRATES' COURTS COMMITTEES

*[<sup>F1</sup> Greater London]*

#### Textual Amendments

- F1** Ss. 30A-30C inserted (27.9.1999 so far as relating to s. 30B and 1.3.2000 so far as relating to ss. 30A(1), 30C and otherwise 1.4.2001) by 1999 c. 22, s. 83(1) (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(c)(i); S.I. 1999/3344, art. 3(a)(i) (with art. 4, Sch. 2); S.I. 2001/916, art. 2(a)(i) (subject to transitional provisions in Sch. 2 para. 2)

VALID FROM 01/03/2000

#### **[<sup>F2</sup>30A Greater London Magistrates' Courts Authority.**

- (1) There shall be a body corporate known as the Greater London Magistrates' Courts Authority.
- (2) The Authority shall be the magistrates' courts committee for Greater London.]

#### Textual Amendments

- F2** Ss. 30A-30C inserted (27.9.1999 so far as relating to s. 30B and 1.3.2000 so far as relating to ss. 30A(1), 30C and otherwise 1.4.2001) by 1999 c. 22, s. 83(1) (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(c)(i); S.I. 1999/3344, art. 3(a)(i) (with art. 4, Sch. 2); S.I. 2001/916, art. 2(a)(i) (subject to transitional provisions in Sch. 2 para. 2)

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### **F<sup>3</sup>30B Regulations about Authority.**

- (1) The Lord Chancellor may by regulations made by statutory instrument make provision relating to the Greater London Magistrates' Courts Authority, including—
  - (a) provision about the membership of the Authority (including provision as to who is to chair it and about the payment of remuneration to its members); and
  - (b) provision about the Authority's constitution and procedure (including quorum and meetings).
- (2) A statutory instrument containing (whether alone or with other provisions) regulations made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **Textual Amendments**

**F3** Ss. 30A-30C inserted (27.9.1999 so far as relating to s. 30B and 1.3.2000 so far as relating to ss. 30A(1), 30C and otherwise 1.4.2001) by 1999 c. 22, s. 83(1) (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(c)(i); S.I. 1999/3344, art. 3(a)(i) (with art. 4, Sch. 2); S.I. 2001/916, art. 2(a)(i) (subject to transitional provisions in Sch. 2 para. 2)

VALID FROM 01/03/2000

### **F<sup>4</sup>30C Procedure of Authority.**

- (1) The Greater London Magistrates' Courts Authority may, with the approval of the Lord Chancellor, act through committees appointed by the Authority which, if they include at least one member of the Authority, may also include persons who are not members.
- (2) The Authority may also arrange for the discharge of any of their functions—
  - (a) by the chairman of the Authority; or
  - (b) by the justices' chief executive.
- (3) Subject to regulations made under this Act, the Authority shall have power to regulate their own procedure, including quorum.

#### **Textual Amendments**

**F4** Ss. 30A-30C inserted (27.9.1999 so far as relating to s. 30B and 1.3.2000 so far as relating to ss. 30A(1), 30C and otherwise 1.4.2001) by 1999 c. 22, s. 83(1) (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(c)(i); S.I. 1999/3344, art. 3(a)(i) (with art. 4, Sch. 2); S.I. 2001/916, art. 2(a)(i) (subject to transitional provisions in Sch. 2 para. 2)

VALID FROM 08/01/2001

### **[<sup>F5</sup>31A Execution of warrants.**

- (1) A magistrates' courts committee may approve persons or bodies for the purpose of executing warrants pursuant to section 125B of the <sup>M1</sup>Magistrates' Courts Act 1980.

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- (2) The Lord Chancellor may by statutory instrument make regulations as to—
  - (a) conditions which must be satisfied by a person or body in order to be approved under subsection (1) above; and
  - (b) the procedure by which a person or body may be so approved.
- (3) A statutory instrument containing (whether alone or with other provisions) regulations made by virtue of subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A magistrates’ courts committee shall maintain a register—
  - (a) containing the names of all persons and bodies approved by the committee under subsection (1) above; or
  - (b) stating that no person or body has been so approved.
- (5) Copies of the register kept by a committee under subsection (4) above shall be available for inspection by members of the public in every petty sessional court-house in the committee’s area during the hours that the court-house is open to the public.
- (6) A decision by a magistrates’ courts committee to revoke the approval of a person or body under subsection (1) above does not have effect to revoke the approval until the committee have informed the person or body in writing of the decision.]

**Textual Amendments**

**F5** S. 31A and sidenote inserted (8.1.2001) by 1999 c. 22, s. 93(1) (with Sch. 14 para. 7(2)); S.I. 2000/3280, art. 2(b)

**Modifications etc. (not altering text)**

**C1** S. 31A(2)-(5) modified (8.1.2001) by 1980 c. 43, s. 125B(3) (as inserted (8.1.2001) by 1999 c. 22, s. 93(2) (with Sch. 14 para. 7(2))); S.I. 2000/3280, art. 2(b)

**Marginal Citations**

**M1** 1980 c.43.

**31 General powers and duties of magistrates’ courts committees.**

(1) A magistrates’ courts committee shall be responsible for the efficient and effective administration of the magistrates’ courts for their area.

<sup>F6</sup>(2) . . . . .

(3) It shall be the duty of every magistrates’ courts committee to provide training courses for justices’ clerks and for staff of the committee.

(4) The Lord Chancellor may give directions to magistrates’ courts committees requiring each of them, in discharging their responsibilities under subsection (1) above, to meet specified standards of performance.

(5) The Lord Chancellor may also give directions to magistrates’ courts committees requiring each of them to take specified steps, at such intervals as may be specified—

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- (a) for the purpose of keeping the magistrates for their area informed as to the activities of the committee; or
  - (b) for the purpose of ascertaining the views of those magistrates on particular matters related to the functions of the committee.
- (6) In discharging their responsibilities under subsection (1) above, a magistrates’ courts committee shall have regard to the needs of court users who are disabled; and so long as any direction under subsection (4) above is in force the standards of performance required under that subsection must include standards relating to the provision made for such court users.
- (7) A direction under this section may be given to all magistrates’ courts committees or to one or more particular committees.
- (8) The Lord Chancellor shall arrange for any direction given under this section to be published in such manner as he thinks fit.

**Textual Amendments**  
**F6** S. 31(2) repealed (27.9.1999) by 1999 c. 22, ss. 88, 106, **Sch. 15 Pt. V(7)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(c)(iii)(d)(ii)(a), **Sch. 2**

**F7**<sup>32</sup> .....

**Textual Amendments**  
**F7** S. 32 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f) (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

**[F8]32A Alteration of commission areas.**

- (1) A magistrates’ courts committee may at any time submit to the Lord Chancellor written proposals for an alteration of any commission area which includes the whole or any part of their area.
- (2) Before submitting such proposals the magistrates’ courts committee shall consult—
  - (a) the magistrates for their area or that of any affected magistrates’ courts committee; and
  - (b) any affected magistrates’ courts committee.
- (3) Before making an order under section 1(2) above which makes an alteration of a commission area, other than an order which implements proposals submitted to him under subsection (1) above, the Lord Chancellor shall consult—
  - (a) the magistrates for the area of any affected magistrates’ courts committee; and
  - (b) any affected magistrates’ courts committee.
- (4) For the purposes of subsection (3) above an order shall be taken to implement proposals if it implements them without changes or any departures from the proposals do not, in the opinion of the Lord Chancellor, effect important changes in the proposals.

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- (5) An order under section 1(2) above which makes an alteration of a commission area may contain such consequential and transitional provisions as appear to the Lord Chancellor to be necessary or expedient.
- (6) A statutory instrument containing an order under section 1(2) above which makes an alteration of a commission area shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section references to the alteration of a commission area include (as well as a change in the boundaries of the area)—
  - (a) the combination of the area with another commission area; and
  - (b) the division of the area between two or more commission areas.
- (8) For the purposes of this section a magistrates' courts committee is affected by proposals or a proposed order if the alteration proposed would affect any commission area which includes the whole or any part of their area.]

#### Textual Amendments

**F8** S. 32A and sidenote inserted (27.9.1999) by 1999 c. 22, ss. 74(2), 108(3)(c) (with Sch. 14 para. 7(2))

#### [<sup>F9</sup>33 Alteration of petty sessions areas.

- (1) A magistrates' courts committee may at any time submit to the Lord Chancellor a draft order which makes an alteration of a petty sessions area for which they are the committee.
- (2) A magistrates' courts committee shall, if directed to do so by the Lord Chancellor, consider whether any alteration is required to any petty sessions area for which they are the committee and, on completion of its consideration, shall submit to the Lord Chancellor either—
  - (a) a draft order under subsection (1) above; or
  - (b) a report giving reasons for no alteration.
- (3) The Lord Chancellor may only make an order under section 4(2) above which makes an alteration of a petty sessions area where—
  - (a) the magistrates' courts committee for the area have submitted a draft order to him under subsection (1) above and the alteration made by the order is in the terms of the draft or subject only to such modifications as the Lord Chancellor thinks fit;
  - (b) a magistrates' courts committee fail to comply within six months with a direction of the Lord Chancellor under subsection (2) above or he is dissatisfied with the draft order or report submitted in pursuance of such a direction; or
  - (c) the alteration is consequential on an order under section 1(2) or 27A(2) above.
- (4) An order under section 4(2) above which makes an alteration of a petty sessions area may contain such consequential and transitional provisions as appear to the Lord Chancellor to be necessary or expedient.
- (5) In this section and section 34 below references to the alteration of a petty sessions area include (as well as a change in the boundaries of the area)—

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- (a) the combination of the area with another petty sessions area;
- (b) the division of the area between two or more petty sessions areas; and
- (c) changing the name of the area.]

#### Textual Amendments

**F9** S. 33 and sidenote substituted (27.9.1999) by 1999 c. 22, ss. 75(2), 108(3)(c) (with Sch. 14 para. 7(2))

### 34 Procedure relating to s. 33.

- (1) Before submitting to the Lord Chancellor a draft order or a report under section 33 above about any [<sup>F10</sup>petty sessions] area, a magistrates’ courts committee—
  - (a) shall consult—
    - (i) every relevant council; and
    - (ii) the magistrates for <sup>F11</sup> . . . the area; and
  - (b) in the case of a draft order which relates to any district which is not a unitary district, after complying with paragraph (a) above, shall send a copy of their proposals to every relevant district council and take into consideration any objections made in the prescribed manner and within the prescribed time.
- (2) A magistrates’ courts committee submitting to the Lord Chancellor a draft order or a report under section 33 above shall comply with such requirements (if any) as to notice as may be prescribed.
- (3) Before making an order under [<sup>F12</sup>section 4(2) above which makes an alteration of a petty sessions area] otherwise than in accordance with a draft submitted to him by the magistrates’ courts committee, the Lord Chancellor shall send a copy of his proposals to—
  - (a) the magistrates’ courts committee;
  - (b) every relevant council;
  - (c) the magistrates for <sup>F13</sup> . . . the area; and
  - (d) if the proposals relate to any district which is not a unitary district, every relevant district council.
- (4) Before making any order under [<sup>F14</sup>section 4(2) above which makes an alteration of a petty sessions area,] the Lord Chancellor shall take into consideration any objections made in the prescribed manner and within the prescribed time, and may cause a local inquiry to be held.
- (5) For the purposes of this section—
  - (a) “relevant council”, in relation to an order, a draft order or a report, means any council of—
    - (i) a county;
    - (ii) a county borough;
    - (iii) a unitary district; or
    - (iv) a London borough,
 which includes all or part of the area to which the order, draft order or report relates;

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- (b) “relevant district council”, in relation to an order or draft order about any area, means any council of a district, other than a unitary district, which includes all or part of the area;
- (c) “prescribed” means prescribed by regulations made by the Lord Chancellor by statutory instrument; and
- (d) an order shall be taken to be made in accordance with a draft order if it is made in terms of the draft order or any departures from the draft order do not, in the opinion of the Lord Chancellor, effect important alterations in the draft order.

**Textual Amendments**

- F10** Words in s. 34(1) inserted (27.9.1999) by 1999 c. 22, **ss. 75(3)(a)**, 108(3)(c) (with Sch. 14 para. 7(2))
- F11** Words in s. 34(1)(a)(ii) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**
- F12** Words in s. 34(3) substituted (27.9.1999) by 1999 c. 22, **ss. 75(3)(b)**, 108(3)(c) (with Sch. 14 para. 7(2))
- F13** Words in 34(3)(C) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**
- F14** Words in s. 34(4) substituted (27.9.1999) by 1999 c. 22, **ss. 75(3)(c)**, 108(3)(c) (with Sch. 14 para. 7(2))

**F15** **35** .....

**Textual Amendments**

- F15** S. 35 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

**F16** **36** .....

**Textual Amendments**

- F16** S. 36 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

**37 Reports and plans.**

- (1) The Lord Chancellor may by regulations made by statutory instrument require magistrates’ courts committees to submit to him such reports and plans, in relation to matters for which they are responsible, as may be prescribed.
- (2) Any report or plan required by regulations under this section—
  - (a) shall be prepared in the prescribed manner, after such consultation as may be prescribed, and within such time as may be prescribed;
  - (b) shall be in the prescribed form;
  - (c) shall be sent to such persons as may be prescribed; and

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- (d) shall be made available to the public on payment of such reasonable fee as the magistrates’ courts committee may in any case determine.
- (3) The Lord Chancellor may direct any one or more magistrates’ courts committees to produce such additional reports or plans in relation to matters for which they are responsible as may be specified in the direction.
- (4) In this section “prescribed” means prescribed by regulations made by the Lord Chancellor by statutory instrument; and a statutory instrument containing (whether alone or with other provisions) regulations made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**38 Default powers.**

- (1) The Lord Chancellor may make an order under subsection (3) below if he is of the opinion that, without reasonable excuse, a magistrates’ courts committee—
  - (a) are failing properly to discharge any duty imposed on them by or under any enactment; or
  - (b) have so failed and are likely to do so again.
- (2) Before making an order under subsection (3) below, the Lord Chancellor shall give a written warning to the magistrates’ courts committee specifying the default or defaults to which the order relates.
- (3) An order under this subsection shall—
  - (a) state that the Lord Chancellor is of the opinion mentioned in subsection (1) above; and
  - (b) provide either or both of the following—
    - (i) that, on the making of the order, the chairman of the committee is to vacate his office as chairman; or
    - (ii) that, on the making of the order, one or more specified members of the committee (who may include the chairman but may not consist of all the members of the committee) are to vacate their office.
- (4) If, after making an order under subsection (3) above, the Lord Chancellor remains of the opinion mentioned in subsection (1) above, he may make an order—
  - (a) stating that he remains of that opinion; and
  - (b) providing—
    - (i) that all the members of the committee are to vacate their office on the making of the order; and
    - (ii) that for a specified period, not exceeding three months, beginning with the making of the order the committee is to consist of persons nominated by the Lord Chancellor (who need not be justices of the peace).
- (5) An order under subsection (4) above shall provide for new members of the committee to be chosen, in accordance with regulations under section 29 above, to take office at the end of the specified period.

<sup>F17</sup>(6) .....



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#### Textual Amendments

**F17** S. 38(6) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(5)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

### 39 Studies by Audit Commission.

- (1) The Audit Commission may, at the request of a magistrates’ courts committee, undertake or promote comparative and other studies—
  - (a) designed to enable the Commission to make recommendations for improving economy, efficiency and effectiveness in the performance of the committee’s functions; and
  - (b) for improving the financial or other management of the committee.
- (2) Any magistrates’ courts committee which has requested a study in accordance with subsection (1) above, and any officer or member of such a committee, shall provide the Audit Commission, or any person authorised by it, with such information as it or he may reasonably require for the carrying out of the study.
- (3) The Audit Commission shall charge the magistrates’ courts committee concerned such fees for any study carried out under subsection (1) above as will cover the full cost of carrying it out.
- (4) In this section “the Audit Commission” means the Audit Commission for Local Authorities and the National Health Service in England and Wales.

### [<sup>F18</sup>39A Code of conduct for members etc.

- (1) The Lord Chancellor may prepare a code of conduct to be observed by—
  - (a) members of magistrates’ courts committees; and
  - (b) members of selection panels for choosing members of such committees.
- (2) The Lord Chancellor may from time to time prepare a revised version of the code.
- (3) Before preparing the code or a revised version of the code the Lord Chancellor shall undertake such consultation as appears to him to be appropriate.
- (4) The code, and any revised version of the code, shall come into force as provided by an order made by the Lord Chancellor by statutory instrument; and an order providing for the coming into force of the code or a revised version shall set out the code or revised version.
- (5) A statutory instrument containing an order made by virtue of subsection (4) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F18** S. 39A and sidenote inserted (27.9.1999) by 1999 c. 22, **ss. 86, 108(3)(c)** (with Sch. 14 para. 7(2))

#### Modifications etc. (not altering text)

**C2** S. 39A modified (27.9.1999) by 1999 c. 22, ss. 105, 108(3)(e), **Sch. 14 para. 32(2)** (with Sch. 14 para. 7(2)); S.I. 1999/2657, **art. 2(d)(i)**

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**[<sup>F19</sup>39B Non-compliance with code.**

- (1) The Lord Chancellor may make an order under subsection (2) below if he is of the opinion that—
  - (a) a member of a magistrates' courts committee; or
  - (b) a member of a selection panel for choosing members of such a committee, has, without reasonable excuse, failed to observe the code.
- (2) An order under this subsection shall state that the Lord Chancellor is of the opinion mentioned in subsection (1) above and may provide either or both of the following—
  - (a) that, on the making of the order, the person is to cease to be a member of the committee or selection panel concerned or to cease to be such a member for a specified period; or
  - (b) that, for a specified period, the person may not be appointed (or co-opted) as a member of any magistrates' courts committee or any selection panel for choosing members of such a committee.
- (3) The Lord Chancellor may by regulations made by statutory instrument make provision for the purpose of establishing whether persons have failed to observe the code.
- (4) A statutory instrument containing regulations made by virtue of subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

**Textual Amendments**

**F19** S. 39B and sidenote inserted (27.9.1999) by 1999 c. 22, ss. 86, 108(3)(c) (with Sch. 14 para. 7(2))

**Modifications etc. (not altering text)**

**C3** S. 39B modified (27.9.1999) by 1999 c. 22, ss. 105, 108(3)(e), Sch. 14 para. 32(2) (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(d)(i)

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