

*Status: Point in time view as at 01/04/2001.*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, Cross Heading: The Road Traffic Offenders Act 1988 (c.53). (See end of Document for details)*

## SCHEDULES

### SCHEDULE 13

#### FUNCTIONS TRANSFERRED TO JUSTICES’ CHIEF EXECUTIVES

##### *The Road Traffic Offenders Act 1988 (c.53)*

- 140 The Road Traffic Offenders Act 1988 has effect subject to the following amendments.
- 141 (1) Section 7 (duty of accused to provide licence to clerk of court) is amended as follows.
- (2) Number the existing provision as subsection (1) and, in paragraph (a) of that provision, for “clerk” substitute “proper officer”.
- (3) After that provision insert—
- “(2) In subsection (1) above “proper officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court, and
- (b) in relation to any other court, the clerk of the court.”
- 142 In sections 8(a) and 25(2)(a) (notification to clerk of date of birth and sex), for “to the clerk of a court in pursuance of section 12(2)” substitute “to a justices’ chief executive in pursuance of section 12(4)”.
- 143 (1) Section 26 (interim disqualification) is amended as follows.
- (2) In subsection (7), in paragraph (b) (licence of person subject to interim disqualification to be sent to clerk), for “clerk” substitute “proper officer”.
- (3) After that subsection insert—
- “(2) In subsection (7) above “proper officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court, and
- (b) in relation to any other court, the clerk of the court.”
- 144 (1) Section 27 (production of licence) is amended as follows.
- (2) In subsection (4) (exceptions), for “clerk” (in both places) substitute “proper officer”.
- (3) After that subsection insert—
- “(5) In subsection (4) above “proper officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court, and
- (b) in relation to any other court, the clerk of the court.”
- 145 (1) Section 34B (certificate of completion of course) is amended as follows.

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- (2) In subsections (1), (2) (in both places), (6) and (7), for “clerk” substitute “ proper officer ”.
- (3) In subsection (9)—
- (a) for “clerk of a court” substitute “ proper officer of a court ”, and
  - (b) for “clerk or” substitute “ officer or ”.
- 146 In section 34C(2) (interpretation), after the definition of “petty sessions area” insert—
- ““proper officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court, and
  - (b) in relation to a sheriff court in Scotland, the clerk of the court;”.
- 147 In section 52(3)(c) (fixed penalty notice to specify justices’ clerk to whom payment to be made), for “justices’ clerk” substitute “ justices’ chief executive ”.
- 148 (1) Section 69 (payment of fixed penalty) is amended as follows.
- (2) In subsection (1) (payment to be made to justices’ clerk specified in notice), for “justices’ clerk” substitute “ justices’ chief executive ”.
  - (3) In subsection (4) (definition of “fixed penalty clerk”), after “references to the” insert “ justices’ chief executive or ”.
- 149 In section 70(4)(a) (registration certificate to be sent to clerk to justices where offender resides), for “clerk to the justices” substitute “ justices’ chief executive ”.
- 150 (1) Section 71 (registration of sums payable in default) is amended as follows.
- (2) For subsections (1) and (2) substitute—
- “(1) Where, in England and Wales, a justices’ chief executive receives a registration certificate issued under section 70 of this Act in respect of any sum payable in default—
    - (a) if it appears to him that the defaulter resides in a petty sessions area for which he is the justices’ chief executive, he must register that sum for enforcement as a fine in that area by entering it in the register of a magistrates’ court acting for that area,
    - (b) if it appears to him that the defaulter resides in any other petty sessions area in England and Wales, he must send the certificate to the justices’ chief executive for that area, or
    - (c) if it appears to him that the defaulter resides in Scotland, he must send the certificate to the clerk of the court of summary jurisdiction for the area in which the defaulter appears to him to reside.  - (2) Where, in Scotland, the clerk of a court receives a registration certificate issued under section 70 of this Act in respect of any sum payable in default—

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- (a) if it appears to him that the defaulter resides in the area of the court, he must register that sum for enforcement as a fine by that court,
  - (b) if it appears to him that the defaulter resides in the area of any other court of summary jurisdiction in Scotland, he must send the certificate to the clerk of that court, or
  - (c) if it appears to him that the defaulter resides in England and Wales, he must send the certificate to the justices’ chief executive for the petty sessions area in which the defaulter appears to him to reside.
- (2A) Subsections (1) and (2) apply to executives and clerks who receive certificates pursuant to the provision they contain as they apply to the original recipients.”
- (3) In subsection (6) (notice to defaulter), for “clerk to the justices” substitute “ justices’ chief executive ”.
- 151 In sections 72(1) and (6) and 73(1)(b) and (7) (invalidity of registration notice), for “clerk” substitute “ proper officer ”.
- 152 (1) Section 74 (supplementary) is amended as follows.
  - (2) In subsection (4) (service of statutory declaration), for “clerk” substitute “ proper officer ”.
  - (3) In subsection (5) (interpretation), for paragraph (b) substitute—
    - “(b) references to the proper officer of the relevant court are—
      - (i) in the case of a magistrates’ court, references to the justices’ chief executive for that court, and
      - (ii) in the case of a court of summary jurisdiction in Scotland, references to the clerk of the court, and”.
- 153 In section 75(6) (definition of “fixed penalty clerk” for purposes of conditional offers)—
  - (a) for “justices’ clerk” substitute “ justices’ chief executive ”, and
  - (b) for “that clerk” substitute “ he ”.
- 154 In section 82(2) (accounting where one clerk acts for another), for “justices’ clerk” substitute “ justices’ chief executive ”.
- 155 In section 83(1)(b) (powers where clerk of court deceived), after “Act the” insert “ justices’ chief executive or ”.
- 156 In section 84(c) (power to make regulations prescribing duties of justices’ clerks), for “justices’ clerks” substitute “ justices’ chief executives ”.

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