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## SCHEDULES

### SCHEDULE 10

Section 76.

#### COMMISSION AREAS AND PETTY SESSIONS AREAS

##### *The Parochial Libraries Act 1708 (c.14)*

- 1 In section 10 of the Parochial Libraries Act 1708 (warrant to search for lost library books), for “within the county riding or division” substitute “ for the commission area ”.

##### *The Distress for Rent Act 1737 (c.19)*

- 2 In section 4 of the Distress for Rent Act 1737 (procedure where goods fraudulently carried off), for “county, riding, or division or such county,” substitute “ commission area ”.

##### *The Inclosure Act 1773 (c.81)*

- 3 In section 4 of the Inclosure Act 1773 (expenses), for “county” substitute “ commission area ”.

##### *The Burial Ground Act 1816 (c.141)*

- 4 In section 2 of the Burial Ground Act 1816 (valuation of land), for “county, town, or district” substitute “ commission area ”.

##### *The Inclosure and Drainage (Rates) Act 1833 (c.35)*

- 5 In section 1 of the Inclosure and Drainage (Rates) Act 1833 (recovery of rates or assessments), for “county, riding, or division” substitute “ commission area ”.

##### *The Ordnance Survey Act 1841 (c.30)*

- 6 In section 2 of the Ordnance Survey Act 1841 (powers of entry), for “of the county” substitute “ of the place ”.

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*The Geological Survey Act 1845 (c.63)*

- 7 In section 1 of the Geological Survey Act 1845 (powers of entry), for “county in which” substitute “ place where ”.

*The Inclosure Act 1845 (c.118)*

- 8 In section 159 of the Inclosure Act 1845 (recovery of penalties), after “county” insert “ or other jurisdiction ”.

*The Hares Act 1848 (c.29)*

- 9 In section 2 of the Hares Act 1848 (authority to kill hares to be delivered to clerk for petty sessions division), for “petty sessions division” substitute “ petty sessions area ”.

*The Fairs Act 1873 (c.37)*

- 10 In section 6 of the Fairs Act 1873 (alteration of fair day on representation of justices for petty sessional division), for “petty sessional division” (in both places) substitute “ petty sessions area ”.

*The Commons Act 1876 (c.56)*

- 11 In section 20 of the Commons Act 1876 (prohibition on gravel digging on certain commons without authority of justices for petty sessional division), for “petty sessional division” substitute “ petty sessions area ”.

*The Municipal Corporations Act 1882 (c.50)*

- 12 In section 153(3) of the Municipal Corporations Act 1882 (warrant of two justices for the county requiring payment to county treasurer), for “for the county” substitute “ for a commission area consisting of or including the whole or part of the county ”.

*The Local Government Act 1888 (c.41)*

- 13 In section 28(2) of the Local Government Act 1888 (power of county council to delegate to justices of the county functions relating to contagious diseases of animals), for “county sitting in petty sessions” substitute “ peace for a commission area consisting of or including the whole or part of the county ”.

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*The Children and Young Persons Act 1933 (c.12)*

- 14 The Children and Young Persons Act 1933 has effect subject to the following amendments.
- 15 In section 48(3) (power of youth court acting for same petty sessional division as remanding court), for “petty sessional division” substitute “petty sessions area”.
- 16 (1) The Second Schedule (constitution of youth courts) is amended as follows.
- (2) In paragraph 1 (Part I to have effect as respects any area outside the inner London area and the City), for the words from “any area” to the end substitute “petty sessions areas falling wholly outside the area consisting of the inner London boroughs and the City of London.”
- (3) In paragraph 8 (restrictions on forming combined panels), for the words from “which” to the end substitute “unless the area consists of, or is wholly included in, a single commission area”.
- (4) In paragraph 13 (Part II to have effect as respects the inner London area and the City), for the words from “as respects” to “of London” substitute “as respects the area consisting of the petty sessions areas falling wholly or partly within the area consisting of the inner London boroughs and the City of London”.

*The Criminal Justice Act 1948 (c.58)*

F117 .....

**Textual Amendments**

**F1** Sch. 10 para. 17 repealed (1.4.2001) by 2000 c. 43, s. 75, Sch. 8; S.I. 2001/919, art. 2(g), Table

*The Prevention of Damage by Pests Act 1949 (c.55)*

- 18 In section 15(1) of the Prevention of Damage by Pests Act 1949 (appeal to court for petty sessional division), for “petty sessional division” substitute “petty sessions area”.

*The National Parks and Access to the Countryside Act 1949 (c.97)*

- 19 In section 68(3) of the National Parks and Access to the Countryside Act 1949 (complaint to court of petty sessional division about notice to enforce access), for “petty sessional division” substitute “petty sessions area”.

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*The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c.65)*

20 (1) Paragraph 4 of Part II of Schedule 2 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (allocation of functions to make up civil remuneration of justices' clerks) is amended as follows.

(2) In the first column—

- (a) for “Clerk to county justices” substitute “ Justices’ clerk ”, and
- (b) for “said Act” substitute “ Justices of the <sup>M1</sup>Peace Act 1997 ”.

(3) For the entry in the third column substitute—

“The paying authority is the authority which is the paying authority in relation to the magistrates’ courts committee for the purposes of section 55 of the Justices of the Peace Act 1997 (and where there are two or more such authorities, the proportions in which they contribute to give effect to any determination shall be such as they may agree or, in default of agreement, as may be determined by the Lord Chancellor).

The justices for whom the clerk acts are the authority entitled to appeal against a determination.”

**Marginal Citations**

**M1** [1997 c.25.](#)

*The Prison Act 1952 (c.52)*

21 In section 19(1) of the Prison Act 1952 (right of justice to visit prison)—

- (a) for “county”, in the first place, substitute “ commission area ”, and
- (b) for “county”, in the second and third places, substitute “ area ”.

*The Maintenance Orders Act 1958 (c.39)*

22 In section 21(1) of the Maintenance Orders Act 1958 (interpretation), in the definition of “magistrates’ court” and “petty sessions area”, for the words from “and “petty sessions area”” to “court” substitute “ has the meaning assigned to it by the <sup>M2</sup>Magistrates’ Courts Act 1980 and ”.

**Marginal Citations**

**M2** [1980 c.43.](#)

*The Licensing Act 1964 (c.26)*

23 The Licensing Act 1964 has effect subject to the following amendments.

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- 24 In section 2 (licensing justices and districts), for subsection (2) substitute—  
“(2) The licensing justices for any petty sessions area shall be a committee (which shall be known as the area licensing committee) of the justices acting for that area.”
- 25 In section 85(1) (search warrants for parties organised for gain), for “county or borough” substitute “ commission area ”.
- 26 In section 187(1) (search warrants), for “county or borough” substitute “ commission area ”.
- 27 In section 188(1) (closing of licensed premises in case of riot or tumult), for “county or borough” (in both places) substitute “ commission area ”.
- 28 (1) Section 193 (disqualification of justices) is amended as follows.  
(2) In subsection (1) (disqualifying trades)—  
(a) for “any county” substitute “ any commission area ”, and  
(b) for “county or borough” substitute “ area ”.  
(3) In subsection (2) (disqualifying shareholdings)—  
(a) for “any county” substitute “ any commission area ”, and  
(b) for “that county” substitute “ that area ”.
- 29 In section 201(1) (interpretation), in the definition of “the metropolis”, for the words from “an area” to the end substitute “ the area consisting of the inner London boroughs and the City of London; ”.

*The Administration of Justice Act 1964 (c.42)*

- 30 (1) Section 19 of the Administration of Justice Act 1964 (sheriff of Greater London and under-sheriffs for London commission areas) is amended as follows.  
(2) In subsection (1) (appointment of sheriff of Greater London and under-sheriff for each London commission area), for “and for each London commission area an under-sheriff shall be so appointed” substitute “ and an under-sheriff shall be so appointed for each area of Greater London (not including any part of the City) specified by the Lord Chancellor by order; and an order under this subsection shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament ”  
(3) In subsection (2) (application of enactments to under-sheriffs as if London commission areas were counties), for “London commission area” substitute “ area specified by virtue of subsection (1) of this section ”.

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- (4) In subsection (4) (modification of <sup>M3</sup>Sheriffs Act 1887 in its application to Greater London)—
- (a) for “London commission area” substitute “ area specified by virtue of subsection (1) of this section ”,
  - (b) for “a justice of the peace for any of the London commission areas” substitute “ any justice of the peace for a commission area consisting of or including the whole or part of Greater London ”, and
  - (c) for the words from “shall be sent” to the end substitute “ shall be sent to the officer specified by the Lord Chancellor by order made by statutory instrument. ”

**Marginal Citations**

**M3** 1887 c.55.

*The Sunday Theatre Act 1972 (c.26)*

- 31 In section 2(2) of the Sunday Theatre Act 1972 (definition of “inner London area”), for the words from “which” to the end substitute “ consisting of the inner London boroughs ”.

*The Solicitors Act 1974 (c.47)*

- 32 In section 38(2) of the Solicitors Act 1974 (disqualification of a solicitor who is a justice of the peace for an area divided into petty sessional divisions)—
- (a) for “is divided into petty sessional divisions” substitute “ consists of two or more petty sessions areas ”, and
  - (b) for “petty sessional division” substitute “ petty sessions area ”.

*The Magistrates’ Courts Act 1980 (c.43)*

- 33 The Magistrates’ Courts Act 1980 has effect subject to the following amendments.
- 34 In section 70 (jurisdiction in inner London for family proceedings), in subsection (3), in the definition of “inner London petty sessions area”, for the words after “means” substitute “ any petty sessions area falling wholly or partly within the area consisting of the inner London boroughs and the City of London. ”
- 35 In section 146(5) (rules relating to youth courts), for “inner London area” substitute “ area consisting of the inner London boroughs ”.
- 36 In section 150(1) (interpretation), in the definition of “petty sessional court-house”, for “petty sessional division” substitute “ petty sessions area ”.

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*The Public Passenger Vehicles Act 1981 (c.14)*

- 37 In section 82(1) of the Public Passenger Vehicles Act 1981 (interpretation), in the definition of “magistrates’ court” and “petty sessions area”, for “and “petty sessions area” have the same meanings” substitute “ has the same meaning ”.

*The Road Traffic Regulation Act 1984 (c.27)*

- 38 In section 142(1) of the Road Traffic Regulation Act 1984 (interpretation), in the definition of “magistrates’ court” and “petty sessions area”, for “and “petty sessions area” have the same meanings” substitute “ has the same meaning ”.

*The Criminal Justice Act 1991 (c.53)*

- 39 F2 .....

**Textual Amendments**

- F2 Sch. 10 para. 39 repealed (1.4.2001) by 1999 c. 22, ss. 106, 108(1), Sch. 15 Pt. V(6) (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 2(c); and this same provision expressed to be repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Local Government Finance Act 1992 (c.14)*

- 40 (1) Section 46 of the Local Government Finance Act 1992 (special expenses of precepting authority) is amended as follows.
- (2) In subsection (2)(d) (expenses of the Receiver relating to magistrates’ courts in the inner London area)—
- (a) F3 .....
- (b) for “that area” substitute “ the inner London area ”.
- (3) In subsection (4) (interpretation), in the definition of “inner London area”, for “has the same meaning as in the Justices of the Peace Act 1997” substitute “ means the area consisting of the inner London boroughs ”.

**Textual Amendments**

- F3 Sch. 10 para. 40(2)(a) repealed (1.4.2001) by 1999 c. 22, ss. 106, 108(1), Sch. 15 Pt. V(6) (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 2

*The Probation Service Act 1993 (c.47)*

- F4 41 .....

**Textual Amendments**

- F4 Sch. 10 para. 41 repealed (1.4.2001) by 2000 c. 43, s. 75, Sch. 8; S.I. 2001/919, art. 2(g), Table

- F5 42 .....

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**Textual Amendments**

**F5** Sch. 10 para. 42 repealed (1.4.2001) by 2000 c. 43, s. 75, Sch. 8; S.I. 2001/919, art. 2(g), Table

<sup>F6</sup>43 .....

**Textual Amendments**

**F6** Sch. 10 para. 43 repealed (1.4.2001) by 2000 c. 43, s. 75, Sch. 8; S.I. 2001/919, art. 2(g), Table

<sup>F7</sup>44 .....

**Textual Amendments**

**F7** Sch. 10 para. 44 repealed (1.4.2001) by 2000 c. 43, s. 75, Sch. 8; S.I. 2001/919, art. 2(g), Table

<sup>F8</sup>45 .....

**Textual Amendments**

**F8** Sch. 10 para. 45 repealed (1.4.2001) by 2000 c. 43, s. 75, Sch. 8; S.I. 2001/919, art. 2(g), Table

*The Local Government (Wales) Act 1994 (c.19)*

46 In section 55(3) of the Local Government (Wales) Act 1994 (alteration of areas in Wales in connection with alteration of local government area), for paragraphs (a) to (c) substitute “ the commission areas, petty sessions area or areas of magistrates’ courts committees in Wales. ”

*The Justices of the Peace Act 1997 (c.25)*

47 The Justices of the Peace Act 1997 has effect subject to the following amendments.

48 In section 6 (residence qualification for justices), after subsection (1) insert—

“(1A) If a person who is the Lord Mayor or an alderman of the City of London is appointed in accordance with section 5 above as a justice of the peace for a commission area including the City of London, subsection (1) above shall not apply in relation to his appointment as a justice of the peace for that area so long as he holds either of those offices.”

49 (1) Section 10 (allowances for justices) is amended as follows.

(2) In subsection (7) (meaning of “the appropriate authority”), for the words from “means” to the end substitute “means, in relation to a justice—

(a) the council of the local government area which consists of or includes the petty sessions area for which he acts; or

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- (b) where he acts for a petty sessions area which is partly included in two or more local government areas, the councils of those local government areas.”

(3) For subsection (8) (meaning of “local government area”) substitute—

“(8) In subsection (7) above “local government area” means—

- (a) in relation to England, the City of London, a London borough, a metropolitan district, a non-metropolitan county for which there is a council or a unitary district; and
- (b) in relation to Wales, a county or a county borough;

and for the purposes of that subsection the Common Council shall be regarded as the council of the City of London.”

(4) In subsection (9) (joint payment of allowances), for “subsection (7)(d)(ii)” substitute “subsection (7)(b)”.

50 For section 26 (Greater Manchester, Merseyside and Lancashire) substitute—

**“26 Greater Manchester, Merseyside and Lancashire.**

(1) This section applies to the area consisting of the counties of Greater Manchester and Merseyside and the retained county of Lancashire; and for this purpose the retained county of Lancashire is that county as it stood immediately before 1st April 1995.

(2) Sections 5(1), 6 and 25 above have effect—

- (a) in the case of a commission area which is wholly included within the area to which this section applies with the substitution, for any reference to the Lord Chancellor, of a reference to the Chancellor of the Duchy of Lancaster; and
- (b) in the case of a commission area which is partly included within that area with the substitution, for any reference to the Lord Chancellor, of a reference to the Lord Chancellor and the Chancellor of the Duchy of Lancaster acting jointly.

(3) Sections 7(4) to (6) and 8 above have effect—

- (a) in the case of a person who is a justice of the peace only for a commission area which is wholly included within that area with the substitution, for any reference to the Lord Chancellor, of a reference to the Chancellor of the Duchy of Lancaster; and
- (b) in the case of a person who is a justice either for such a commission area and another commission area or for a commission area which is partly included within that area with the substitution, for any reference to the Lord Chancellor, of a reference to the Lord Chancellor and the Chancellor of the Duchy of Lancaster acting jointly.”

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**Textual Amendments**

**F9** Sch. 10 para. 51 repealed (1.4.2001) by 1999 c. 22, ss. 106, 108(1), Sch. 15 Pt. V(6) (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 2(c); and this same provision expressed to be repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

- 52 (1) Section 72(1) (definitions) is amended as follows.
- (2) <sup>F10</sup> .....
- (3) In the definition of “petty sessional court-house”, for “petty sessional division” substitute “ petty sessions area ”.

**Textual Amendments**

**F10** Sch. 10 para. 52(2) repealed (1.4.2001) by 1999 c. 22, ss. 106, 108(1), Sch. 15 Pt. V(6) (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 2(c)

- 53 <sup>F11</sup> .....

**Textual Amendments**

**F11** Sch. 10 para. 53 repealed (1.4.2001) by 1999 c. 22, ss. 106, 108(1), Sch. 15 Pt. V(6) (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 2(c); and this same provision expressed to be repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

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