



# Access to Justice Act 1999

## 1999 CHAPTER 22

### PART V

#### MAGISTRATES AND MAGISTRATES' COURTS

##### *Territorial organisation*

#### 74 Commission areas.

- (1) For sections 1 and 2 of the <sup>M1</sup>Justices of the Peace Act 1997 (commission areas outside London and London commission areas) substitute—

**“1 Commission areas.**

- (1) England and Wales shall be divided into areas for each of which there shall be a commission of the peace.
- (2) The areas shall be as specified by the Lord Chancellor by order made by statutory instrument; but a commission area may not consist of an area partly within and partly outside Greater London.
- (3) An area for which there is a commission of the peace shall be known as a commission area.”

- (2) In that Act, after section 32 insert—

**“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—

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Part V. (See end of Document for details)*

- (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.
- (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.”

**Marginal Citations**

**M1** 1997 c.25.

**75 Petty sessions areas.**

- (1) For section 4 of the <sup>M2</sup>Justices of the Peace Act 1997 (petty sessions areas and petty sessional divisions) substitute—

**“4 Petty sessions areas.**

- (1) England and Wales shall also be divided into areas known as petty sessions areas.
- (2) The areas and their names shall be as specified by the Lord Chancellor by order made by statutory instrument.
- (3) Each petty sessions area shall consist of either—
  - (a) the whole of a commission area; or
  - (b) an area wholly included within a commission area.”

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- (2) For section 33 of that Act (functions of magistrates' courts committee as to petty sessionsal divisions and related procedure) substitute—

**“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 draft order under subsection (1) above; or
  - 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—
- 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;
  - 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
  - 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)—
- the combination of the area with another petty sessions area;
  - the division of the area between two or more petty sessions areas; and
  - changing the name of the area.”
- (3) In section 34 of that Act (procedure relating to alteration of petty sessions areas)—
- in subsection (1) (consultation), after “any” insert “ petty sessions ”,
  - in subsection (3) (copies of proposals), for “section 33 above about any area” substitute “ section 4(2) above which makes an alteration of a petty sessions area ”, and
  - in subsection (4) (objections and inquiry), for “section 33 above” substitute “ section 4(2) above which makes an alteration of a petty sessions area, ”.

**Marginal Citations**

M2 1997 c.25.

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**76 Areas: consequential provision.**

- (1) The Lord Mayor and aldermen of the City of London shall not be justices of the peace unless appointed by the Lord Chancellor in accordance with the <sup>M3</sup>Justices of the Peace Act 1997.
- (2) Schedule 10 (which contains other provisions consequential on sections 74 and 75) has effect.

**Marginal Citations**

**M3** 1997 c.25.

**77 Youth courts.**

- (1) Part I of the Second Schedule to the <sup>M4</sup>Children and Young Persons Act 1933 (constitution of youth courts outside the metropolitan area) is amended in accordance with subsections (2) to (5).
- (2) Omit the headings “Outside Metropolitan Area” and “Youth court panels”.
- (3) Omit paragraph 1 (exclusion of inner London and the City of London from the scope of Part I).
- (4) In paragraph 8 (as amended by Schedule 10) (prohibition on forming combined youth court panel unless the area consists of single commission area), at the end insert “ , or includes the City of London ”.
- (5) For paragraph 9 substitute—

“9. No order under this Schedule shall provide for the formation of a combined youth panel for an area unless the area consists of, or is wholly included in, the area of a single magistrates’ courts committee.”
- (6) Omit Part II of that Schedule (particular provision for inner London and the City).

**Marginal Citations**

**M4** 1933 c.12.

*Justices*

**78 Unification and renaming of stipendiary bench.**

- (1) For sections 11 to 20 of the <sup>M5</sup>Justices of the Peace Act 1997 and the heading preceding section 11 (stipendiary magistrates and metropolitan stipendiary magistrates) substitute—

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### *“ District Judges (Magistrates’ Courts)*

#### **10A Appointment and tenure.**

- (1) Her Majesty may, on the recommendation of the Lord Chancellor, appoint a person who has a 7 year general qualification (within the meaning of section 71 of the <sup>M6</sup>Courts and Legal Services Act 1990) to be a District Judge (Magistrates’ Courts).
- (2) The Lord Chancellor—
  - (a) shall designate one of the District Judges (Magistrates’ Courts) to be the Senior District Judge (Chief Magistrate); and
  - (b) may designate another of them to be his deputy.
- (3) A District Judge (Magistrates’ Courts) may not be removed from office except by the Lord Chancellor on the ground of incapacity or misbehaviour.
- (4) The Lord Chancellor may pay to a District Judge (Magistrates’ Courts) (in addition to the salary charged on and paid out of the Consolidated Fund under section 9 of the <sup>M7</sup>Administration of Justice Act 1973) such allowances as he may, with the approval of the Treasury, determine.

#### **10B Deputies.**

- (1) The Lord Chancellor may appoint any person who has a 7 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990) to be a Deputy District Judge (Magistrates’ Courts) for such period as the Lord Chancellor considers appropriate (but subject to subsection (2) below).
- (2) The Lord Chancellor may remove a Deputy District Judge (Magistrates’ Courts) from office on the ground of incapacity or misbehaviour.
- (3) The Lord Chancellor may pay to a Deputy District Judge (Magistrates’ Courts) such remuneration and allowances as he may, with the approval of the Treasury, determine.
- (4) During the period of his appointment a Deputy District Judge (Magistrates’ Courts) shall act as a District Judge (Magistrates’ Courts) and shall be treated for all purposes (apart from appointment, tenure, remuneration and allowances and pensions) as if he were a District Judge (Magistrates’ Courts).

#### **10C Status.**

- (1) A District Judge (Magistrates’ Courts) shall by virtue of his office be a justice of the peace for every commission area.
- (2) Where any enactment makes provision defining the powers of any person or court by reference to the area for which a person is a justice of the peace, the provision shall have effect where that person is a District Judge (Magistrates’ Courts) as if it defined the powers by reference to the area for which he is for the time being acting as a justice of the peace.

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- (3) A District Judge (Magistrates' Courts) shall sit at such court-houses, 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.
- (4) References in any enactment, instrument or other document to a district judge or deputy district judge do not include a District Judge (Magistrates' Courts).

#### **10D Power to discharge functions exercisable by two justices.**

- (1) A District Judge (Magistrates' Courts), sitting in a place appointed for the purpose, shall have power—
  - (a) to do any act; and
  - (b) to exercise alone any jurisdiction,
 which can be done or exercised by two justices, including any act or jurisdiction expressly required to be done or exercised by justices sitting or acting in petty sessions.
- (2) Subsection (1) above does not apply where the law under which the act or jurisdiction can be done or exercised was made after 2nd August 1858 and contains express provision contrary to that subsection.
- (3) Any statutory provision auxiliary to the jurisdiction exercisable by two justices of the peace shall apply also to the jurisdiction of a District Judge (Magistrates' Courts).
- (4) Subsections (1) and (3) above do not apply where the act or jurisdiction relates to the grant or transfer of any licence.
- (5) Any authority or requirement in any enactment for persons to be summoned or to appear at petty sessions in any case shall include authority or a requirement in such a case for persons to be summoned or to appear before a District Judge (Magistrates' Courts) at the place appointed for his sitting.
- (6) Nothing in this section applies to the hearing or determination of family proceedings within the meaning of section 65 of the Magistrates' Courts Act 1980.

#### **10E Disapplication of restrictions.**

- (1) Nothing in the <sup>M8</sup>Magistrates' Courts Act 1980—
  - (a) requiring a magistrates' court to be composed of two or more justices or to sit in a petty sessional court-house or an occasional court-house; or
  - (b) limiting the powers of a magistrates' court when composed of a single justice or when sitting elsewhere than in a petty sessional court-house,
 shall apply to any District Judge (Magistrates' Courts) sitting in a place appointed for the purpose.
- (2) Subsection (1) above does not apply to the hearing or determination of family proceedings within the meaning of section 65 of the Magistrates' Courts Act 1980."
- (2) Schedule 11 (which makes amendments consequential on this section) has effect.

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**Marginal Citations**

- M5 1997 c.25.
- M6 1990 c.41.
- M7 1973 c.15.
- M8 1980 c.43.

**79 Justices not to sit on committal for sentence.**

In section 74(1) of the <sup>M9</sup>Supreme Court Act 1981 (cases in which Crown Court is to consist of a judge sitting with justices of the peace), omit paragraph (b) (proceedings on committal for sentence).

**Marginal Citations**

- M9 1991 c.54.

**80 Jurisdiction over offences outside area.**

(1) In the Magistrates’ Courts Act 1980, after section 3A insert—

**“3B Transfer of trials of summary offences.**

- (1) Where a person is required to appear, or to be brought, before a magistrates’ court on an information charging him with a summary offence, he or the prosecutor may apply to the court for the offence to be tried by a magistrates’ court which is named in the application but which would not, apart from subsection (2) below, have jurisdiction to try the offence.
- (2) Where an application under this section is granted, the court named in it shall have jurisdiction to try the offence.
- (3) The Lord Chancellor may make regulations specifying—
  - (a) matters which a court must consider in deciding whether to grant or refuse an application under this section; and
  - (b) circumstances in which a court must grant or refuse such an application.
- (4) The power to make regulations under subsection (3) above shall be exercisable by statutory instrument which shall be subject to annulment by resolution of either House of Parliament.”

(2) <sup>F1</sup>.....

**Textual Amendments**

- F1 S. 80(2) repealed (1.9.2004) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2004/2066, art. 2(d)(vi)(e) (subject to art. 3)

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## 80 Jurisdiction over offences outside area. **U.K.**

(1) In the Magistrates' Courts Act 1980, after section 3A insert—

### “3B Transfer of trials of summary offences.

- (1) Where a person is required to appear, or to be brought, before a magistrates' court on an information charging him with a summary offence, he or the prosecutor may apply to the court for the offence to be tried by a magistrates' court which is named in the application but which would not, apart from subsection (2) below, have jurisdiction to try the offence.
- (2) Where an application under this section is granted, the court named in it shall have jurisdiction to try the offence.
- (3) The Lord Chancellor may make regulations specifying—
  - (a) matters which a court must consider in deciding whether to grant or refuse an application under this section; and
  - (b) circumstances in which a court must grant or refuse such an application.
- (4) The power to make regulations under subsection (3) above shall be exercisable by statutory instrument which shall be subject to annulment by resolution of either House of Parliament.”

(2) In section 145(1) of that Act (power to make rules of court as to specified matters), after paragraph (a) insert—

- “(aa) as to the determination of applications under section 3B above (including provision for their determination by justices' clerks);”.

### *Magistrates' courts committees*

## 81 Areas outside Greater London.

For section 27 of the <sup>M10</sup>Justices of the Peace Act 1997 (general provisions about magistrates' courts committees) substitute—

### *“ Introductory*

#### **27 Introduction.**

Magistrates' courts committees shall have—

- (a) such functions as are conferred or imposed on them by or under this Act or any other enactment; and
- (b) such other functions relating to matters of an administrative character as they may be authorised by the Lord Chancellor to undertake.



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### *Magistrates' courts committees outside Greater London*

#### **27A Committees.**

- (1) England and Wales outside Greater London shall be divided into areas for each of which there shall be a magistrates' courts committee.
- (2) The areas of the committees shall be as specified by the Lord Chancellor by order made by statutory instrument.
- (3) Each area outside Greater London for which there is a magistrates' courts committee shall—
  - (a) consist of the whole of one or more commission areas or be included wholly within a single commission area; and
  - (b) comprise the whole of one or more petty sessions areas.

#### **27B Alteration of committee areas.**

- (1) A magistrates' courts committee for an area outside Greater London may at any time submit to the Lord Chancellor written proposals for the alteration of their area.
- (2) Before submitting such proposals, the magistrates' courts committee shall consult—
  - (a) the magistrates for their area or any other magistrates' courts committee area to which the proposals relate;
  - (b) any other magistrates' courts committee to which the proposals relate; and
  - (c) every relevant authority whose area includes all or any part of any of the magistrates' courts committee areas to which the proposals relate.
- (3) The Lord Chancellor shall not make an order under section 27A(2) above which makes an alteration of any area unless he is satisfied that the making of the order is likely to contribute to an overall increase in the efficiency of the administration of magistrates' courts.
- (4) Before making an order under section 27A(2) above which makes an alteration of any 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;
  - (b) the magistrates' courts committees for the area; and
  - (c) every relevant authority whose area includes all or any part of the magistrates' courts committee area.
- (5) For the purposes of subsection (4) 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.
- (6) An order under section 27A(2) above which makes an alteration of any area may contain such consequential and transitional provisions as appear to the Lord Chancellor to be necessary or expedient, including—

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- (a) provision for the transfer of property, rights and liabilities;
  - (b) provision for the management or custody of transferred property (whether real or personal); and
  - (c) provision for any magistrates' courts committee coming into existence by virtue of the order to be constituted under section 30 below as a body corporate, and to incur liabilities, before the date on which the functions of any magistrates' courts committee are transferred to it.
- (7) The Lord Chancellor may give directions with respect to convening the first meeting of a magistrates' courts committee coming into existence by virtue of an order under section 27A(2) above.
- (8) A statutory instrument containing an order under section 27A(2) above which makes an alteration of any area shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) In this section references to the alteration of a magistrates' courts committee area include (as well as a change in the boundaries of the area)—
- (a) the combination of the area with another magistrates' courts committee area; and
  - (b) the division of the area between two or more magistrates' courts committee areas.
- (10) In this section "relevant authority" means—
- (a) a county council;
  - (b) a county borough council; or
  - (c) the council of a unitary district."

#### **Marginal Citations**

**M10** 1997 c.25.

## **82 Constitution of committees outside Greater London.**

For sections 28 to 30 of the <sup>M11</sup>Justices of the Peace Act 1997 (constitution of magistrates' courts committees) substitute—

### **“28 Constitution of committees.**

- (1) A magistrates' courts committee for an area outside Greater London shall, subject to subsection (2) below, be composed of justices of the peace for the area to which the committee relates, chosen in accordance with regulations under section 29 below.
- (2) Such a magistrates' courts committee may also include persons (who need not be justices of the peace)—
  - (a) co-opted by the committee with the approval of the Lord Chancellor; or
  - (b) appointed by the Lord Chancellor.

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## **29 Regulations about committees.**

- (1) The Lord Chancellor may by statutory instrument make general regulations about the constitution, procedure and quorum of magistrates' courts committees for areas outside Greater London; but any such regulations shall have effect subject to the provisions of section 28 above.
- (2) The regulations shall provide for the members referred to in section 28(1) above to be chosen by a selection panel constituted in accordance with the regulations.
- (3) The regulations may—
  - (a) lay down an upper limit for the number of members of a magistrates' courts committee (inclusive of the members referred to in subsection (2) of section 28 above); and
  - (b) enable the Lord Chancellor to direct that, in relation to any magistrates' courts committee to which the direction is given, any members co-opted or appointed under that subsection are to be left out of account in applying the upper limit.
- (4) The regulations may make provision for the payment of remuneration to members of a magistrates' courts committee co-opted or appointed under section 28(2) above.
- (5) The regulations may make different provision in relation to magistrates' courts committees for different areas.
- (6) The regulations may also make provision with respect to the persons (other than the members, clerks and officers of the committee) who may be entitled to attend the meetings of a magistrates' courts committee and the rights of such persons to make representations to the committee.
- (7) 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.

## **30 Supplementary provisions about committees.**

- (1) A magistrates' courts committee for an area outside Greater London shall appoint one of their members to be chairman of the committee.
- (2) Where the magistrates for a petty sessions area are required to meet for the purpose of carrying out any functions under section 29 above, a meeting shall be convened by the magistrates' courts committee or, if there is no such committee or the Lord Chancellor considers it appropriate, by the Lord Chancellor.
- (3) A magistrates' courts committee for an area outside Greater London may act through sub-committees appointed by them which, if they include at least one member of the committee, may also include persons who are not members.
- (4) Such a magistrates' courts committee may also arrange for the discharge of any of their functions—
  - (a) by the chairman of the committee; or
  - (b) by the justices' chief executive.

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- (5) Subject to the provisions of this Act, a magistrates’ courts committee for an area outside Greater London shall have power to regulate their own procedure, including quorum.
- (6) A magistrates’ courts committee for an area outside Greater London shall be a body corporate.
- (7) A magistrates’ courts committee for an area outside Greater London shall, on at least one occasion in every calendar year, admit members of the public to a meeting of the committee.
- (8) The minutes of proceedings of every meeting of such a magistrates’ courts committee shall be open to inspection by members of the public at the offices of the committee, except to the extent that the committee determine that the minutes disclose information of a confidential nature.
- (9) Copies of any minutes which are open to inspection under subsection (8) above shall be made available to the public on payment of such reasonable fee as the magistrates’ courts committee may in any case determine.
- (10) A magistrates’ courts committee making a determination under subsection (8) above shall state their reasons for regarding the information in question as being of a confidential nature.”

**Marginal Citations**

M11 1997 c.25.

**83 Greater London Magistrates’ Courts Authority.**

- (1) In the <sup>M12</sup>Justices of the Peace Act 1997, after section 30 insert—

*“ Greater London*

**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.

**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).

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- (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.

### **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.

*Provisions applying to all magistrates' courts committees."*

- (2) After section 59 of that Act insert—

*" Greater London Magistrates' Courts Authority*

### **59A Functions.**

- (1) The Greater London Magistrates' Courts Authority shall provide such petty sessional court-houses and other accommodation, and such goods and services, as they may determine proper for the performance of the Authority's functions and those of—
- (a) the magistrates for Greater London;
  - (b) any committee of the magistrates for Greater London; and
  - (c) the justices' clerks for any part of Greater London.
- (2) The Authority may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the function in subsection (1) above; but the Authority may not borrow money except insofar as authorised by any other enactment to do so.

### **59B Funding.**

- (1) The Lord Chancellor may pay grants to the Greater London Magistrates' Courts Authority in respect of the Authority's expenditure.
- (2) Grants under this section shall be paid at such times, in such manner and subject to such conditions as the Lord Chancellor may with the concurrence of the Treasury determine.
- (3) Each London local authority shall pay to the Authority such amount in respect of—
- (a) any kind of the Authority's expenditure in any year; or

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- (b) if less, such amount as may, in relation to that kind of expenditure and that year, be for the time being determined by the Lord Chancellor, as may be determined in accordance with regulations made by the Lord Chancellor by statutory instrument.
- (4) The Lord Chancellor may by regulations made by statutory instrument make provision as to the making of payments under subsection (3) above, including provision—
  - (a) as to whether payments are to be made by instalments or otherwise;
  - (b) as to the time when payments are to be made;
  - (c) conferring a right to interest on anything unpaid; and
  - (d) permitting a London local authority to anticipate a payment under this section when making calculations in accordance with section 32 of the <sup>M13</sup>Local Government Finance Act 1992 (originally or by way of substitute).
- (5) The Lord Chancellor may with the consent of the Treasury make provision by regulations made by statutory instrument as to how any kind of the Authority's expenditure is to be determined.
- (6) Subject to any such regulations, the Lord Chancellor may direct that in determining any kind of the Authority's expenditure there shall be taken into account or disregarded, to such extent as may be specified in the direction, such items as may be so specified.
- (7) A statutory instrument containing regulations made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section "London local authority" means the council of any London borough or the Common Council of the City of London.

### **59C Consultation.**

- (1) The Greater London Magistrates' Courts Authority shall consult each London local authority before making any determination under section 59A(1) above or any determination as to—
  - (a) the salary to be paid to a justices' clerk or justices' chief executive and to staff of the Authority; or
  - (b) the nature and amount of the expenses which the Authority may incur in the discharge of their functions or may authorise to be incurred.
- (2) Any London local authority which is aggrieved by such a determination may, within one month from the receipt by the London local authority of written notice of the determination, appeal to the Lord Chancellor, whose decision shall be binding upon the Authority and the London local authority concerned.
- (3) In this section, "London local authority" has the same meaning as in section 59B above.

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### **59D Accounting.**

- (1) The Greater London Magistrates' Courts Authority shall keep a fund to be known as the GLMCA fund.
- (2) All the Authority's receipts shall be paid into the GLMCA fund and all the Authority's expenditure shall be paid out of it.
- (3) The Authority shall—
  - (a) keep accounts of payments made into or out of the GLMCA fund; and
  - (b) make arrangements for the proper administration of their financial affairs.
- (4) The Lord Chancellor may by regulations made by statutory instrument make provision applying—
  - (a) Part VIII of the <sup>M14</sup>Local Government Finance Act 1988 (financial administration); and
  - (b) Part II of the <sup>M15</sup>Audit Commission Act 1998 (accounts and audit of public bodies),to the Authority, with or without modifications and exceptions.
- (5) A statutory instrument containing regulations made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Provisions applying to all magistrates' courts committees."*

- (3) Schedule 12 (which makes provision supplementary to this section) shall have effect.

#### **Commencement Information**

- II** S. 83 wholly in force; s. 83 not in force at Royal Assent see s. 108(1); s. 83(1)(3) in force for certain purposes at 27.9.1999 by S.I. 1999/2657, **art. 2(c)(i)(ii)**; s. 83(1)(3) in force for certain further purposes at 1.3.2000 by S.I. 1999/3344, **art. 3(a)(i)(ii)**; s. 83(2) in force for certain further purposes at 31.8.2000 by S.I. 2000/1920, **art. 3(b)**; s. 83 in force insofar as not already in force at 1.4.2001 by S.I. 2001/916, **art. 2(a)(i)**

#### **Marginal Citations**

- M12** 1997 c.25.  
**M13** 1992 c. 14.  
**M14** 1988 c.41.  
**M15** 1998 c.18.

### **84 Standard goods and services.**

- (1) Part VI of the <sup>M16</sup>Justices of the Peace Act 1997 (administrative and financial arrangements) has effect subject to the following amendments.
- (2) After section 59D and the heading after that section (inserted by section 83 above) insert—

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Part V. (See end of Document for details)*

**“59E Standard goods and services.**

- (1) The Lord Chancellor may by statutory instrument make regulations requiring every magistrates’ courts committee, or every specified magistrates’ courts committee, to obtain for the performance of any function referred to in section 55(1) or 59A(1) above—
  - (a) specified goods or services; or
  - (b) goods or services of a specified description,
 if he considers that it would be in the interests of the efficient and effective administration of magistrates’ courts generally for them to do so.
- (2) Regulations made by virtue of subsection (1) above may include provision requiring magistrates’ courts committees to obtain the specified goods or services, or goods or services of the specified description—
  - (a) from a specified person or person of a specified description;
  - (b) at or by a specified time; or
  - (c) both from such a person and at or by such a time.
- (3) 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.”
- (3) In section 55(2) (case where paying authority is not required to provide goods and services to magistrates’ courts committee), after “or authorities” insert “—
  - (a) to provide any goods or services which regulations made by virtue of section 59E(2) below require the magistrates’ courts committee to obtain otherwise than from that authority or any of those authorities; or
  - (b)”.
- (4) After subsection (1) of section 56 (which specifies that, subject to the provisions of that section, the goods and services to be provided by a paying authority are to be determined by the magistrates’ courts committee) insert—
 

“(1A) Subsection (1) above does not apply to the extent that regulations made by virtue of section 59E below have the effect of precluding a determination as to any of the matters mentioned in that subsection.”

**Marginal Citations**

**M16** 1997c. 25.

**85 Power to direct implementation of inspectors’ recommendations.**

In section 62 of the <sup>M17</sup>Justices of the Peace Act 1997 (inspectors of the magistrates’ courts service), after subsection (4) insert—

- “(4A) If pursuant to this section a recommendation is made for the taking of any action by a magistrates’ courts committee, the Lord Chancellor may give a direction requiring the committee to take the recommended action within a period specified in the direction.”



*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Part V. (See end of Document for details)*

#### Marginal Citations

M17 1997 c.25.

## 86 Code of conduct.

In the Justices of the Peace Act 1997, after section 39 insert—

### “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.

### 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.

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Part V. (See end of Document for details)*

- (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.”

*Justices’ chief executives, justices’ clerks and staff*

## 87 Qualification for appointment as chief executive.

In section 40 of the <sup>M18</sup>Justices of the Peace Act 1997 (appointment of justices’ chief executive), omit subsection (5) (under which a person may not be appointed unless eligible for appointment as a justices’ clerk).

### Marginal Citations

**M18** [1997 c.25.](#)

## 88 Role of chief executives.

- (1) For section 41 of the Justices of the Peace Act 1997 (functions of justices’ chief executives) substitute—

### “41 Role of justices’ chief executive.

- (1) The justices’ chief executive appointed by any magistrates’ courts committee shall make arrangements for the efficient and effective administration of the magistrates’ courts for the area to which the committee relates.
- (2) For that purpose the administration of the magistrates’ courts for the area to which a magistrates’ courts committee relates includes—
  - (a) the exercise of the function of acting as clerk to the committee; and
  - (b) the exercise of all of the functions conferred or imposed on justices’ chief executives by or under any other enactment so far as relating to any of those courts or that committee.
- (3) The duty imposed on a justices’ chief executive by subsection (1) above shall in particular require him—
  - (a) to allocate responsibility for what falls to be done in the exercise of his functions among justices’ clerks and the staff of the committee; and
  - (b) to determine the administrative procedures to be followed by them.
- (4) The justices’ chief executive appointed by a magistrates’ courts committee shall make arrangements for discussions relating to matters of law (including procedure and practice) among the justices’ clerks appointed by the committee, in particular with a view to securing consistency in the advice given by them to justices about such matters.
- (5) The justices’ chief executive appointed by a magistrates’ courts committee shall perform—
  - (a) the duties imposed on him by this section; and
  - (b) any other functions conferred or imposed on him by or under any other enactment,

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*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Part V. (See end of Document for details)*

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in accordance with any directions given to him by the committee.

- (6) Subject to section 48 below, the justices’ chief executive appointed by a magistrates’ courts committee may give directions to justices’ clerks and the staff of the committee as to the carrying out of their responsibilities (including the performance of any functions conferred or imposed on them by or under any enactment).”
- (2) In section 31 of that Act (powers and duties of magistrates’ courts committees), omit subsection (2) (power of magistrates’ courts committees to allocate responsibilities among chief executive, clerks and members of staff and to determine the administrative procedures to be followed by them).
- (3) In section 40 of that Act (appointment of justices’ chief executive), after subsection (1) insert—
- “(1A) The justices’ chief executive appointed by a magistrates’ courts committee is—
- (a) the justices’ chief executive for every magistrates’ court for the committee’s area;
  - (b) the justices’ chief executive for every petty sessions area for which they are the committee; and
  - (c) the chief executive to the justices acting for every such petty sessions area.”
- (4) In section 61 of that Act (defaults of justices’ clerk etc.), after “clerk” insert “, of a justices’ chief executive ”.

## **89 Independence of clerks and staff exercising legal functions.**

- (1) For section 48 of the <sup>M19</sup>Justices of the Peace Act 1997 substitute—

### **“48 Independence of justices’ clerks and staff exercising legal functions.**

- (1) When exercising any legal function—
- (a) a justices’ clerk shall not be subject to the direction of the justices’ chief executive or any other person or body; and
  - (b) a member of the staff of a magistrates’ courts committee shall not be subject to the direction of any person or body other than a justices’ clerk.
- (2) In subsection (1) “legal function” means—
- (a) any function exercisable by one or more justices of the peace; or
  - (b) a function specified in section 45(4) or (5) above.”
- (2) In section 45 of that Act (functions of justices’ clerks)—
- (a) in subsection (4) (advice on law, practice or procedure to justices at their request), for “law, practice or procedure” substitute “ matters of law (including procedure and practice) ”, and
  - (b) in subsection (5) (power to bring point of law, practice or procedure to attention of justices), for “law, practice or procedure” substitute “ law (including procedure and practice) ”.

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects  
for the Access to Justice Act 1999, Part V. (See end of Document for details)*

**Marginal Citations**

M19 1997 c.25.

**90 Transfer of clerks' functions to chief executives.**

- (1) Schedule 13 (which makes amendments transferring administrative functions of justices' clerks to justices' chief executives) has effect.
- (2) The Lord Chancellor may by order made by statutory instrument make provision for the transfer of other administrative functions of justices' clerks to justices' chief executives.
- (3) An order under subsection (2) may contain amendments of enactments.
- (4) A statutory instrument containing an order under subsection (2) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) For the purposes of this section the administrative functions of justices' clerks are all of their functions apart from those which are legal functions within the meaning given by section 48(2) of the Justices of the Peace Act 1997.

**Marginal Citations**

M20 1997 c.25.

**91 Accounting etc. functions of chief executives.**

- (1) In the Justices of the Peace Act 1997, after section 41 (as substituted by section 88(1) above) insert—

**“41A Justices' chief executive as collecting officer.**

- (1) A justices' chief executive shall, by virtue of his office, be collecting officer of each of the courts for the area of the magistrates' courts committee which appointed him.
  - (2) A justices' chief executive shall act under any order made under section 30 of the <sup>M21</sup>Criminal Justice Administration Act 1914 (which provided for periodical payments under court orders to be made through an officer of the court or other third party) which, in accordance with the provisions of paragraph 16A of Schedule 4 to this Act, has effect to direct the payment of money to him.
  - (3) This section is without prejudice to the provisions of—
    - (a) section 59 of the <sup>M22</sup>Magistrates' Courts Act 1980 (periodical payments through justices' chief executive); and
    - (b) sections 59A and 62 of that Act (proceedings by justices' chief executive).”
- (2) In section 60 of that Act (application of fines and fees)—

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Part V. (See end of Document for details)*

- (a) in subsection (1) (payment to Lord Chancellor of sums received by a justices’ clerk), for “justices’ clerk” substitute “ justices’ chief executive ” and omit paragraph (b)(ii) (special provision for compensation orders),
  - (b) in subsection (3) (exception for salary and expenses of justices’ clerk), for “justices’ clerk” substitute “ justices’ chief executive ”,
  - (c) omit subsection (4) (which is superseded by the amendment made by subsection (3) of this section), and
  - (d) in the sidenote, for “fines and fees” substitute “ receipts of justices’ chief executive ”.
- (3) After that section insert—

**“60A Regulations about payment, accounting and banking.**

The Lord Chancellor, with the concurrence of the Treasury, may by statutory instrument make regulations—

- (a) as to the times at which, and the manner in which, a justices’ chief executive shall pay sums payable by him to the Lord Chancellor or any other person;
  - (b) requiring the keeping and production of accounts by justices’ chief executives in respect of sums received by them (apart from any received on account of their salaries or expenses as such) and for the inspection and audit of the accounts required to be kept; and
  - (c) requiring justices’ chief executives to use specified banking arrangements or facilities, or banking arrangements or facilities of a specified description, in relation to sums received by them (apart from any received on account of their salaries or expenses as such).”
- (4) In Part II of Schedule 4 to that Act (transitional provisions and savings), after paragraph 16 insert—

- “16A Any order made before 1st April 1953 under section 30 of the <sup>M23</sup>Criminal Justice Administration Act 1914 or section 1 of the <sup>M24</sup>Affiliation Orders Act 1914—
- (a) if it directs payments to be made to any officer of a court of summary jurisdiction, shall have effect as if it directed them to be made to the justices’ chief executive who is the collecting officer of that court; and
  - (b) if it directs payments to be made to any person who is not an officer of a court of summary jurisdiction, shall have effect as if it directed them to be made to the justices’ chief executive who is the collecting officer of the court making the order.”

**Marginal Citations**

- M21** 1914 c.58.
- M22** 1980 c.43.
- M23** 1914 c.58.
- M24** 1914 c.6 (4&5 Geo.5).

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects  
for the Access to Justice Act 1999, Part V. (See end of Document for details)*

### *Execution of warrants*

## 92 Civilian enforcement officers.

In the <sup>M25</sup>Magistrates' Courts Act 1980, after section 125 insert—

### “125A Civilian enforcement officers.

- (1) A warrant to which this subsection applies may be executed anywhere in England and Wales by a civilian enforcement officer.
- (2) In this section “civilian enforcement officer”, in relation to a warrant, means a person who—
  - (a) is employed by an authority of a prescribed class which performs functions in relation to any area specified in the warrant; and
  - (b) is authorised in the prescribed manner to execute warrants.
- (3) The warrants to which subsection (1) above applies are any warrant of arrest, commitment, detention or distress issued by a justice of the peace—
  - (a) under any provision specified for the purposes of this subsection by an order made by the Lord Chancellor and the Secretary of State, acting jointly; or
  - (b) for the enforcement of a court order of any description so specified.
- (4) Where a warrant has been executed by a civilian enforcement officer, a written statement indicating—
  - (a) the name of the officer;
  - (b) the authority by which he is employed; and
  - (c) that he is authorised in the prescribed manner to execute warrants,
shall, on the demand of the person arrested, committed or detained or against whom distress is levied, be shown to him as soon as practicable.
- (5) The power to make orders conferred by subsection (3) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

#### Marginal Citations

M25 1980 c.43.

## 93 Approved enforcement agencies.

(1) In the <sup>M26</sup>Justices of the Peace Act 1997, after section 31 insert—

### “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>M27</sup>Magistrates' Courts Act 1980.
- (2) The Lord Chancellor may by statutory instrument make regulations as to—

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*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Part V. (See end of Document for details)*

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- (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.”
- (2) In the <sup>M28</sup>Magistrates' Courts Act 1980, after section 125A (inserted by section 92 above) insert—

**“125B Execution by approved enforcement agency.**

- (1) A warrant to which section 125A(1) above applies may also be executed anywhere in England and Wales—
- (a) by an individual who is an approved enforcement agency;
  - (b) by a director of a company which is an approved enforcement agency;
  - (c) by a partner in a partnership which is an approved enforcement agency; or
  - (d) by an employee of an approved enforcement agency who is authorised in writing by the agency to execute warrants.
- (2) In this section “approved enforcement agency”, in relation to a warrant, means a person or body approved under section 31A of the <sup>M29</sup>Justices of the Peace Act 1997 by the magistrates' courts committee for the petty sessions area of the justice (or any of the justices) who issued the warrant.
- (3) Failure by a magistrates' courts committee to comply with any provision of, or made under, section 31A(2) to (5) of the Justices of the Peace Act 1997 does not of itself render unlawful the execution of a warrant.
- (4) Where a warrant has been executed by a person mentioned in subsection (1) above, a written statement indicating the matters specified in subsection (5) below shall, on the demand of the person arrested, committed or detained or against whom distress is levied, be shown to him as soon as practicable.
- (5) The matters referred to in subsection (4) above are—
- (a) the name of the person by whom the warrant was executed;

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Part V. (See end of Document for details)*

- (b) if he is a director of, or partner in, an approved enforcement agency, the fact that he is a director of, or partner in, that agency;
- (c) if he is an employee of an approved enforcement agency, the fact that he is an employee authorised in writing by that agency to execute warrants; and
- (d) the fact that his name, or (where paragraph (b) or (c) above applies) that of the agency indicated, is contained in the register maintained under section 31A(4) of the Justices of the <sup>M30</sup>Peace Act 1997 by the magistrates' courts committee concerned."

#### **Marginal Citations**

- M26** 1997 c.25.
- M27** 1980 c.43.
- M28** 1980 c.43.
- M29** 1997 c.25.
- M30** 1997 c.25.

## **94 Disclosure of information for enforcing warrants.**

In the <sup>M31</sup>Magistrates' Courts Act 1980, after section 125B (inserted by section 93(2) above) insert—

### **“125C Disclosure of information for enforcing warrants.**

- (1) Basic personal information held by a relevant public authority may, on the application of a justices' chief executive, be supplied by the authority to him (or to a justices' clerk appointed by, or member of the staff of, his magistrates' courts committee who is specified in the application) for the purpose of facilitating the enforcement of a section 125A(1) warrant which is so specified.
- (2) In this section—
  - “basic personal information” means a person's name, date of birth or national insurance number or the address (or any of the addresses) of a person;
  - “relevant public authority” means a Minister of the Crown, government department, local authority or chief officer of police specified in an order made by the Lord Chancellor; and
  - “a section 125A(1) warrant” means a warrant to which section 125A(1) above applies and which has been issued by a justice of the peace to whom the justices' chief executive making the application is chief executive.
- (3) Information supplied to any person under subsection (1) above, or this subsection, for the purpose of facilitating the enforcement of a section 125A(1) warrant may be supplied by him for that purpose to—
  - (a) any person entitled to execute the warrant;
  - (b) any employee of a body or person who, for the purposes of section 125B above, is an approved enforcement agency in relation to the warrant; or



*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Part V. (See end of Document for details)*

- (c) any person who is the justices’ chief executive, a justices’ clerk or a member of the staff of the magistrates’ courts committee whose justices’ chief executive made the application for the information.
- (4) A person who intentionally or recklessly—
  - (a) discloses information supplied to him under this section otherwise than as permitted by subsection (3) above; or
  - (b) uses information so supplied otherwise than for the purpose of facilitating the enforcement of the section 125A(1) warrant concerned, commits an offence.
- (5) But it is not an offence under subsection (4) above—
  - (a) to disclose any information in accordance with any enactment or order of a court or for the purposes of any proceedings before a court; or
  - (b) to disclose any information which has previously been lawfully disclosed to the public.
- (6) A person guilty of an offence under subsection (4) above is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum; or
  - (b) on conviction on indictment, to a fine.
- (7) The power to make orders conferred by subsection (2) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

**Marginal Citations**

M31 1980 c.43.

**95 Warrants of detention.**

- (1) In section 125(2) of the <sup>M32</sup>Magistrates’ Courts Act 1980 (execution by person to whom warrant is directed or constable), after “warrant of commitment,” insert “warrant of detention, ”.
- (2) In section 136(2) of that Act (warrants of detention), for the words from “, unless” to “functions” substitute “—
  - (a) shall authorise the person executing it”.

**Marginal Citations**

M32 1980 c.43.

**96 Execution by person not in possession of warrant.**

In the Magistrates’ Courts Act 1980, after section 125C (inserted by section 94 above) insert—

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Part V. (See end of Document for details)*

### “125D Execution by person not in possession of warrant.

- (1) A warrant to which section 125A(1) above applies may be executed by any person entitled to execute it even though it is not in his possession at the time.
- (2) A warrant to which this subsection applies (and which is not a warrant to which section 125A(1) above applies) may be executed by a constable even though it is not in his possession at the time.
- (3) Subsection (2) above applies to—
  - (a) a warrant to arrest a person in connection with an offence;
  - (b) a warrant under section 186(3) of the <sup>M33</sup>Army Act 1955, section 186(3) of the <sup>M34</sup>Air Force Act 1955, section 105(3) of the <sup>M35</sup>Naval Discipline Act 1957 or Schedule 2 to the <sup>M36</sup>Reserve Forces Act 1996 (desertion etc.);
  - (c) a warrant under section 102 or 104 of the <sup>M37</sup>General Rate Act 1967 (insufficiency of distress);
  - (d) a warrant under section 47(8) of the <sup>M38</sup>Family Law Act 1996 (failure to comply with occupation order or non-molestation order);
  - (e) a warrant under paragraph 4 of Schedule 3 to the <sup>M39</sup>Crime and Disorder Act 1998 (unwilling witnesses);
  - (f) a warrant under paragraph 3(2) of Schedule 1 to [F<sup>2</sup>the Powers of Criminal Courts (Sentencing) Act 2000] (offenders referred to court by youth offender panel); and
  - (g) a warrant under section 55, 76, 93, 97 or 97A above.
- (4) Where by virtue of this section a warrant is executed by a person not in possession of it, it shall, on the demand of the person arrested, committed or detained or against whom distress is levied, be shown to him as soon as practicable.”

#### Textual Amendments

**F2** Words in s. 96 substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 204**

#### Commencement Information

**I2** S. 96 wholly in force; s. 96 not in force at Royal Assent see s. 108; s. 96 in force at 19.2.2001 by S.I. 2001/168, **art. 2(a)** (subject to transitional provisions in art. 3)

#### Marginal Citations

**M33** 1955 c.18.  
**M34** 1955 c.19.  
**M35** 1957 c.53.  
**M36** 1966 c.14.  
**M37** 1967 c.9.  
**M38** 1996 c.27.  
**M39** 1998 c.37.

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Part V. (See end of Document for details)*

## **97 Cessation of warrants.**

- (1) In the <sup>M40</sup>Maintenance Orders Act 1958, in—
  - (a) section 2(4) (registration of orders), and
  - (b) section 5(4) (cancellation of registration),omit paragraph (b) (cessation of warrant of commitment on giving notice), apart from the word “and” at the end.
- (2) In section 83 of the <sup>M41</sup>Magistrates’ Courts Act 1980 (process for securing attendance of offender for purposes of section 82), omit subsection (4) (warrant to cease to have effect when sum in respect of which it is issued is paid to police officer holding the warrant).
- (3) In section 86(4) of that Act (which applies subsections (3) and (4) of section 83 to warrants issued under section 86), for “subsections (3) and (4)” substitute “subsection (3)”.
- (4) In section 125(1) of that Act (warrants of arrest), insert at the end “ or it ceases to have effect in accordance with the rules ”.

### **Commencement Information**

**I3** S. 97 wholly in force; s. 97 not in force at Royal Assent see s. 108; s. 97 in force at 19.2.2001 by S.I. 2001/168, art. 2(a) (subject to transitional provisions in art. 3)

### **Marginal Citations**

**M40** 1958 c.39.

**M41** 1980 c.43.

**Status:**

Point in time view as at 01/04/2001.

**Changes to legislation:**

There are currently no known outstanding effects for the Access to Justice Act 1999, Part V.