

Status: Point in time view as at 01/04/2005.

Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, SCHEDULE 11. (See end of Document for details)

SCHEDULES

SCHEDULE 11

Section 78.

UNIFICATION AND RENAMING OF STIPENDIARY BENCH

The Metropolitan Police Act 1839 (c.47)

- 1 The Metropolitan Police Act 1839 has effect subject to the following amendments.
- 2 In section 52 (prevention of obstruction in neighbourhood of public buildings), for “police courts” substitute “ magistrates’ courts ”.
- 3 ^{F1}

Textual Amendments

- F1** Sch. 11 para. 3 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

- 4 In section 76 (complaints to be heard and determined by one of the police magistrates), for the words from “by one” to the end substitute “ by a District Judge (Magistrates’ Courts) ”.

The Metropolitan Police Courts Act 1840 (c.84)

- 5 In section 13 of the Metropolitan Police Courts Act 1840 (duties of police magistrates in relation to deserted premises), for “police magistrates” (in both places) substitute “ District Judges (Magistrates’ Courts) ”.

The London Hackney Carriages Act 1843 (c.86)

- 6 In section 24 of the London Hackney Carriages Act 1843 (application for summons to police court of district)—
- (a) ^{F2}
- (b) for “police court”, in each other place, substitute “ magistrates’ court ”.

Textual Amendments

- F2** Sch. 11 para. 6(a) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)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 London Hackney Carriages Act 1850 (c.7)

- 7 In section 4 of the London Hackney Carriages Act 1850 (notice of hackney carriage standings to be hung in police courts), for “police courts” substitute “ magistrates’ courts acting for an area falling wholly within an inner London borough ”.

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The London Hackney Carriage Act 1853 (c.33)

- 8 In section 18 of the London Hackney Carriage Act 1853 (jurisdiction of police magistrates)—
 - (a) for “any one of the police magistrates at any of the Metropolitan Police Courts” substitute “ two justices of the peace ”, and
 - (b) omit the words from “or if the offence,”, in the first place, to “the county;”.

The Regulation of Railways Act 1871 (c.78)

- 9 In section 7(1) of the Regulation of Railways Act 1871 (orders directing specified officials to hold investigation of a railway accident with the assistance of an inspector or other assessor), for “stipendiary magistrate, metropolitan police magistrate,” substitute “ District Judge (Magistrates’ Courts), stipendiary magistrate, ”.

The Metropolitan Police Courts Act 1897 (c.26)

- 10 F3

Textual Amendments
 F3 Sch. 11 para. 10 repealed (1.4.2001) by 1999 c. 22, ss. 106, 108(1), Sch. 15 Pt. V(6); S.I. 2001/916, {art, 2}

The Law of Distress Amendment Act 1908 (c.53)

- 11 In section 2 of the Law of Distress Amendment Act 1908 (order by stipendiary magistrate or two justices for restoration of goods illegally distrained by landlord etc.), for the words from “a stipendiary” to “or justices” substitute “ two justices who ”.

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

- 12 F4

Textual Amendments
 F4 Sch. 11 para. 12 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 Act 1948 (c.26)

- 13 (1) Section 121 of the Local Government Act 1948 (precept for expenses of metropolitan police) is amended as follows.
 - (2) In subsection (3) (precepts for expenses of metropolitan police courts and probation system in the metropolitan police court area)—
 - (a) for the first paragraph substitute—

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- “(3) In relation to expenses of and incidental to magistrates’ courts acting for petty sessions areas falling wholly within the inner London boroughs and the probation system within those petty sessions areas respectively, precepts issued under this section shall be issued to all rating authorities with areas falling wholly within the area comprising those petty sessions areas.”, and
- (b) in the proviso, for “metropolitan police court area” substitute “ the area comprising those petty sessions areas ”.
- (3) In subsection (6) (receipts), for “metropolitan police courts and the probation system within the metropolitan police court area” substitute “ magistrates’ courts acting for petty sessions areas falling wholly within the inner London boroughs and the probation system within those petty sessions areas ”.
- (4) In subsection (7) (receipts exceeding expenses), for “metropolitan police courts or the probation system within the metropolitan police court area” substitute “ magistrates’ courts acting for petty sessions areas falling wholly within the inner London boroughs or the probation system within those petty sessions areas ”.

The Metropolitan Magistrates’ Courts Act 1959 (c.45)

14 The Metropolitan Magistrates’ Courts Act 1959 (functions of Receiver) has effect subject to the following amendments.

F5 15

Textual Amendments

F5 Sch. 11 para. 15 repealed (1.4.2001) by 2000 c. 43, s. 75, Sch. 8; S.I. 2001/919, art. 2(g), Table

16 In section 4(2) (borrowing power of Receiver), for the words “of the metropolitan magistrates’ courts” substitute “ of the magistrates’ courts acting for petty sessions areas falling wholly within the inner London boroughs ”.

The Licensing Act 1964 (c.26)

17 In section 29(2) of the Licensing Act 1964 (fees chargeable in stipendiary magistrates’ court), for “stipendiary magistrates’ court” substitute “ court of a District Judge (Magistrates’ Courts) ”.

The Backing of Warrants (Republic of Ireland) Act 1965 (c.45)

18 F6

Textual Amendments

F6 Sch. 11 para. 18 repealed (1.1.2004) by Extradition Act 2003 (c. 41), ss. 220, 221, Sch. 4; S.I. 2003/3103, art. 2 (subject to arts. 3-5 (as amended by S.I. 2003/3258, art. 2(2) and S.I. 2003/3312, art. 2(2)); 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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The Courts Act 1971 (c.23)

- 19 In Part IA of Schedule 2 to the Courts Act 1971 (certain office-holders eligible for appointment as Circuit judges), for “Stipendiary magistrate” substitute “ District Judge (Magistrates’ Courts).”

The Local Government Act 1972 (c.70)

- 20 In section 67(2)(b) of the Local Government Act 1972 (which provides that regulations may make provision about the functions or areas of jurisdiction of certain bodies or officers in connection with changes in local government areas in Wales)—
- (a) for “justice of the peace, stipendiary magistrate” substitute “ justice of the peace other than a District Judge (Magistrates’ Courts),” and
 - (b) after “police officers)” insert “ , and the functions of any District Judge (Magistrates’ Courts),”.

The Administration of Justice Act 1973 (c.15)

- 21 In section 9(1) of the Administration of Justice Act 1973 (judicial salaries charged on and paid out of the Consolidated Fund), for paragraphs (e) and (f) (metropolitan stipendiary magistrates and other stipendiary magistrates) substitute—
- “(e) District Judges (Magistrates’ Courts);”.

The Juries Act 1974 (c.23)

- 22 F7

Textual Amendments

F7 Sch. 11 para. 22 repealed (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 332, 336, [Sch. 37 Pt. 10](#); S.I. 2004/829, [art. 2\(1\)\(2\)\(j\)\(i\)\(iv\)](#) (subject to [art. 2\(3\)-\(6\)](#))

The Solicitors Act 1974 (c.47)

- 23 In section 38 of the Solicitors Act 1974 (disqualification of a solicitor who is a justice of the peace), after subsection (3) insert—
- “(3A) Subsection (1) does not apply where a solicitor is a Deputy District Judge (Magistrates’ Courts); but where a solicitor is acting as a Deputy District Judge (Magistrates’ Courts) for any petty sessions area it shall not be lawful for him, or for any partner of his, to act in connection with proceedings before any justice of the peace acting for that area as solicitor or agent for the solicitor of any person concerned in those proceedings.”

The House of Commons Disqualification Act 1975 (c.24)

- 24 In Part I of Schedule 1 to the House of Commons Disqualification Act 1975 (judicial offices disqualifying for membership of the House of Commons), for “Stipendiary Magistrate within the meaning of the ^{M1}Justices of the Peace Act 1997.” substitute “ District Judge (Magistrates’ Courts) (but not Deputy District Judge (Magistrates’ Courts)). ”

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Marginal Citations

M1 1997 c.25.

The Northern Ireland Assembly Disqualification Act 1975 (c.25)

- 25 In Part I of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (judicial offices disqualifying for membership of the Northern Ireland Assembly), for “Stipendiary Magistrate within the meaning of the ^{M2}Justices of the Peace Act 1949.” substitute “ District Judge (Magistrates’ Courts) (but not Deputy District Judge (Magistrates’ Courts)). ”

Marginal Citations

M2 1949 c.101.

The Magistrates’ Courts Act 1980 (c.43)

- 26 The Magistrates’ Courts Act 1980 has effect subject to the following amendments.
27 For section 66 substitute—

“66 Composition of magistrates’ courts for family proceedings: general.

- (1) A magistrates’ court when hearing family proceedings shall be composed of—
(a) two or three lay justices; or
(b) a District Judge (Magistrates’ Courts) as chairman and one or two lay justices;
or, if it is not practicable for such a court to be so composed, a District Judge (Magistrates’ Courts) sitting alone.
- (2) Except where such a court is composed of a District Judge (Magistrates’ Courts) sitting alone, it shall, so far as practicable, include both a man and a woman.
- (3) In this section and section 67 below “lay justices” means justices of the peace who are not District Judges (Magistrates’ Courts).”

- 28 **F8**

Textual Amendments

F8 Sch. 11 para. 28 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

- 29 **F9**

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Textual Amendments

F9 Sch. 11 para. 29 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

30 **F10**

Textual Amendments

F10 Sch. 11 para. 30 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 Extradition Act 1989 (c.33)

31 **F11**

Textual Amendments

F11 Sch. 11 paras. 31 repealed (1.1.2004) by Extradition Act 2003 (c. 41), ss. 220, 221, **Sch. 4**; S.I. 2003/3103, **art. 2** (subject to arts. 3-5 (as amended by S.I. 2003/3258, art. 2(2) and S.I. 2003/3312, art. 2(2))

32 **F12**

Textual Amendments

F12 Sch. 11 para. 32 repealed (1.1.2004) by Extradition Act 2003 (c. 41), ss. 220, 221, **Sch. 4**; S.I. 2003/3103, **art. 2** (subject to arts. 3-5 (as amended by S.I. 2003/3258, art. 2(2) and S.I. 2003/3312, art. 2(2)); 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)**

33 **F13**

Textual Amendments

F13 Sch. 11 paras. 33 repealed (1.1.2004) by Extradition Act 2003 (c. 41), ss. 220, 221, **Sch. 4**; S.I. 2003/3103, **art. 2** (subject to arts. 3-5 (as amended by S.I. 2003/3258, art. 2(2) and S.I. 2003/3312, art. 2(2))

34 **F14**

Textual Amendments

F14 Sch. 11 paras. 34 repealed (1.1.2004) by Extradition Act 2003 (c. 41), ss. 220, 221, **Sch. 4**; S.I. 2003/3103, **art. 2** (subject to arts. 3-5 (as amended by S.I. 2003/3258, art. 2(2) and S.I. 2003/3312, art. 2(2))

35 **F15**

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Textual Amendments

F15 Sch. 11 paras. 35 repealed (1.1.2004) by Extradition Act 2003 (c. 41), ss. 220, 221, Sch. 4; S.I. 2003/3103, art. 2 (subject to arts. 3-5 (as amended by S.I. 2003/3258, art. 2(2) and S.I. 2003/3312, art. 2(2))

36 **F16**

Textual Amendments

F16 Sch. 11 para. 36 repealed (1.1.2004) by Extradition Act 2003 (c. 41), ss. 220, 221, Sch. 4; S.I. 2003/3103, art. 2 (subject to arts. 3-5 (as amended by S.I. 2003/3258, art. 2(2) and S.I. 2003/3312, art. 2(2)); and Sch. 11 para. 36(3)(4)(a) 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 Courts and Legal Services Act 1990 (c.41)

37 In Schedule 11 to the Courts and Legal Services Act 1990 (judges etc. barred from legal practice), for “Stipendiary Magistrate” substitute “ District Judge (Magistrates’ Courts) ”.

The Local Government Act 1992 (c.19)

38 In section 19(2)(d) of the Local Government Act 1992 (which provides that regulations may make provision about the functions or areas of jurisdiction of certain bodies or officers in connection with changes in local government areas in England)—

- (a) in sub-paragraph (i), for “justice of the peace, stipendiary magistrate” substitute “ justice of the peace other than a District Judge (Magistrates’ Courts), ” and
- (b) before “and the costs” insert “ , and the functions of any District Judge (Magistrates’ Courts), ”.

The Judicial Pensions and Retirement Act 1993 (c. 8)

39 The Judicial Pensions and Retirement Act 1993 has effect subject to the following amendments.

40 In Part I of Schedule 1 (qualifying offices), after “County Court Judge in Northern Ireland” insert “ District Judge (Magistrates’ Courts) ”.

41 In Schedule 5 (retirement), for “Stipendiary magistrate in England and Wales” substitute “ District Judge (Magistrates’ Courts) ”.

The Probation Service Act 1993 (c.47)

F1742

Textual Amendments

F17 Sch. 11 para. 42 repealed (1.4.2001) by 2000 c. 43, s. 75, Sch. 8; S.I. 2001/919, art. 2(g), Table

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

43 F18

Textual Amendments
F18 Sch. 11 paras. 43 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

44 F19

Textual Amendments
F19 Sch. 11 paras. 44 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

45 F20

Textual Amendments
F20 Sch. 11 paras. 45 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

46 F21

Textual Amendments
F21 Sch. 11 paras. 46 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

47 F22

Textual Amendments
F22 Sch. 11 paras. 47 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

48 F23

Textual Amendments
F23 Sch. 11 paras. 48 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

49 F24

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Textual Amendments

F24 Sch. 11 paras. 49 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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F25
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Textual Amendments

F25 Sch. 11 paras. 50 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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