

Status: Point in time view as at 27/07/1999.

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SCHEDULES

VALID FROM 01/04/2000

SCHEDULE 1

Section 1.

LEGAL SERVICES COMMISSION

.....

VALID FROM 01/04/2000

SCHEDULE 2

Section 6.

COMMUNITY LEGAL SERVICE: EXCLUDED SERVICES

.....

VALID FROM 02/04/2001

SCHEDULE 3

Section 14.

CRIMINAL DEFENCE SERVICE: RIGHT TO REPRESENTATION

.....

VALID FROM 12/11/2009

[^{F6}SCHEDULE 3A

MOTOR VEHICLE ORDERS

.....

Textual Amendments

F6 Sch. 3A inserted (12.11.2009) by Coroners and Justice Act 2009 (c. 25), ss. 152(4), 182, Sch. 18 (with s. 180)

.....

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SCHEDULE 4

Section 24.

AMENDMENTS CONSEQUENTIAL ON PART I

VALID FROM 01/04/2000

The Public Records Act 1958 (c.51)

- 1 In the First Schedule to the Public Records Act 1958 (definition of public records), in Part I of the Table at the end of paragraph 3, in the second column, after “Legal Aid Board.” insert—

“Legal Services Commission”

VALID FROM 01/04/2000

The Parliamentary Commissioner Act 1967 (c.13)

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (which lists the bodies subject to the jurisdiction of the Parliamentary Commissioner), insert (at the appropriate place in alphabetical order)—

“Legal Services Commission”

VALID FROM 02/04/2001

The Criminal Appeal Act 1968 (c.19)

- 3 In section 50 of the Criminal Appeal Act 1968 (meaning of “sentence”), at the end insert—

“(3) An order under section 17 of the Access to Justice Act 1999 is not a sentence for the purposes of this Act.”

The Children and Young Persons Act 1969 (c.54)

VALID FROM 02/04/2001

- 4 The Children and Young Persons Act 1969 has effect subject to the following amendments.

- 5 In section 12AA(9) (restrictions on power to require young offender who is not legally represented to live in local authority accommodation)—

(a) for paragraph (a) substitute—

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- “(a) he was granted a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service for the purposes of those proceedings but the right was withdrawn because of his conduct; or”, and
- (b) in paragraph (b), for “legal aid” substitute “ such representation ”.

VALID FROM 02/04/2001

- 6 In section 23 (remands and committals to local authority accommodation), in subsection (5A) (restrictions on imposing a security requirement on person who is not legally represented)—
- (a) for paragraph (a) substitute—
- “(a) he was granted a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service but the right was withdrawn because of his conduct; or”, and
- (b) in paragraph (b), for “legal aid” substitute “ such representation ”.

VALID FROM 02/04/2001

- 7 In that section as it has effect pursuant to section 98 of the Crime and Disorder Act 1998 (alternative provision for 15 and 16 year old boys), in subsection (4A) (restrictions on remand of boy who is not legally represented)—
- (a) for paragraph (a) substitute—
- “(a) he was granted a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service but the right was withdrawn because of his conduct; or”, and
- (b) in paragraph (b), for “legal aid” substitute “ such representation ”.

VALID FROM 02/04/2001

- The Attachment of Earnings Act 1971 (c.32)*
- 8 In section 1(3)(c) of the Attachment of Earnings Act 1971 (magistrates’ court may make order to secure payment of any sum required to be paid by legal aid contribution order), for “legal aid contribution order” substitute “ order under section 17(2) of the Access to Justice Act 1999 ”.

The Powers of Criminal Courts Act 1973 (c.62)

- 9 In section 21(1) of the Powers of Criminal Courts Act 1973 (restrictions on imposing sentence on person who is not legally represented)—
- (a) for paragraph (a) substitute—
- “(a) he was granted a right to representation funded by the Legal Services Commission as part of the Criminal

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- Defence Service but the right was withdrawn because of his conduct; or”, and
- (b) in paragraph (b), for “legal aid” substitute “ such representation ”.

VALID FROM 01/04/2000

The Solicitors Act 1974 (c.47)

- 10 (1) Section 47 of the Solicitors Act 1974 (jurisdiction of Solicitors Disciplinary Tribunal) is amended as follows.
- (2) In subsection (2)(d) (exclusion of solicitor from legal aid work), for “legal aid work” substitute “ providing representation funded by the Legal Services Commission as part of the Criminal Defence Service ”.
- (3) In subsection (2A) (exclusion of solicitor from providing legal aid work because of conduct in connection with services under the Legal Aid Act 1988)—
- (a) for “legal aid work” substitute “ providing representation ”, and
- (b) in paragraph (a), for “under the Legal Aid Act 1988” substitute “ funded by the Legal Services Commission as part of the Community Legal Service or Criminal Defence Service ”.
- (4) In subsection (2B) (exclusion of member of solicitor’s firm from legal aid work), for “legal aid work” substitute “ providing representation funded by the Legal Services Commission as part of the Criminal Defence Service ”.
- (5) In subsection (2D) (person excluded from legal aid work may apply for termination of exclusion), for “legal aid work” substitute “ providing representation funded by the Legal Services Commission as part of the Criminal Defence Service ”.

Commencement Information

- II** Sch. 4 para. 10 wholly in force; Sch. 4 para. 10 not in force at Royal Assent see s. 108; Sch. 4 para. 10(1)(3)(b) in force at 1.4.2000 by S.I. 2000/774, art. 2(a)(ii) (subject to arts. 3, 4); Sch. 4 para. 10 in force insofar as not already in force at 2.4.2001 by S.I. 2001/916, art. 3(a)(ii)

VALID FROM 01/04/2000

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

- 11 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), insert (at the appropriate place in alphabetical order)—
- “The Legal Services Commission”

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VALID FROM 01/04/2000

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

12 In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified), insert (at the appropriate place in alphabetical order)—

“The Legal Services Commission.”

VALID FROM 01/04/2000

The Sex Discrimination Act 1975 (c.65)

13 In section 75(4) of the Sex Discrimination Act 1975 (charges to recover costs of assistance in legal proceedings subject to charges under the Legal Aid Act 1988 or any provision in that Act for sum payable to Legal Aid Board)—

- (a) for “under the Legal Aid Act 1988” substitute “ imposed by section 10(7) of the Access to Justice Act 1999 ”,
- (b) after “any provision in” insert “ , or made under, ”, and
- (c) for “Legal Aid Board” substitute “ Legal Services Commission ”.

VALID FROM 01/04/2000

The Race Relations Act 1976 (c.74)

14 In section 66(6) of the Race Relations Act 1976 (charges to recover costs of assistance in legal proceedings subject to charges under the Legal Aid Act 1988 or any provision in that Act for sum payable to Legal Aid Board)—

- (a) for “under the Legal Aid Act 1988” substitute “ imposed by section 10(7) of the Access to Justice Act 1999 ”,
- (b) after “any provision in” insert “ , or made under, ”, and
- (c) for “Legal Aid Board” substitute “ Legal Services Commission ”.

VALID FROM 01/04/2000

The Magistrates’ Courts Act 1980 (c.43)

15 The Magistrates’ Courts Act 1980 has effect subject to the following amendments.

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VALID FROM 02/04/2001

- 16 In section 8(4) (matters which may be contained in a report of committal proceedings without an order), for paragraph (i) substitute—
- “(i) whether a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service was granted to the accused or any of the accused.”

VALID FROM 02/04/2001

- 17 In section 92(1)(b) (no restriction on power to impose imprisonment for default in paying contribution ordered under section 23 of the Legal Aid Act 1988), for the words from “section 23” to “to” substitute “ section 17(2) of the Access to Justice Act 1999 (payment by individual in respect of ”.

VALID FROM 02/04/2001

- 18 In section 130(3) (power of alternate court in remand hearings to grant legal aid), for “the grant of legal aid” substitute “ the grant of a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service ”.

- 19 In section 145A(4) (rules about costs may include provision for the reimbursement of sums paid by the Legal Aid Board), for “Legal Aid Board” substitute “ Legal Services Commission ”.

- 20 In Part I of Schedule 6 (fees), in paragraph 1(a) of the Note at the end (persons from whom fees not required), for the words from “a legally assisted person” to “1988” substitute “ receiving services funded by the Legal Services Commission as part of the Community Legal Service ”.

The Supreme Court Act 1981 (c.54)

VALID FROM 02/04/2001

- 21 The Supreme Court Act 1981 has effect subject to the following amendments.

VALID FROM 02/04/2001

- 22 In section 28 (appeal by way of case stated from decisions of Crown Court, other than those relating to trial on indictment), at the end insert—

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“(4) In subsection (2)(a) the reference to a decision of the Crown Court relating to trial on indictment does not include a decision relating to an order under section 17 of the Access to Justice Act 1999.”

VALID FROM 02/04/2001

23 In section 29 (judicial review of decisions of Crown Court, other than matters relating to trial on indictment), at the end insert—

“(6) In subsection (3) the reference to the Crown Court’s jurisdiction in matters relating to trial on indictment does not include its jurisdiction relating to orders under section 17 of the Access to Justice Act 1999.”

24 In section 47(7) (references to orders not to include contribution orders), for “a contribution order made under section 23 of the Legal Aid Act 1988” substitute “an order under section 17(2) of the Access to Justice Act 1999”.

The Criminal Justice Act 1982 (c.48)

25 In section 3(1) of the Criminal Justice Act 1982 (restriction on imposing sentence on person under 21 who is not legally represented)—

(a) for paragraph (i) substitute—

“(i) he was granted a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service but the right was withdrawn because of his conduct; or”, and

(b) in paragraph (ii), for “legal aid” substitute “such representation”.

VALID FROM 01/04/2000

The Telecommunications Act 1984 (c.12)

26 In section 52(5) of the Telecommunications Act 1984 (charges to recover costs of assistance in legal proceedings subject to legal aid charges), for paragraph (a) substitute—

“(a) any charge imposed by section 10(7) of the Access to Justice Act 1999 and any provision in, or made under, Part I of that Act for the payment of any sum to the Legal Services Commission;”.

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VALID FROM 02/04/2001

The Prosecution of Offences Act 1985 (c.23)

- 27 The Prosecution of Offences Act 1985 has effect subject to the following amendments.
- 28 In section 19(2)(b) (in making an order for costs account to be taken of grant of representation under Legal Aid Act 1988), for the words from “or any grant” to the end substitute “ or any grant of a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service; ”.
- 29 In section 20(2) (recovery of sums paid by Legal Aid Board where legally assisted person is awarded costs), for “Legal Aid Board” substitute “ Legal Services Commission ”.
- 30 (1) Section 21 (interpretation) is amended as follows.
- (2) In subsection (1), in the definition of “legally assisted person”, for “representation under the Legal Aid Act 1988” substitute “ a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service ”.
- (3) In subsection (4A)—
- (a) in paragraph (a), for the words from “include” to “of contribution;” substitute “ the cost of representation funded for him by the Legal Services Commission as part of the Criminal Defence Service; ”, and
- (b) in paragraph (b), for the words from “and 19” to the end substitute “ , 19 and 19A of this Act, his costs shall be taken to include the cost of representation funded for him by the Legal Services Commission as part of the Criminal Defence Service; ”.

VALID FROM 01/04/2000

The Child Abduction and Custody Act 1985 (c.60)

- 31 In section 11 of the Child Abduction and Custody Act 1985 (costs of application for child custody or access), for the words from “by virtue of” to “1988,” substitute “by virtue of—
- (a) the provision of any service funded by the Legal Services Commission as part of the Community Legal Service, or
- (b) the grant of legal aid or legal advice and assistance under.”

VALID FROM 01/04/2000

The Administration of Justice Act 1985 (c.61)

- 32 The Administration of Justice Act 1985 has effect subject to the following amendments.

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33 In section 40(1) (legal aid complaints), for “under the Legal Aid Act 1988” substitute “funded by the Legal Services Commission as part of the Community Legal Service or Criminal Defence Service”.

34 In section 41(2) (reduction of fees payable in connection with services provided by barristers under Legal Aid Act 1988), for paragraphs (a) and (b) substitute “otherwise payable by the Legal Services Commission in connection with services provided by him as part of the Community Legal Service or Criminal Defence Service”.

VALID FROM 02/04/2001

35 In section 42 (exclusion of barristers from legal aid work), in subsections (1) and (3), for “legal aid work” substitute “providing representation funded by the Legal Services Commission as part of the Criminal Defence Service”.

36 In section 43(3) (reduction of costs payable in connection with services provided by solicitors under Legal Aid Act 1988), for the words from “any costs” to “solicitor” substitute “any costs otherwise payable by the Legal Services Commission in connection with services provided by the solicitor as part of the Community Legal Service or Criminal Defence Service”.

VALID FROM 01/04/2000

The Housing Act 1985 (c.68)

37 In section 170(5) of the Housing Act 1985 (charges to recover costs of assistance in legal proceedings subject to any charge for benefit of Legal Aid Board), for the words from “under the Legal Aid Act 1988” to the end substitute “imposed by section 10(7) of the Access to Justice Act 1999 and any provision in, or made under, Part I of that Act for the payment of any sum to the Legal Services Commission.”

VALID FROM 02/04/2001

The Criminal Justice Act 1987 (c.38)

38 The Criminal Justice Act 1987 has effect subject to the following amendments.

39 In section 4(1) (functions of magistrates’ court to cease when case transferred to Crown Court, except for purposes of grant of legal aid), for “section 20(4) of the Legal Aid Act 1988” substitute “paragraph 2 of Schedule 3 to the Access to Justice Act 1999”.

40 In section 11(12) (matters to which restrictions on reporting do not apply), for paragraph (h) substitute—

“(h) whether a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service was granted to the accused or any of the accused.”

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VALID FROM 01/04/2000

The Consumer Arbitration Agreements Act 1988 (c.21)

- 41 In section 4(3) of the Consumer Arbitration Agreements Act 1988 (availability of legal aid to be considered in determining whether to make reference to arbitration), for “legal aid” substitute “ services funded by the Legal Services Commission as part of the Community Legal Service ”.

VALID FROM 01/04/2000

The Housing Act 1988 (c.50)

- 42 The Housing Act 1988 has effect subject to the following amendments.
- 43 In section 82(4) (charge to recover costs of assistance in legal proceedings subject to any charge for benefit of Legal Aid Board), for the words from “under the Legal Aid Act 1988” to the end substitute “ imposed by section 10(7) of the Access to Justice Act 1999 and any provision in, or made under, Part I of that Act for the payment of any sum to the Legal Services Commission. ”
- 44 In section 107(4) (charge to recover costs of assistance in legal proceedings subject to any charge for benefit of Legal Aid Board), for the words from “under the Legal Aid Act 1988” to the end substitute “ imposed by section 10(7) of the Access to Justice Act 1999 and any provision in, or made under, Part I of that Act for the payment of any sum to the Legal Services Commission. ”

VALID FROM 01/04/2000

The Children Act 1989 (c.41)

- 45 In section 25(6) of the Children Act 1989 (child without legal representation not to be placed in secure accommodation without having been informed of right to apply for legal aid), for “legal aid” substitute “ representation funded by the Legal Services Commission as part of the Community Legal Service or Criminal Defence Service ”.

VALID FROM 01/04/2000

The Courts and Legal Services Act 1990 (c.41)

- 46 In section 17(3)(c)(iii) of the Courts and Legal Services Act 1990 (effect of rules of a professional body relating to the withholding of services from persons receiving support under the Legal Aid Act 1988), for “under the Legal Aid Act 1988” substitute “ as part of the Community Legal Service or Criminal Defence Service ”.

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VALID FROM 02/04/2001

The Criminal Justice Act 1991 (c.53)

- 47 In section 53(3) of the Criminal Justice Act 1991 (functions of magistrates' court to cease when case transferred to Crown Court, except for purposes of grant of legal aid), for "section 20(4) of the Legal Aid Act 1988" substitute " paragraph 2 of Schedule 3 to the Access to Justice Act 1999 ".

VALID FROM 01/04/2000

The Social Security Administration Act 1992 (c.5)

- 48 (1) Section 108(7) of the Social Security Administration Act 1992 (Secretary of State to inform Legal Aid Board if he recovers maintenance arrears for a person who owes money to the Board) is amended as follows.
- (2) For "the Legal Aid Board" substitute " the Legal Services Commission ".
- (3) In paragraph (a), for "; and" substitute " ; or
(iii) received services funded by the Legal Services Commission as part of the Community Legal Service; and".
- (4) In paragraph (b), after paragraph (ii) insert "or
(iii) by virtue of section 10 of the Access to Justice Act 1999 in respect of services funded by the Legal Services Commission as part of the Community Legal Service,".

VALID FROM 02/04/2001

The Criminal Procedure and Investigations Act 1996 (c.25)

- 49 In section 37(9) of the Criminal Procedure and Investigations Act 1996 (matters to which restrictions on reporting do not apply), for paragraph (g) substitute—
“(g) whether a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service was granted to the accused or any of the accused.”

VALID FROM 01/04/2000

The Family Law Act 1996 (c.27)

- 50 The Family Law Act 1996 has effect subject to the following amendments.
- 51 (1) Section 8 (information meetings) is amended as follows.

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- (2) In subsection (9) (matters about which regulations must be made for the purposes of information given at information meetings), for paragraph (h) substitute—
- “(h) the availability of services funded by the Legal Services Commission as part of the Community Legal Service, and where parties can get advice about obtaining such services;”.
- (3) In subsection (12) (contributions), for “provided for him under Part IIIA of the Legal Aid Act 1988” substitute “ funded for him by the Legal Services Commission as part of the Community Legal Service ”.
- 52 (1) Section 23 (provision of marriage counselling) is amended as follows.
- (2) In subsection (3) (contributions), for “provided for them under Part IIIA of the Legal Aid Act 1988” substitute “ funded for them by the Legal Services Commission as part of the Community Legal Service ”.
- (3) In subsection (8) (powers of the Legal Aid Board)—
- (a) for “the Legal Aid Board” substitute “ the Legal Services Commission ”,
- (b) for “the Board” substitute “ the Commission ”,
- (c) for “the Legal Aid Act 1988” substitute “ Part I of the Access to Justice Act 1999 ”, and
- (d) after “purposes of”, in the second place, insert “ that Part of”.

VALID FROM 02/04/2001

The Crime and Disorder Act 1998 (c.37)

- 53 The Crime and Disorder Act 1998 has effect subject to the following amendments.
- 54 In section 50(2) (procedure at early administrative hearing), for paragraphs (a) to (c) substitute “ the accused shall be asked whether he wishes to be granted a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service and, if he does, the justice shall decide whether or not to grant him such a right. ”
- 55 In paragraph 3(8) of Schedule 3 (matters which may be contained in a report of an application for dismissal of charges), for paragraph (g) substitute—
- “(g) whether a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service was granted to the accused or any of the accused.”

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VALID FROM 01/04/2000

The Disability Rights Commission Act 1999 (c. 17)

56 In section 8(4)(a) of the Disability Rights Commission Act 1999 (charges to recover costs of assistance in legal proceedings subject to any charge for benefit of Legal Aid Board), for the words from “under” to “Board” substitute “ imposed by section 10(7) of the Access to Justice Act 1999 and any provision in, or made under, Part I of that Act for the payment of any sum to the Legal Services Commission ”.

VALID FROM 01/01/2000

SCHEDULE 5

Section 41.

AUTHORISED BODIES: DESIGNATION AND REGULATIONS AND RULES
.....

VALID FROM 27/09/1999

SCHEDULE 6

Section 43.

RIGHTS OF AUDIENCE AND RIGHTS TO CONDUCT LITIGATION
.....

VALID FROM 27/09/1999

SCHEDULE 7

Section 48.

POWERS OF LAW SOCIETY

Monitoring of compliance with rules

1 In section 31(1) of the ^{M21}Solicitors Act 1974 (power of Council of the Law Society to make rules about professional practice, conduct and discipline), insert at the end “ and for empowering the Society to take such action as may be appropriate to enable the Society to ascertain whether or not the provisions of rules made, or of any code or guidance issued, by the Council are being complied with. ”

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Marginal Citations

M21 1974 c.47.

Bank and building society accounts

2

In—

- (a) section 32(4) of that Act (power of Council of the Law Society to disclose report or information about solicitor’s accounts to Director of Public Prosecutions for investigation and prosecution of offences), and
- (b) paragraph 3 of Schedule 2 to the ^{M22}Administration of Justice Act 1985 (corresponding provision in relation to accounts of incorporated practices),

omit “to the Director of Public Prosecutions” and “, if the Director thinks fit.”

Marginal Citations

M22 1985 c.61.

3

In the Solicitors Act 1974, after section 33 insert—

“33A Inspection of practice bank accounts etc.

- (1) The Council may make rules, with the concurrence of the Master of the Rolls, empowering the Council to require a solicitor to produce documents relating to any account kept by him at a bank or with a building society—
 - (a) in connection with his practice; or
 - (b) in connection with any trust of which he is or formerly was a trustee,

for inspection by a person appointed by the Council pursuant to the rules.

- (2) The Council shall be at liberty to disclose information obtained in exercise of the powers conferred by rules made under subsection (1) for use in investigating the possible commission of an offence by the solicitor and for use in connection with any prosecution of the solicitor consequent on the investigation.”

4

In section 87(1) of that Act (interpretation), in the definition of “building society”, omit “; and a reference to an account with a building society is a reference to a deposit account”.

5

In Schedule 2 to the ^{M23}Administration of Justice Act 1985, after paragraph 4 insert—

“ Inspection of bank accounts

- (4A) Where rules made under section 33A(1) of the 1974 Act are applied to recognised bodies in accordance with section 9(2)(f) of this Act, the Council shall be at liberty to disclose information about a recognised body’s accounts obtained in pursuance of the rules for use

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in investigating the possible commission of an offence by that body and for use in connection with any prosecution of that body consequent on the investigation.”

Marginal Citations

M23 1985 c.61.

Intervention for breach of rules on practice, conduct and discipline

- 6 In Schedule 1 to the ^{M24}Solicitors Act 1974 (intervention in solicitor’s practice), in paragraph 1(1) (circumstances in which Law Society may intervene), in paragraph (c) (failure to comply with rules made by virtue of section 32 or 37(2) (c)), after “section” insert “ 31, ”.

Marginal Citations

M24 1974 c.47.

Solicitors’ employees and consultants

- 7 (1) Section 43 of that Act (control of employment of clerks) is amended as follows.
- (2) In subsection (1) (power of Law Society to apply to Solicitors Disciplinary Tribunal for order in the case of clerk guilty of an offence of dishonesty or other act which makes it undesirable for him to be employed by solicitor)—
- (a) for “a clerk to a solicitor” substitute “ employed or remunerated by a solicitor in connection with his practice ”,
 - (b) after “employed” (in both places) insert “ or remunerated ”,
 - (c) for “to whom he is or was clerk” substitute “ by whom he is or was employed or remunerated ”, and
 - (d) for the words from “an application” to the end substitute “ the Society may either make, or make an application to the Tribunal for it to make, an order under subsection (2) with respect to him. ”
- (3) After that subsection insert—
- “(1A) Where the Society investigates whether there are grounds for making, or making an application to the Tribunal for it to make, an order under subsection (2) with respect to a person, the Council may direct him to pay to the Council an amount which—
- (a) is calculated by the Council as the cost to the Society of investigating the matter; or
 - (b) in the opinion of the Council represents a reasonable contribution towards that cost.”
- (4) In subsection (2) (order of Tribunal barring solicitor from employing the clerk)—
- (a) for the words from the beginning to “an order” substitute “ An order under this subsection made by the Society or the Tribunal shall state ”, and

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(b) for “application is” substitute “ order is ”.

(5) For subsection (3) (revocation by Tribunal) substitute—

“(3) Where an order has been made under subsection (2) with respect to a person by the Society or the Tribunal—

- (a) that person or the Society may make an application to the Tribunal for it to be reviewed, and
- (b) whichever of the Society and the Tribunal made it may at any time revoke it.

(3A) On the review of an order under subsection (3) the Tribunal may order—

- (a) the quashing of the order;
- (b) the variation of the order; or
- (c) the confirmation of the order;

and where in the opinion of the Tribunal no prima facie case for quashing or varying the order is shown, the Tribunal may order its confirmation without hearing the applicant.”

(6) In subsection (5) (inspection of orders), for “this section and filed with the Society” substitute “ subsection (2) by the Society, or made, varied or confirmed under this section by the Tribunal and filed with the Society, ”.

(7) In the sidenote, for “employment of certain clerks” substitute “ solicitors’ employees and consultants ”.

8 In section 44(2) of that Act (breach of order by solicitor), for the words from “an order” to the end of paragraph (b) substitute “ an order under section 43(2) is in force in respect of a person ”.

9 (1) Section 49 of that Act (appeals from Tribunal) is amended as follows.

(2) In subsection (3) (who can appeal)—

- (a) for “43(2)” substitute “ 43(3A) ”, and
- (b) for “application” substitute “ order ”.

(3) In subsection (6) (finality of appeal), for “43(2)” substitute “ 43(3A) ”.

10 In paragraph 11(1) of Schedule 2 to the ^{M25}Administration of Justice Act 1985 (control of employment of employees of recognised bodies)—

- (a) after “employed” (in each place) insert “ or remunerated ”, and
- (b) for the words from “an application” to the end substitute “ the Society may either make, or make an application to the Tribunal for it to make, an order under subsection (2) of section 43 of the 1974 Act with respect to him. ”

Marginal Citations

M25 1985 c.61.

Status: Point in time view as at 27/07/1999.

Changes to legislation: Access to Justice Act 1999 is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Power to examine files

- 11 (1) Section 44B of the ^{M26}Solicitors Act 1974 (power of Law Society to examine files of solicitor or his firm in connection with complaints) is amended as follows.
- (2) In subsection (1), for the words from “investigating” to the end of paragraph (b) substitute “investigating—
- (a) whether there has been professional misconduct by a solicitor;
 - (b) whether a solicitor has failed to comply with any requirement imposed by or by virtue of this Act or any rules made by the Council;
 - (c) whether any professional services provided by a solicitor were not of the quality which it is reasonable to expect of him as a solicitor; or
 - (d) whether there are grounds for making, or making an application to the Tribunal for it to make, an order under section 43(2) with respect to a person who is or was employed or remunerated by a solicitor in connection with his practice,”;
- and for the words from “all documents” to the end substitute “ all relevant documents in the possession of the solicitor or his firm. ”
- (3) For the sidenote substitute “ Examination of files. ”

Marginal Citations

M26 1974 c.47.

- 12 In paragraph 14(1) of Schedule 2 to the ^{M27}Administration of Justice Act 1985 (power of Law Society to examine files of recognised body in connection with complaints), for paragraphs (a) and (b) substitute—
- “(a) whether a recognised body has failed to comply with any requirement imposed by or by virtue of this Act or any rules made by the Council and applicable to it by virtue of section 9 of this Act;
 - (b) whether any professional services provided by a recognised body were not of the quality which it is reasonable to expect of it as a recognised body; or
 - (c) whether there are grounds for making, or making an application to the Tribunal for it to make, an order under section 43(2) with respect to a person who is or was employed or remunerated by a recognised body in connection with its business,”;
- and for the words from “all documents” to the end substitute “ all relevant documents in the body’s possession. ”

Marginal Citations

M27 1985 c.61.

Status: Point in time view as at 27/07/1999.

Changes to legislation: Access to Justice Act 1999 is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Payment of costs by solicitor under investigation

13 In the Solicitors Act 1974, after section 44B insert—

“ Costs of investigations

44C Payment of costs of investigations.

Where the Society investigates possible professional misconduct by a solicitor, or a failure or apprehended failure by a solicitor to comply with any requirement imposed by or by virtue of this Act or any rules made by the Council, the Council may direct him to pay to the Council an amount which—

- (a) is calculated by the Council as the cost to the Society of investigating and dealing with the matter; or
- (b) in the opinion of the Council represents a reasonable contribution towards that cost.”

14 In Schedule 2 to the ^{M28}Administration of Justice Act 1985, after paragraph 14 insert—

“ Payment of costs of investigations

14A Where the Society investigates a failure or apprehended failure by a recognised body to comply with any requirement imposed by or by virtue of this Act or any rules applicable to it by virtue of section 9 of this Act, the Council may direct the body to pay to the Council an amount which—

- (a) is calculated by the Council as the cost to the Society of the investigation; or
- (b) in the opinion of the Council represents a reasonable contribution towards that cost.”

Marginal Citations

M28 1985 c.61.

Registered foreign lawyers

15 Subsections (5) to (7) of section 89 of the ^{M29}Courts and Legal Services Act 1990 power to apply existing provisions to registered foreign lawyers with or without modifications and power to modify existing provisions in their application to recognised bodies whose officers include registered foreign lawyers) apply in relation to the provisions contained in this Schedule as if they were contained in an Act passed before the commencement of that section.

Marginal Citations

M29 1990 c.41.

Status: Point in time view as at 27/07/1999.

Changes to legislation: Access to Justice Act 1999 is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 01/11/2003

SCHEDULE 8

Section 51.

LEGAL SERVICES COMPLAINTS COMMISSIONER

.....

VALID FROM 27/09/1999

SCHEDULE 9

Section 66.

ENFORCEMENT OF COMMUNITY ORDERS

.....

VALID FROM 27/09/1999

SCHEDULE 10

Section 76.

COMMISSION AREAS AND PETTY SESSIONS AREAS

.....

VALID FROM 31/08/2000

SCHEDULE 11

Section 78.

UNIFICATION AND RENAMING OF STIPENDIARY BENCH

.....

VALID FROM 27/09/1999

SCHEDULE 12

Section 83.

GREATER LONDON MAGISTRATES' COURTS AUTHORITY

.....

Status: Point in time view as at 27/07/1999.

Changes to legislation: Access to Justice Act 1999 is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 13

Section 90.

FUNCTIONS TRANSFERRED TO JUSTICES’ CHIEF EXECUTIVES

VALID FROM 01/04/2001

The London Hackney Carriages Act 1843 (c.86)

- 1 In section 24 of the London Hackney Carriages Act 1843 (application for summons), for “clerk of” substitute “justices’ chief executive for”.

VALID FROM 01/04/2001

The Evidence Act 1851 (c.99)

- 2 (1) Section 13 of the Evidence Act 1851 (proof of previous conviction by copy of record certified by clerk) is amended as follows.
- (2) Number the existing provision as subsection (1) and for the words from “under the hand” to “such clerk or other officer,” substitute “ by the proper officer of the court where such conviction or acquittal took place ”.
- (3) After that subsection insert—
- “(2) In subsection (1) “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 or other officer having the custody of the records of the court, or the deputy of such clerk or other officer.”

VALID FROM 01/04/2001

The Criminal Procedure Act 1865 (c.18)

- 3 (1) Section 6 of the Criminal Procedure Act 1865 (proof of previous conviction of witness by certificate signed by clerk) is amended as follows.
- (2) Number the existing provision as subsection (1) and for the words from “the clerk” to “such clerk or officer,” substitute “ the proper officer of the court where the offender was convicted ”.
- (3) After that subsection insert—
- “(2) In subsection (1) “proper officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and

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- (b) in relation to any other court, the clerk of the court or other officer having the custody of the records of the court, or the deputy of such clerk or other officer.”

VALID FROM 01/04/2001

The Prevention of Crimes Act 1871 (c.112)

- 4 (1) Section 18 of the Prevention of Crimes Act 1871 (evidence of previous conviction by record signed by clerk) is amended as follows.
- (2) For the words from “clerk of the court” to “such clerk or officer;” substitute “ proper officer of the court by which such conviction was made; ”.
- (3) For “clerk or other officer” substitute “ proper officer ”.
- (4) At the end of that section insert—
- “In this section “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 or other officer having the custody of the records of the court, or the deputy of such clerk or other officer.”

VALID FROM 01/04/2001

The Fairs Act 1873 (c.37)

- 5 In section 6 of the Fairs Act 1873 (alteration of fair day on representation of justices), for “clerk to the justices acting in and for” substitute “ justices’ chief executive for ”.

VALID FROM 01/04/2001

The Public Health Acts Amendment Act 1907 (c.53)

- 6 In section 94(7) of the Public Health Acts Amendment Act 1907 (licensing of pleasure boats), for “clerk” substitute “ justices’ chief executive for the court ”.

Status: Point in time view as at 27/07/1999.

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VALID FROM 01/04/2001

The Maintenance Orders (Facilities for Enforcement) Act 1920 (c.33)

- 7 (1) Section 4 of the Maintenance Orders (Facilities for Enforcement) Act 1920 (power of magistrates’ courts to confirm maintenance orders made in certain Commonwealth countries) is amended as follows (but that section as modified in relation to Northern Ireland by section 11 of that Act is not so amended).
- (2) In subsection (5B) (powers of court), for—
- (a) “the clerk of the court or the clerk of any other magistrates’ court”, and
 - (b) “the clerk of the court, or to the clerk of any other magistrates’ court”,
- substitute “ a justices’ chief executive ”.
- (3) In subsection (6A) (application of section 60 of the ^{M48}Magistrates’ Courts Act 1980)—
- (a) in paragraph (b), in the paragraph to be regarded as substituted for subsection (4)(b) of that section, for “the clerk of the court, or to the clerk of any other magistrates’ court,” substitute “ a justices’ chief executive ”, and
 - (b) in paragraph (c) (words to be regarded as replaced in subsection (5) of that section), for “clerk” substitute “ justices’ chief executive for the court ”.

Marginal Citations

M48 1980 c.43.

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

VALID FROM 01/04/2001

- 8 The Children and Young Persons Act 1933 has effect subject to the following amendments.

VALID FROM 01/04/2001

- 9 In section 42(2)(b) (transmission of deposition of child), for “clerk” substitute “ proper officer ”.

VALID FROM 01/04/2001

- 10 In section 45 (constitution of youth courts), number the existing provision as subsection (1) and insert—

Status: Point in time view as at 27/07/1999.

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“(2) The justices’ chief executive appointed by a magistrates’ courts committee is the justices’ chief executive for every youth court for their area.”

- 11 In—
- (a) section 46(1A) (notification of guilty plea),
 - (b) section 56(3) (remission of case to youth court), and
 - (c) section 106(2) (certification of copy of order),
- for “clerk of” substitute “ justices’ chief executive for ”.

VALID FROM 01/04/2001

The Maintenance Orders Act 1950 (c.37)

- 12 Part II of the Maintenance Orders Act 1950 (enforcement of certain maintenance orders made in another part of the United Kingdom) has effect subject to the following amendments.

- 13 (1) Section 18 (enforcement of registered orders) is amended as follows.
- (2) In subsection (2ZA) (application of section 76 of the ^{M49}Magistrates’ Courts Act 1980), in the subsection to be regarded as substituted as subsection (5) of that section, for—
- (a) “the clerk of the court or the clerk of any other magistrates’ court”, and
 - (b) “the clerk of the court, or to the clerk of any other magistrates’ court.”,
- substitute “ a justices’ chief executive ”.
- (3) In subsection (2A) (requirement of person liable under order to notify change of address to clerk of the court), for “clerk” substitute “ proper officer ”.
- (4) After that subsection insert—
- “(2B) In subsection (2A) of this section “proper officer” means—
- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
 - (b) in relation to a court of summary jurisdiction in Northern Ireland, the clerk of the court.”

Marginal Citations

M49 1980 c.43.

- 14 (1) Section 22 (discharge and variation of registered orders) is amended as follows.
- (2) In subsection (1B) (powers of court), for—

Status: Point in time view as at 27/07/1999.

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- (a) “the clerk of the court or the clerk of any other magistrates’ court in England and Wales”, and
 - (b) “the clerk of the court, or to the clerk of any other magistrates’ court in England and Wales,”,
- substitute “ a justices’ chief executive ”.

(3) In subsection (1E) (application of section 60 of the ^{M50}Magistrates’ Courts Act 1980)—

- (a) in paragraph (a), in the paragraph to be regarded as substituted for subsection (4)(b) of that section, for “the clerk of the court, or to the clerk of any other magistrates’ court,” substitute “ a justices’ chief executive ”, and
- (b) in paragraph (b) (words to be regarded as replaced in subsection (5) of that section), for “clerk” substitute “ justices’ chief executive for the court ”.

Marginal Citations

M50 1980 c.43.

- 15 In section 24(5A)(b) (order requiring payment to the clerk of a magistrates’ court to cease to have effect on cancellation of registration of order), for “the clerk of a magistrates’ court in England and Wales” substitute “ a justices’ chief executive ”.

VALID FROM 01/04/2001

The Army Act 1955 (c.18)

- 16 The Army Act 1955 has effect subject to the following amendments.
- 17 (1) Section 189 (delivery into military custody of person dealt with by court of summary jurisdiction as illegally absent) is amended as follows.
- (2) In subsection (1) (fee payable to clerk of the court), for “clerk” substitute “ proper officer ”.
 - (3) After subsection (3) insert—
 - “(3A) In subsection (1) of this section “proper officer” means—
 - (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
 - (b) in relation to a court of summary jurisdiction elsewhere, the clerk of the court.”
- 18 (1) Section 199 (proof of outcome of civil trial) is amended as follows.
- (2) In subsections (1), (2) and (3) (certificate signed by clerk is proof of outcome), for “clerk” substitute “ proper officer ”.
 - (3) For subsection (4) substitute—
 - “(4) In this section “proper officer” means—

Status: Point in time view as at 27/07/1999.

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- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to any other court, the clerk of the court, his deputy or any other person having the custody of the records of the court.”

VALID FROM 01/04/2001

The Air Force Act 1955 (c.19)

- 19 The Air Force Act 1955 has effect subject to the following amendments.
- 20 (1) Section 189 (delivery into air-force custody of person dealt with by court of summary jurisdiction as illegally absent) is amended as follows.
- (2) In subsection (1) (fee payable to clerk of the court), for “clerk” substitute “ proper officer ”.
- (3) After subsection (3) insert—
- “(3A) In subsection (1) of this section “proper officer” means—
- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
 - (b) in relation to a court of summary jurisdiction elsewhere, the clerk of the court.”
- 21 (1) Section 199 (proof of outcome of civil trial) is amended as follows.
- (2) In subsections (1), (2) and (3) (certificate signed by clerk is proof of outcome), for “clerk” substitute “ proper officer ”.
- (3) For subsection (4) substitute—
- “(4) In this section “proper officer” means—
- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
 - (b) in relation to any other court, the clerk of the court, his deputy or any other person having the custody of the records of the court.”

VALID FROM 01/04/2001

The Naval Discipline Act 1957 (c.53)

- 22 The Naval Discipline Act 1957 has effect subject to the following amendments.
- 23 (1) Section 110 (delivery into naval custody of person dealt with by court of summary jurisdiction as illegally absent) is amended as follows.
- (2) In subsection (2) (fee payable to clerk of the court), for “clerk” substitute “ proper officer ”.
- (3) After subsection (2) insert—
- “(2A) In subsection (2) of this section “proper officer” means—

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- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
 (b) in relation to a court of summary jurisdiction elsewhere, the clerk of the court.”
- 24 (1) Section 129B (proof of outcome of civil trial) is amended as follows.
- (2) In subsections (1), (2) and (3) (certificate signed by clerk is proof of outcome), for “clerk” substitute “proper officer”.
- (3) For subsection (4) substitute—
- “(4) In this section “proper officer” means—
- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
 (b) in relation to any other court, the clerk of the court, his deputy or any other person having the custody of the records of the court.”

VALID FROM 01/04/2001

The Maintenance Orders Act 1958 (c.39)

- 25 The Maintenance Orders Act 1958 has effect subject to the following amendments.
- 26 (1) Section 2 (registration of orders) is amended as follows.
- (2) In subsection (2)(b) (procedure on application for registration of order), for “clerk of” substitute “justices’ chief executive for”.
- (3) In subsection (5) (registration of orders), for “or clerk of” substitute “of, or justices’ chief executive for, ”.
- (4) In subsection (6) (effect on magistrates’ court order of registration in the High Court), for “the clerk of a magistrates’ court” (in both places) substitute “a justices’ chief executive”.
- (5) In subsection (6ZA)(b) (effect on High Court order or county court order of registration in magistrates’ court), for “the clerk of the court or the clerk of any other magistrates’ court” substitute “a justices’ chief executive”.
- (6) In subsection (6ZC) (payments under order becoming or ceasing to be payable to clerk of a magistrates’ court), for “the clerk of a magistrates’ court” substitute “a justices’ chief executive”.
- 27 In section 3(3A) (requirement of person liable under order to notify change of address to clerk of the court), for “clerk of” substitute “justices’ chief executive for”.

Status: Point in time view as at 27/07/1999.

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- 28 (1) Section 4(5B) (application of section 60 of the ^{M51}Magistrates’ Courts Act 1980) is amended as follows.
- (2) In paragraph (a), in the paragraph to be regarded as substituted for subsection (4)(b) of that section, for “the clerk of the court, or to the clerk of any other magistrates’ court,” substitute “ a justices’ chief executive ”.
- (3) In paragraph (b) (words to be regarded as replaced in subsection (5) of that section), for “clerk” substitute “ justices’ chief executive for the court ”.
- (4) In paragraph (e), in the subsection (9) to be regarded as substituted for subsections (9) and (10) of that section, for—
- (a) “the clerk of the court or the clerk of any other magistrates’ court”, and
 - (b) “the clerk of the court, or to the clerk of any other magistrates’ court.”,
- substitute “ a justices’ chief executive ”.

Marginal Citations

M51 1980 c.43.

- 29 (1) Section 5 (cancellation of registration) is amended as follows.
- (2) In subsection (5) (cancellation of registration of High Court or county court order), for “the clerk of a magistrates’ court” (in both places) substitute “ a justices’ chief executive ”.
- (3) In subsection (6)(b) (cancellation of registration of magistrates’ court order), for “clerk of” substitute “ justices’ chief executive for ”.
- 30 In section 18 (powers of magistrates to review committals), for “clerk of” (in each place) substitute “ justices’ chief executive for ”.
- 31 In section 20(1) (clerk of magistrates’ court entitled to receive payments for transmission to another)—
- (a) for “the clerk of a magistrates’ court” substitute “ a justices’ chief executive ”, and
 - (b) for “the clerk is” substitute “ a justices’ chief executive is ”.

VALID FROM 01/04/2001

The Betting, Gaming and Lotteries Act 1963 (c.2)

- 32 The Betting, Gaming and Lotteries Act 1963 has effect subject to the following amendments.

Status: Point in time view as at 27/07/1999.

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- 33 (1) Section 10A (cancellation of betting office licence) is amended as follows.
- (2) In subsection (4) (notification of cancellation)—
- (a) for “clerk of” substitute “ proper officer of ”, and
 - (b) for “clerk to” (in both places) substitute “ proper officer of ”.
- (3) After that subsection insert—
- “(5) In subsection (4)—
- “the proper officer of the authority” has the same meaning as in Schedule 1; and
 - “the proper officer of the court” 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 court of summary jurisdiction in Scotland, the clerk of the court.”
- 34 (1) Section 11 (cancellation of and disqualification for bookmaker’s permit or betting agency permit) is amended as follows.
- (2) In subsection (5) (notification of cancellation)—
- (a) for “clerk of” substitute “ proper officer of ”, and
 - (b) for “clerk to” (in both places) substitute “ proper officer of ”.
- (3) After that subsection insert—
- “(6) In subsection (5)—
- “the proper officer of the authority” has the same meaning as in Schedule 1; and
 - “the proper officer of the court” 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.”
- 35 (1) Schedule 1 (bookmaker’s permits, betting agency permits and betting offices licences) is amended as follows.
- (2) In paragraph 2 (interpretation), for the definition of “clerk to the appropriate authority” substitute—
- ““the proper officer of the appropriate authority” means—
- (a) in England, the chief executive to the justices comprising the committee referred to in paragraph 1 of this Schedule; and
 - (b) in Scotland, the clerk to the licensing court;”.
- (3) In paragraphs 5 and 6 (applications for grant of permit or licence), for “clerk to” substitute “ proper officer of ”.
- (4) In paragraph 7 (notification of meeting to consider application)—
- (a) for “clerk to”, in both places, substitute “ proper officer of ”, and
 - (b) for “clerk”, in the remaining four places, substitute “ proper officer ”.

Status: Point in time view as at 27/07/1999.

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- (5) In paragraph 8 (applications for renewal of permit or licence), for “clerk to” (in each place) substitute “proper officer of”.
- (6) In paragraph 9 (person to whom application to be made)—
- (a) for “clerk to” (in both places) substitute “proper officer of”, and
 - (b) in paragraph (a), for “clerk” substitute “proper officer”.
- (7) In paragraph 11(b) (receipt of objections), for “clerk to” substitute “proper officer of”.
- (8) In paragraph 12 (procedure where objection received), for “clerk” substitute “proper officer”.
- (9) In paragraph 20 (grant or renewal of permit or licence)—
- (a) in sub-paragraph (1), for “clerk to” substitute “proper officer of”, and
 - (b) in sub-paragraph (2), for “clerk to” substitute “proper officer of”.
- (10) In paragraph 20A (clerk to act on unopposed applications for renewal)—
- (a) in sub-paragraph (1), for “clerk to” substitute “proper officer of” and for “clerk may” substitute “clerk to the authority may”, and
 - (b) after sub-paragraph (4) insert—
 - “(5) For the purposes of this paragraph, the clerk to the appropriate authority, where the authority is a committee of the justices acting for a petty sessions area, is the clerk to those justices or, if there are two or more clerks to those justices—
 - (a) such one of those clerks as the magistrates’ courts committee having power over the appointment of clerks to justices for that area may direct; or
 - (b) in default of any such direction, any of those clerks.”
- (11) In—
- (a) paragraph 21(1), (2) and (4)(b) (appeals),
 - (b) paragraph 25 (notification of change in directors),
 - (c) paragraphs 26 (in both places) and 27(1) (cancellation of bookmaker’s permit),
 - (d) paragraphs 28A(1)(a) and (2), 28B(2) and (3) and 28C(1) and (2) (cancellation of betting office licence),
 - (e) paragraph 34 (registers), and
 - (f) paragraphs 36 and 37(1) (provision of information),
- for “clerk to” substitute “proper officer of”.

VALID FROM 01/04/2001

The Licensing Act 1964 (c.26)

Status: Point in time view as at 27/07/1999.

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- 37 In—
- (a) section 8A(2) (approval of prospective licensee),
 - (b) section 9A(2) (grant of interim authority), and
 - (c) section 19(1) and (2) (requirement for structural alterations),
- for “clerk” substitute “ chief executive ”.
- 38 (1) Section 20 (consent for alteration of premises) is amended as follows.
- (2) In subsection (2) (plans to be deposited with clerk), for “clerk” substitute “ chief executive ”.
- (3) In subsection (4) (notice of order forfeiting licence or directing restoration of premises)—
- (a) for “clerk of” substitute “ justices’ chief executive for ”, and
 - (b) for “clerk to” (in each place) substitute “ chief executive to ”.
- 39 In section 20A(3) (revocation of justices’ licences), for “clerk” substitute “ chief executive ”.
- 40 (1) Section 22 (procedural provisions as to appeals) is amended as follows.
- (2) In subsections (1) and (2) (notice to be given to clerk), for “clerk” substitute “ chief executive ”.
- (3) In subsection (4) (clerk to send notice of appeal to Crown Court), for “clerk to” substitute “ chief executive to ”.
- (4) In subsection (5) (recording by clerk of persons opposing grant), for “clerk” substitute “ chief executive ”.
- 41 In section 27(4)(c)(ii) (notice for renewal of licence given to clerk), for “clerk” substitute “ chief executive ”.
- 42 (1) Section 28 (clerk to licensing justices) is amended as follows.
- (2) In the heading and in the sidenote, after “clerk” insert “ and chief executive ”.
- (3) After subsection (4) insert—
- “(5) The justices’ chief executive for a petty sessions area shall be chief executive to the licensing justices for the licensing district consisting of that area.”
- 43 In section 30 (register of licences), in—
- (a) subsection (1) (clerk to keep register), and
 - (b) subsection (4) (certification of entry by clerk),
- for “clerk” substitute “ chief executive ”.

Status: Point in time view as at 27/07/1999.

Changes to legislation: Access to Justice Act 1999 is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 44 (1) Section 31 (matters to be entered in register) is amended as follows.
- (2) In subsection (1) (notice of conviction to be entered in register)—
- (a) for “clerk”, in the first place, substitute “ chief executive ”,
 - (b) for “clerk of” substitute “ justices’ chief executive for ”,
 - (c) for “clerk”, in the third place, substitute “ chief executive ”, and
 - (d) for “that clerk” substitute “ him ”.
- (3) In subsection (2), for “clerk” substitute “ chief executive ”.
- 45 In section 32(1) and (2) (persons with interest in property to be registered), for “clerk” substitute “ chief executive ”.
- 46 In section 33 (notice of conviction of licence holder to be served on registered owner), in—
- (a) subsection (1) (clerk to serve notice), and
 - (b) subsection (2) (provisions about service) (in both places),
- for “clerk” substitute “ chief executive ”.
- 47 In section 34(3) (refusal of inspection of register), for “clerk” substitute “ chief executive ”.
- 48 In section 46(2) (notice to fire authority of application for registration certificate), for “clerk” substitute “ chief executive ”.
- 49 (1) Section 51 (register of clubs) is amended as follows.
- (2) In subsection (1) (clerk to keep register), for “clerk” substitute “ chief executive ”.
- (3) In subsection (2) (particulars to be registered), for “clerk” substitute “ chief executive ”.
- (4) In subsection (4) (notice of change of particulars), for “clerk” substitute “ chief executive ”.
- 50 In—
- (a) section 62(3) (permitted hours in clubs),
 - (b) section 75(2) and (3) (application for exemption order) (in each place),
 - (c) section 87A(5) (permitted hours in vineyard premises),
 - (d) sections 133(1) and 142(1) (restoration of suspended licence),
 - (e) sections 150(3) and (4)(a), 151(6), 153A(3) and 154(1)(b) (canteen licences),
 - (f) section 180(3) and (4) (occasional licences) (in each place), and
 - (g) section 199(c) (saving relating to theatres),
- for “clerk” substitute “ chief executive ”.

Status: Point in time view as at 27/07/1999.

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- 51 In Schedule 2 (applications for justices’ licences), in—
- (a) paragraph 1(a) (notice to clerk),
 - (b) paragraph 3 (deposition of plan), and
 - (c) paragraph 6 (list of applicants),
- for “clerk” substitute “ chief executive ”.
- 52 (1) Schedule 6 (applications and complaints relating to registration certificates) is amended as follows.
- (2) In paragraphs 1(1) and (3) and 2 (procedure on making of application), for “clerk” substitute “ chief executive ”.
- (3) In paragraph 4 (copies of application)—
- (a) for “clerk to” substitute “ chief executive to ”,
 - (b) for “clerk is” substitute “ chief executive is ”, and
 - (c) for “clerk needs” substitute “ chief executive needs ”.
- (4) In paragraphs 6(1) and 7 (objections), for “clerk” substitute “ chief executive ”.
- 53 In Schedule 8A (procedure for making, varying or revoking restriction orders), in—
- (a) paragraph 1(1) (notice of application to licensing justices), and
 - (b) paragraph 4(2) (notice of application to magistrates’ court),
- for “clerk” substitute “ chief executive ”.
- 54 In paragraph 7 of Schedule 11 (clerk to licensing planning committee)—
- (a) for “clerk”, in the first place, substitute “ chief executive ”, and
 - (b) for “districts, the clerk to the licensing justices”, substitute “ districts for which there are different chief executives, the chief executive ”.
- 55 In Schedule 12 (canteen licences), in paragraphs 1(1)(a) and 3, for “clerk” substitute “ chief executive ”.
- 56 In Schedule 12A (children’s certificates), in—
- (a) paragraphs 1(1) and 2(1) (applications), and
 - (b) paragraphs 7(3)(a) and 8(a) (duration),
- for “clerk” substitute “ chief executive ”.

VALID FROM 01/04/2001

The Gaming Act 1968 (c.65)

- 57 The Gaming Act 1968 has effect subject to the following amendments.

Status: Point in time view as at 27/07/1999.

Changes to legislation: Access to Justice Act 1999 is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 58 (1) Schedule 2 (grant etc. of licences) is amended as follows.
- (2) In paragraph 1(1) (licensing authority), at the end insert “ and references to the proper officer of a licensing authority shall be construed accordingly ”.
- (3) In paragraphs 5(2) and 6(2) (procedure for application), for “clerk to” substitute “ proper officer of ”.
- (4) In paragraph 7 (public notice of application)—
- (a) in sub-paragraph (1), for “clerk to” substitute “ proper officer of ”,
 - (b) in sub-paragraph (2), for “clerk to” substitute “ proper officer of ” and for “if the clerk” substitute “ if the proper officer ”, and
 - (c) in sub-paragraphs (3) and (4), for “clerk to” substitute “ proper officer of ”.
- (5) In paragraph 12(1) (making of application for renewal), for “clerk to” substitute “ proper officer of ”.
- (6) In paragraph 13 (notification of application for renewal)—
- (a) in sub-paragraphs (2) and (3), for “clerk to” substitute “ proper officer of ”,
 - (b) in sub-paragraph (4), for “clerk to” substitute “ proper officer of ” and for “clerk”, in the other two places, substitute “ proper officer ”, and
 - (c) in sub-paragraph (5), for “clerk to” substitute “ proper officer of ”.
- (7) In paragraph 14(2)(a) (proceedings on application for grant or renewal), for “clerk to” substitute “ proper officer of ”.
- (8) In paragraph 15 (objections)—
- (a) for “clerk to” substitute “ proper officer of ”, and
 - (b) in paragraph (b), for “clerk” substitute “ proper officer ”.
- (9) In—
- (a) paragraph 28 (notification of Board’s advice),
 - (b) paragraph 29(1) (in both places) and (2) (appeal by applicant),
 - (c) paragraph 31(1) and (2) (appeal by Board),
 - (d) paragraph 33(1) (appeal in Scotland),
 - (e) paragraph 35(5) (revocation of certificate of consent), and
 - (f) paragraphs 36(1) and (3) and 37 (cancellation),
- for “clerk to” substitute “ proper officer of ”.
- (10) In paragraph 46(1) (notice of appeal), for “clerk” substitute “ proper officer ”.
- (11) In paragraph 48 (cancellation of licence where holder convicted of offence)—
- (a) in sub-paragraph (4), for “clerk of” and for “clerk to” (in both places) substitute “ proper officer of ”, and
 - (b) after that sub-paragraph insert—
 - “(5) In sub-paragraph (4) of this paragraph, “the proper officer of the court” means—
 - (a) in relation to a magistrates’ court, the justices’ chief executive for the court, and
 - (b) in relation to any other court, the clerk of the court.”

Status: Point in time view as at 27/07/1999.

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- (12) In paragraphs 57(4) and 58(1) (transfer of licence), for “clerk to” substitute “proper officer of”.
- (13) In paragraph 63 (fees)—
- (a) in sub-paragraph (1), for “clerk to” substitute “proper officer of”, and
 - (b) in sub-paragraph (2), for “clerk to” substitute “proper officer of”.
- (14) In paragraphs 64(1) and 65(1) and (2) (notification of corporate changes), for “clerk to” substitute “proper officer of”.
- 59 (1) Schedule 3 (registration of members’ clubs in England and Wales) is amended as follows.
- (2) In—
- (a) paragraph 12(1) (appeal by applicant),
 - (b) paragraph 13(1) (appeal by Board), and
 - (c) paragraphs 15(1) (in both places) and 16(1) (cancellation),
- for “clerk” substitute “chief executive”.
- (3) In paragraph 17 (cancellation pursuant to conviction)—
- (a) in sub-paragraph (3), for “clerk of” substitute “proper officer of” and for “clerk to” (in both places) substitute “chief executive to”, and
 - (b) after that sub-paragraph insert—
 - “(4) In sub-paragraph (3) of this paragraph the “proper officer of the court” means—
 - (a) in relation to a magistrates’ court, the justices’ chief executive for the court, and
 - (b) in relation to the Crown Court, the appropriate officer of the court.”
- (4) In—
- (a) paragraph 23 (fees), and
 - (b) paragraph 24(1) and (2) (relinquishment of registration),
- for “clerk” substitute “chief executive”.
- 60 In Schedule 7 (registration for gaming by means of machines), in—
- (a) paragraph 3(1) (application for registration),
 - (b) paragraph 4(1) (application for renewal of registration),
 - (c) paragraph 11(1) (in both places) and (2) (appeal),
 - (d) paragraphs 13(1), 14 and 20(1) (cancellation of registration),
 - (e) paragraph 24 (fees), and
 - (f) paragraph 25(1) and (2) (relinquishment of registration),
- for “clerk” substitute “chief executive”.
- 61 (1) Schedule 9 (permits under section 34) is amended as follows.
- (2) In paragraph 11(2) and (3) (appeals), for “clerk to” substitute “proper officer of”.

Status: Point in time view as at 27/07/1999.

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(3) In paragraph 21 (fees), for “clerk” substitute “proper officer”.

(4) After paragraph 23 insert—

“24 For the purposes of this Schedule the proper officer of an appropriate authority is—

- (a) where the appropriate authority is the licensing justices for a licensing district in England and Wales, the chief executive to the justices, and
- (b) in any other case, the clerk to the authority.”

VALID FROM 01/04/2001

The Late Night Refreshment Houses Act 1969 (c.53)

62 In section 6(2) of the Late Night Refreshment Houses Act 1969 (licensing authority to give to clerk to justices a copy of register of late night refreshment houses in the area), for the words from “to the clerk” to the end substitute “a copy of or extract from the list or register to the justices’ chief executive for any petty sessions area falling wholly or partly within their area.”

The Children and Young Persons Act 1969 (c.54)

63 In the Children and Young Persons Act 1969, in—

- (a) section 18(3) (copies of, or of variation or discharge of, supervision order) (in both places), and
- (b) section 19(5) and (10) (copies of supervision arrangements),

for “clerk to the justices” substitute “justices’ chief executive”.

VALID FROM 01/04/2001

The Attachment of Earnings Act 1971 (c.32)

64 The Attachment of Earnings Act 1971 has effect subject to the following amendments.

65 In section 3(1)(c) (persons who may apply for an attachment of earnings order), for “the clerk of a magistrates’ court, the clerk of that court” substitute “a justices’ chief executive, that justices’ chief executive”.

Status: Point in time view as at 27/07/1999.

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- 66 In section 6(7)(c) (clerk to be collecting officer in case of order made by a magistrates’ court), for “clerk either of that court or of” substitute “ justices’ chief executive for that court or for ”.
- 67 In section 17(3)(d) (power to require court officer to deal with payments under consolidated attachment order as directed by court or rules), for “clerk or registrar” substitute “ officer ”.
- 68 (1) Section 18 (certain action not to be taken by collecting officer except on request) is amended as follows.
- (2) In subsection (1) (clerk of magistrates’ court not to make certain applications unless requested by person entitled to receive payments), for “The clerk of a magistrates’ court” substitute “ A justices’ chief executive ”.
- (3) In subsections (2) and (3) (effect of request), for “the clerk” substitute “ a justices’ chief executive ”.
- 69 In section 21(2)(a)(ii) (costs due to clerk of magistrates’ court), for “clerk of” substitute “ justices’ chief executive for ”.

VALID FROM 01/04/2001

The Immigration Act 1971 (c.77)

- 70 (1) Schedule 2 to the Immigration Act 1971 (administrative provisions) is amended as follows.
- (2) In sub-paragraph (1) of paragraph 23, in paragraph (b) (particulars of recognizance to be given to clerk), for “clerk” substitute “ proper officer ”.
- (3) After that sub-paragraph insert—
- “(1A) In sub-paragraph (1) “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 court of summary jurisdiction in Northern Ireland, the clerk of the court.”
- (4) In sub-paragraph (3) of paragraph 31 (particulars of forfeited recognizance to be given to clerk), for “clerk” substitute “ proper officer ”.
- (5) After that sub-paragraph insert—
- “(3A) In sub-paragraph (3) “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 court of summary jurisdiction in Northern Ireland, the clerk of the court.”

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VALID FROM 01/04/2001

The Maintenance Orders (Reciprocal Enforcement) Act 1972 (c.18)

- 71 The Maintenance Orders (Reciprocal Enforcement) Act 1972 has effect subject to the following amendments.
- 72 In section 7(5B) (powers of magistrates’ court on confirming provisional order made in reciprocating country), for—
- (a) “the clerk of the court or the clerk of any other magistrates’ court in England and Wales”, and
 - (b) “the clerk of the court, or to the clerk of any other magistrates’ court in England and Wales,”,
- substitute “ a justices’ chief executive ”.
- 73 (1) Section 8 (enforcement of maintenance order registered in United Kingdom court) is amended as follows.
- (2) In subsection (3) (requirement of person liable under order to notify change of address to clerk of the court), for “clerk” substitute “ appropriate officer ”.
- (3) After that subsection insert—
- “(3A) In subsection (3) above “appropriate 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 court elsewhere, the clerk of the court.”
- (4) In subsection (4A) (application of section 76 of the ^{M52}Magistrates’ Courts Act 1980), in the subsection to be regarded as substituted as subsection (5) of that section, for—
- (a) “the clerk of the court or the clerk of any other magistrates’ court”, and
 - (b) “the clerk of the court, or to the clerk of any other magistrates’ court,”,
- substitute “ a justices’ chief executive ”.

Marginal Citations

M52 1980 c.43.

- 74 (1) Section 9(1ZA) (application of section 60 of the ^{M53}Magistrates’ Courts Act 1980) is amended as follows.
- (2) In paragraph (a), in the subsection (3A) to be regarded as inserted in that section, for—
- (a) “the clerk of the court or the clerk of any other magistrates’ court,”, and
 - (b) “the clerk of the court, or to the clerk of any other magistrates’ court,”,
- substitute “ a justices’ chief executive ”.

Status: Point in time view as at 27/07/1999.

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(3) In paragraph (b), in the paragraph to be regarded as substituted for subsection (4)(b) of that section, for “the clerk of the court, or to the clerk of any other magistrates’ court,” substitute “ a justices’ chief executive ”.

(4) In paragraph (c) (words to be regarded as replaced in subsection (5) of that section), for “clerk” substitute “ justices’ chief executive for the court ”.

Marginal Citations

M53 1980 c.43.

75 (1) Section 23 (maintenance orders registered in High Court under Maintenance Orders (Facilities for ^{M54}Enforcement) Act 1920) is amended as follows.

(2) In subsections (2), (3) and (4) (procedure), for “clerk” substitute “ appropriate officer ”.

(3) After subsection (5) insert—

“(6) In this section “appropriate 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 magistrates’ court in Northern Ireland, the clerk of the court.”

Marginal Citations

M54 1920 c.33.

76 In section 26 (application for recovery of maintenance in convention country), for subsections (6) and (7) substitute—

“(6) The appropriate officer for the purposes of this section is—

- (a) where the applicant is residing in England and Wales, the justices’ chief executive for the petty sessions area;
- (b) where the applicant is residing in Northern Ireland, the clerk of the court for the petty sessions district; and
- (c) where the applicant is residing in Scotland, the sheriff clerk or sheriff clerk depute of the sheriff court within the jurisdiction of which the applicant is residing.”

77 In section 27B (sending application to the appropriate magistrates’ court), for “clerk of” (in each place) substitute “ justices’ chief executive for ”.

78 (1) Section 27C (application for recovery of maintenance in England and Wales) is amended as follows.

(2) In subsection (4) (powers of court), for—

- (a) “the clerk of the court or the clerk of any other magistrates’ court in England and Wales,”, and

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- (b) “the clerk of the court, or to the clerk of any other magistrates’ court in England and Wales,”
substitute “ a justices’ chief executive ”.
- (3) In subsection (7) (registration of order), for “clerk of” substitute “ justices’ chief executive for ”.
- 79 (1) Section 32 (transfer of orders) is amended as follows.
- (2) In subsection (2) (transmission of copy of order)—
- (a) for “the clerk” (in both places) substitute “ the appropriate officer ”, and
- (b) for “that clerk” substitute “ the appropriate officer ”.
- (3) After that subsection insert—
- “(2A) In subsection (2) above the “appropriate officer” means—
- (a) in relation to a court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to a court in Northern Ireland, the clerk of the court.”
- 80 In section 34(3) (application from abroad to vary a registered order), for “the clerk of that court” substitute “—
- (a) the justices’ chief executive for the court, if the court is in England and Wales; or
- (b) the clerk of the court, if the court is in Northern Ireland.”
- 81 (1) Section 34A (variation of orders by magistrates’ courts) is amended as follows.
- (2) In subsection (3) (powers of magistrates’ courts), for—
- (a) “the clerk of the court or the clerk of any other magistrates’ court in England and Wales”, and
- (b) “the clerk of the court, or to the clerk of any other magistrates’ court in England and Wales,”,
substitute “ a justices’ chief executive ”.
- (3) In subsection (4)(b) (application for variation), for “the clerk of the court, or to the clerk of any other magistrates’ court in England and Wales,” substitute “ a justices’ chief executive ”.

VALID FROM 01/04/2001

The Matrimonial Causes Act 1973 (c.18)

- 82 (1) Section 38 of the Matrimonial Causes Act 1973 (orders for repayment of sums paid after cessation of order by reason of marriage) is amended as follows.
- (2) In subsection (6) (protection for clerk)—
- (a) for “The clerk of a magistrates’ court” substitute “ A justices’ chief executive ”, and
- (b) for “the clerk” substitute “ the justices’ chief executive ”.

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- (3) In subsection (7) (definition of “collecting officer”), for “the clerk of a magistrates’ court” substitute “a justices’ chief executive”.

The Powers of Criminal Courts Act 1973 (c.62)

- 83 The Powers of Criminal Courts Act 1973 has effect subject to the following amendments.
- 84 In section 1B(5)(b) (memorandum of conviction in magistrates’ court), for “clerk of the court” substitute “justices’ chief executive”.
- 85 In section 26(5) and (7) (suspended sentence supervision orders), for “clerk to the justices” substitute “justices’ chief executive”.

VALID FROM 01/04/2001

The Salmon and Freshwater Fisheries Act 1975 (c.51)

- 86 (1) Schedule 4 to the Salmon and Freshwater Fisheries Act 1975 (procedure relating to offences) is amended as follows.
- (2) In paragraphs 10 and 12 (delivery of licence and certificate of conviction), for “clerk” substitute “proper officer”.
- (3) After paragraph 13 insert—
- “14 In paragraphs 10 and 12 above “proper officer” means—
- (a) in relation to a magistrates’ court, the justices’ chief executive for the court; and
- (b) in relation to the Crown Court, the appropriate officer.”

VALID FROM 01/04/2001

The Lotteries and Amusements Act 1976 (c.32)

- 87 (1) Schedule 3 to the Lotteries and Amusements Act 1976 (permits for commercial provision of amusements with prizes) is amended as follows.
- (2) In paragraph 1(2) (interpretation), at the end insert “and
- “the proper officer of the appropriate authority” means—
- (a) where the appropriate authority is the licensing justices for a licensing district in England and Wales, the chief executive to the justices; and
- (b) in any other case, the clerk to the authority.”

Status: Point in time view as at 27/07/1999.

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(3) In paragraph 8(2) and (3) (appeals), for “clerk to” substitute “ proper officer of ”.

(4) In paragraph 18 (fees), for “clerk” substitute “ proper officer ”.

VALID FROM 01/04/2001

The Adoption Act 1976 (c.36)

88 In section 58A(3) of the Adoption Act 1976 (duty of clerk of a magistrates’ court to send to Secretary of State particulars about proceedings relating to children), for “clerk of” substitute “ justices’ chief executive for ”.

VALID FROM 01/04/2001

The Bail Act 1976 (c.63)

89 In section 6(9)(c)(i) of the Bail Act 1976 (certification of copy of court record by justices’ clerk), for the words from “clerk” to the end substitute “ chief executive ”.

VALID FROM 01/04/2001

The Domestic Proceedings and Magistrates’ Courts Act 1978 (c.22)

90 The Domestic Proceedings and Magistrates’ Courts Act 1978 has effect subject to the following amendments.

91 In section 20ZA(3) (variation of orders for periodical payments to provide that payments shall be made to the court clerk), for “to the clerk” substitute “ to the justices’ chief executive for the court ”.

92 In section 32(2) (enforcement of orders for payment of money), for “the clerk of a magistrates’ court” substitute “ a justices’ chief executive ”.

93 (1) Section 35 (orders for repayment of sums paid after cessation of order by reason of marriage) is amended as follows.

(2) In subsection (7) (protection for clerk)—

(a) for “The clerk of a magistrates’ court” substitute “ A justices’ chief executive ”, and

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(b) for “the clerk” substitute “ the justices’ chief executive ”.

(3) In subsection (8) (definition of “collecting officer”), for “clerk of a magistrates’ court” substitute “ justices’ chief executive ”.

VALID FROM 01/04/2001

The Licensed Premises (Exclusion of Certain Persons) Act 1980 (c.32)

- 94 (1) Section 4 of the Licensed Premises (Exclusion of Certain Persons) Act 1980 (supplemental) is amended as follows.
- (2) In subsection (3) (copy of exclusion order to be sent to licensee of relevant premises), for the words from “clerk” to “may be,” substitute “ proper officer of the court ”.
- (3) After that subsection insert—
- “(4) For the purposes of subsection (3) above—
- (a) the proper officer of a magistrates’ court in England and Wales is the justices’ chief executive for the court;
- (b) the proper officer of the Crown Court is the appropriate officer; and
- (c) the proper officer of a court in Scotland is the clerk of the court.”

VALID FROM 01/04/2001

The Magistrates’ Courts Act 1980 (c.43)

- 95 The Magistrates’ Courts Act 1980 has effect subject to the following amendments.
- 96 In section 6(5) (clerk to display details of cases committed for trial), for “clerk of” substitute “ justices’ chief executive for ”.
- 97 In section 12 (non-appearance of accused: plea of guilty), in subsections (1)(b), (4) (in both places) and (6) (in both places), for “clerk of” substitute “ justices’ chief executive for ”.
- 98 (1) Section 14 (avoidance of certain proceedings) is amended as follows.
- (2) In subsection (1)(b) (service of declaration), for “clerk to the justices” substitute “ justices’ chief executive for the court ”.
- (3) In subsection (2) (deemed service), for “clerk to the justices” substitute “ justices’ chief executive ”.

Status: Point in time view as at 27/07/1999.

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- 99 (1) Section 59 (orders for periodical payment: means of payment) is amended as follows.
- (2) In subsection (3)(b) (power of the court to order payment to clerk), for “the clerk of the court or to the clerk of any other magistrates’ court” substitute “ a justices’ chief executive ”.
- (3) In subsection (8) (power to specify method of payment to a clerk), for “the clerk of a magistrates’ court” substitute “ a justices’ chief executive ”.
- 100 (1) Section 59A (orders for periodical payments: proceedings by clerk) is amended as follows.
- (2) In subsection (1) (proceedings by clerk where payment not made)—
- (a) for “the clerk of a magistrates’ court” substitute “ a justices’ chief executive ”,
- (b) for “the clerk of the relevant court” substitute “ the relevant justices’ chief executive ”, and
- (c) for “to the clerk” substitute “ to that justices’ chief executive ”.
- (3) In subsection (2) (authority to clerk to act under subsection (3))—
- (a) for “the clerk of a magistrates’ court” substitute “ a justices’ chief executive ”, and
- (b) for “the clerk of the relevant court for the clerk” substitute “ the relevant justices’ chief executive for him ”.
- (4) In subsection (3) (proceedings by clerk), for “the clerk of the relevant court, the clerk” substitute “ the relevant justices’ chief executive, he ”.
- (5) In subsection (4) (cessation of authority)—
- (a) for “the clerk of a relevant court” substitute “ a justices’ chief executive ”,
- (b) for “clerk cancelling” substitute “ justices’ chief executive cancelling ”, and
- (c) for “clerk shall” substitute “ justices’ chief executive shall ”.
- (6) In subsection (7) (interpretation), for the definition of “the relevant court” substitute—
- ““the relevant justices’ chief executive”, in relation to an order, means—
- (a) in a case where payments under the order are required to be made to or through a justices’ chief executive, that justices’ chief executive;
- (b) in a case where such payments are required to be made by any method of payment falling within section 59(6) above and the order was made by a magistrates’ court, the justices’ chief executive for that magistrates’ court; and
- (c) in a case where such payments are required to be made by any method of payment falling within section 59(6) above and the order was not made by a magistrates’ court, the justices’ chief executive for the magistrates’ court in which the order is registered;”.
- (7) In the sidenote, for “clerk” substitute “ justices’ chief executive ”.

Status: Point in time view as at 27/07/1999.

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| 101 | In section 60(5) (variation of order to provide that payments be made to magistrates’ clerk), for “to the clerk” substitute “ to the justices’ chief executive for the court ”. |
| 102 | In section 61(1)(b) (rules about apportionment of sums paid to clerk between two or more orders)—
(a) for “clerk to a magistrates’ court” substitute “ justices’ chief executive ”, and
(b) for “that clerk” substitute “ that justices’ chief executive ”. |
| 103 | In section 62(1)(ii) (proceedings by clerk for sums payable to child), for “clerk of” substitute “ justices’ chief executive for ”. |
| 104 | In section 82(5A) (clerk to serve notice of hearing to consider issue of warrant of commitment for default in paying fine), for “clerk of” substitute “ justices’ chief executive for ”. |
| 105 | (1) Section 87 (enforcement of payment of fines by High Court and county court) is amended as follows.
(2) In subsection (1) (enforcement as if sum due to magistrates’ clerk in pursuance of High Court or county court order), for “clerk of” substitute “ justices’ chief executive for ”.
(3) In subsection (3) (clerk not to take proceedings unless authorised by court after inquiry), for “clerk of the magistrates’ court” substitute “ justices’ chief executive ”.
(4) In subsection (4) (expenses of clerk in recovering sum to be treated as expenses of magistrates’ courts committee), for “the clerk of a magistrates’ court” substitute “ a justices’ chief executive ”. |
| 106 | (1) Section 87A (fines imposed on companies) is amended as follows.
(2) In subsection (1) (power of court to apply for administration order or winding up), for “clerk of” substitute “ justices’ chief executive for ”.
(3) In subsection (2) (expenses of clerk to be treated as expenses of magistrates’ courts committee), for “the clerk of a magistrates’ court” substitute “ a justices’ chief executive ”. |
| 107 | In section 89(2) (transfer of fine order: functions of clerk exercisable by clerk of court specified in order), for “clerk of” (in both places) substitute “ justices’ chief executive for ”. |
| 108 | In section 90(3) (functions of clerk in relation to payment of fine to cease to be exercisable on making of order for payment to be enforceable in Scotland or Northern Ireland), for “clerk of” substitute “ justices’ chief executive for ”. |

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- 109 In section 91(1) (functions of clerk in relation to payment of fine imposed in Scotland or Northern Ireland on making of order for payment to be enforceable in England and Wales), for “clerk of” substitute “ justices’ chief executive for ”.
- 110 In section 95(3) (instalments: powers of the court in relation to non-English maintenance orders), for—
(a) “the clerk of the court or the clerk of any other magistrates’ court”, and
(b) “the clerk of the court, or to the clerk of any other magistrates’ court,”, substitute “ a justices’ chief executive ”.
- 111 In section 97A(9), (10) and (11) (summons or warrant as to committal proceedings), for “clerk of” substitute “ chief executive to ”.
- 112 In section 99 (proof of non-payment of sum adjudged)—
(a) for “clerk of a magistrates’ court” substitute “ justices’ chief executive ”, and
(b) for “the clerk” (in both places) substitute “ the justices’ chief executive ”.
- 113 In section 114 (payment to clerk of fees and recognizances on case stated), for “him the fees payable for the case and for the recognizances” substitute “ the fees payable for the case and for the recognizances to the justices’ chief executive for the court ”.
- 114 (1) Section 137 (fees) is amended as follows.
(2) In subsection (1) (fees chargeable by clerks limited by Part I of Schedule 6), for “clerks of magistrates’ courts” substitute “ justices’ chief executives ”.
(3) In subsection (2) (no fee chargeable by clerk in respect of matters specified in Part II of Schedule 6), for “clerk of a magistrates’ court” substitute “ justices’ chief executive ”.
- 115 In section 139 (application by clerk of money received on account of sum adjudged to be paid by summary conviction), for “clerk of a magistrates’ court” substitute “ justices’ chief executive ”.
- 116 In section 144(1) (rules about procedure and practice to be followed in magistrates’ courts and by justices’ clerks), insert at the end “ and justices’ chief executives. ”
- 117 In Schedule 6 (fees), in the heading to Part I (fees to be taken by clerks), for “CLERKS TO JUSTICES” substitute “ JUSTICES’ CHIEF EXECUTIVES ”.

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VALID FROM 01/04/2001

The Highways Act 1980 (c.66)

- 118 In section 47(6) of the Highways Act 1980 (notification by clerk as to decision of justices who view allegedly unnecessary highway), for “clerk” substitute “chief executive”.

VALID FROM 01/04/2001

The Betting and Gaming Duties Act 1981 (c.63)

- 119 The Betting and Gaming Duties Act 1981 has effect subject to the following amendments.

- 120 (1) Paragraph 15 of Schedule 1 (enforcement of betting duty) is amended as follows.
- (2) In sub-paragraph (4) (notification of forfeiture and cancellation of betting office licence)—
- (a) for “clerk of” substitute “proper officer of”, and
 - (b) for the words from “clerk to”, in the first place, to “clerk to”, in the second place, substitute “proper officer of the appropriate authority who last either granted or renewed the licence, send a copy of the order to the proper officer of”.

- (3) After that sub-paragraph insert—

“(4A) In sub-paragraph (4) above—

“proper officer of the court” 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, and “appropriate authority” and “proper officer of the appropriate authority” have the same meaning as in Schedule 1 to the ^{M55}Betting, Gaming and Lotteries Act 1963.”

Marginal Citations

M55 1963 c.2.

- 121 (1) Paragraph 15 of Schedule 4 (register of permits) is amended as follows.
- (2) In sub-paragraph (1) (registers of permits etc.), for “clerk to” substitute “proper officer of”.
- (3) After sub-paragraph (2) insert—

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“(3) In sub-paragraph (1) above “proper officer of the appropriate authority” means—

- (a) where the appropriate authority is a committee of the justices acting for a petty sessions area, the chief executive to the justices; and
- (b) in any other case, the clerk to the authority.”

VALID FROM 01/04/2001

The Civil Jurisdiction and Judgments Act 1982 (c.27)

- 122 (1) Section 5 of the ^{M56}Civil Jurisdiction and Judgments Act 1982 (recognition and enforcement of maintenance orders) is amended as follows.
- (2) In subsection (5B) (application of section 76 of the Magistrates’ Courts Act 1980), in the subsection to be regarded as substituted as subsection (5) of that section, for—
- (a) “the clerk of the court or the clerk of any other magistrates’ court,”, and
 - (b) “the clerk of the court, or to the clerk of any other magistrates’ court,”,
- substitute “ a justices’ chief executive ”.
- (3) In subsection (7) (requirement of payer to notify change of address to clerk of the court), for “clerk” substitute “ proper officer ”.
- (4) After that subsection insert—
- “(8) In subsection (7) “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 magistrates’ court in Northern Ireland, the clerk of the court.”

Marginal Citations

M56 1980 c.43.

The Criminal Justice Act 1982 (c.48)

- 123 (1) Section 18 of the Criminal Justice Act 1982 (order discharging or varying an attendance centre order) is amended as follows.
- (2) In subsection (8) (clerk to deliver copies of order), for “clerk to” substitute “ proper officer of ”.
- (3) After subsection (9) insert—
- “(10) In subsection (8) above “proper officer” means—
- (a) in relation to a magistrates’ court, the justices’ chief executive for the court; and

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(b) in relation to the Crown Court, the appropriate officer.”

VALID FROM 01/04/2001

The Licensing (Occasional Permissions) Act 1983 (c.24)

124 In section 2(2), (3), (4) and (5) of the Licensing (Occasional Permissions) Act 1983 (applications for occasional permissions), for “clerk” substitute “ chief executive ”.

VALID FROM 01/04/2001

The Police and Criminal Evidence Act 1984 (c.60)

125 The Police and Criminal Evidence Act 1984 has effect subject to the following amendments.

126 In section 16(10) and (11) (warrants to be returned to and retained by clerk), for “clerk” substitute “ chief executive ”.

127 In section 47(3A)(b) (date for appearance on granting of bail), for “clerk to the justices” substitute “ justices’ chief executive. ”

128 (1) Section 73 (proof of conviction) is amended as follows.

(2) In subsection (2) (certificate of conviction to be signed by clerk), for “clerk” (in each place) substitute “ proper officer ”.

(3) For subsection (3) substitute—

“(3) In subsection (2) 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, his deputy or any other person having custody of the court record.”

VALID FROM 01/04/2001

The Prosecution of Offences Act 1985 (c.23)

129 The Prosecution of Offences Act 1985 has effect subject to the following amendments.

Status: Point in time view as at 27/07/1999.

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- 130 In section 7(4) (justices’ clerk to send to Director of Public Prosecutions details of certain cases which do not proceed)—
- (a) for “justices’ clerk” substitute “ justices’ chief executive ”, and
 - (b) for “the magistrates’ court to which he is clerk” substitute “ a magistrates’ court for which he is the justices’ chief executive ”.
- 131 In section 23(3), (7) and (8) (discontinuance of proceedings by Director of Public Prosecutions), for “clerk of” substitute “ justices’ chief executive for ”.

VALID FROM 01/04/2001

The Sporting Events (Control of Alcohol etc.) Act 1985 (c.57)

- 132 In section 4(6) of the Sporting Events (Control of Alcohol etc.) Act 1985 (power of justices’ clerks to charge fees), for “clerks” substitute “ chief executives ”.

VALID FROM 01/04/2001

The Insolvency Act 1986 (c.45)

- 133 In sections 9(1) and 124(1) of the Insolvency Act 1986 (applications for administration order and winding up), for “the clerk of a magistrates’ court” substitute “ a justices’ chief executive ”.

VALID FROM 01/04/2001

The Public Order Act 1986 (c.64)

- 134 In section 34(1) and (2) of the Public Order Act 1986 (notification by clerk of making or termination of exclusion order), for “clerk of” substitute “ justices’ chief executive for ”.

VALID FROM 01/04/2001

The Coroners Act 1988 (c.13)

- 135 In sections 16(1)(a) and 17(1) of the Coroners Act 1988 (coroner to adjourn inquest on being notified by clerk of proceedings relating to the death in question), for “clerk of” substitute “ justices’ chief executive for ”.

Status: Point in time view as at 27/07/1999.

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VALID FROM 01/04/2001

The Criminal Justice Act 1988 (c.33)

- 136 The Criminal Justice Act 1988 has effect subject to the following amendments.
- 137 In section 41(10) and (11)(a) (clerk of magistrates’ court to be notified about outcome of certain proceedings in Crown Court and Court of Appeal), for “clerk of” substitute “ justices’ chief executive for ”.
- 138 In section 67(1) (clerk to be notified of fine imposed by coroner), for “clerk of” substitute “ justices’ chief executive for ”.
- 139 In section 81(3) to (9) (application of proceeds of realisation and other sums), for “justices’ clerk” (in each place) substitute “ justices’ chief executive ”.

VALID FROM 01/04/2001

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—

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- (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.
(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—

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- “(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—
- (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”.

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| 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 ”. |

VALID FROM 01/04/2001

The Prevention of Terrorism (Temporary Provisions) Act 1989 (c.4)

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| 157 | (1) Schedule 4 to the Prevention of Terrorism (Temporary Provisions) Act 1989 (forfeiture orders) is amended as follows.

(2) In paragraph 1(5) (meaning of “proper officer”), for “clerk of”, in the first three places, substitute “ justices’ chief executive for ”.

(3) In paragraph 9(4) (functions of clerk to be exercised by appropriate officer of High Court in case of order made elsewhere in British Islands), for “the clerk of a magistrates’ court” substitute “ a justices’ chief executive ”. |
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VALID FROM 01/04/2001

The Football Spectators Act 1989 (c.37)

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| 158 | In sections 7(7)(b) and 18(1) of the Football Spectators Act 1989 (duties of clerk in relation to notices of conviction and restriction orders), for “clerk of” substitute “ justices’ chief executive for ”. |
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VALID FROM 01/04/2001

The Children Act 1989 (c.41)

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| 159 | The Children Act 1989 has effect subject to the following amendments. |
| 160 | In section 83(5) (clerk to provide particulars of proceedings), for “clerk of” substitute “ justices’ chief executive for ”. |

Status: Point in time view as at 27/07/1999.

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| 161 | In paragraph 6A(3) of Schedule 1 (variation of order to provide that payments be made to clerk), for “to the clerk” substitute “ to the justices’ chief executive for the court ”. |
| 162 | In paragraph 24(6) of Schedule 2 (signature of clerk as evidence of contribution order), for “clerk of” substitute “ justices’ chief executive for ”. |

VALID FROM 01/04/2001

The Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c.25)

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| 163 | <p>(1) Schedule 2 to the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (supervision and treatment orders) is amended as follows.</p> <p>(2) In paragraph 3(4) (clerk to receive copy of supervision and treatment order), for “clerk to the justices” substitute “ justices’ chief executive ”.</p> <p>(3) In paragraph 10(1) (clerk to send copy of revocation of supervision and treatment order to supervising officer), for “clerk to” substitute “ justices’ chief executive for ”.</p> <p>(4) In paragraph 11 (amendment of orders), in sub-paragraph (1), for “clerk to the justices” (in both places) substitute “ justices’ chief executive ” and after that sub-paragraph insert—</p> <p style="padding-left: 40px;">“(1A) Where the justices’ chief executive for the court making the order is also the justices’ chief executive for the new petty sessions area—</p> <p style="padding-left: 80px;">(a) sub-paragraph (1)(b) above does not apply; but</p> <p style="padding-left: 80px;">(b) the justices’ chief executive shall give copies of the amending order to the supervising officer.”</p> <p>(5) In that paragraph, in sub-paragraph (2), after “(1)” insert “ or (1A) ”.</p> |
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The Criminal Justice Act 1991 (c.53)

VALID FROM 01/04/2001

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| 164 | The Criminal Justice Act 1991 has effect subject to the following amendments. |
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VALID FROM 01/04/2001

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| 165 | In section 20A(2) (official request is one made by clerk), for “clerk of” substitute “ justices’ chief executive for ”. |
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- 166 (1) Schedule 2 (enforcement etc. of community orders) is amended as follows.

Status: Point in time view as at 27/07/1999.

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- (2) In paragraph 11, in sub-paragraph (1) (procedure on revocation of order), for “clerk to” substitute “proper officer of” and after that sub-paragraph insert—
- “(1A) In sub-paragraph (1) above “proper officer” means—
- (a) in relation to a magistrates’ court, the justices’ chief executive for the court, and
 - (b) in relation to the Crown Court, the appropriate officer.”
- (3) In paragraph 18, in sub-paragraph (1) (procedure on the making of an amending order)—
- (a) for “clerk to the court” substitute “justices’ chief executive for the court”, and
 - (b) for “clerk to the justices” (in both places) substitute “chief executive to the justices”.
- (4) In that paragraph, in sub-paragraph (1A) (procedure on making of order amending drug treatment and testing order), for “clerk to the court” substitute “justices’ chief executive for the court”.

VALID FROM 01/04/2001

The Social Security Administration Act 1992 (c.5)

- 167 The Social Security Administration Act 1992 has effect subject to the following amendments.
- 168 In section 107(5) and (11) (recovery of expenditure on income support), for “to the clerk” substitute “to the justices’ chief executive for the court”.
- 169 In section 121(1)(b) (receipt of statement by clerk), for “clerk of” substitute “justices’ chief executive for”.

VALID FROM 01/04/2001

The Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9)

- 170 In section 14(5)(b) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (Secretary of State to send supervised release order to clerk to the justices), for “clerk” substitute “chief executive”.

Status: Point in time view as at 27/07/1999.

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VALID FROM 01/04/2001

The Pension Schemes Act 1993 (c.48)

- 171 In section 68(1)(b) of the Pension Schemes Act 1993 (receipt by clerk of statement of failure to pay premiums), for “clerk of” substitute “ justices’ chief executive for ”.

VALID FROM 01/04/2001

The Drug Trafficking Act 1994 (c.37)

- 172 In section 30(4) to (8) of the Drug Trafficking Act 1994 (application of proceeds of realisation and other sums), for “justices’ clerk” (in each place) substitute “ justices’ chief executive ”.

VALID FROM 01/04/2001

The Road Traffic (New Drivers) Act 1995 (c.13)

- 173 (1) Paragraph 3 of Schedule 1 to the Road Traffic (New Drivers) Act 1995 (duty to provide test certificate) is amended as follows.
- (2) In sub-paragraph (3), in paragraph (b) (certificate not previously supplied to clerk), for “clerk” substitute “ proper officer ”.
- (3) After that sub-paragraph insert—
- “(3A) In sub-paragraph (3) “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.”

VALID FROM 01/04/2001

The Merchant Shipping Act 1995 (c.21)

- 174 (1) Section 68 of the Merchant Shipping Act 1995 (power to summon witness) is amended as follows.
- (2) In subsection (4) (particulars of fine to be given to clerk), for “clerk” substitute “ proper officer ”.
- (3) After that subsection insert—

Status: Point in time view as at 27/07/1999.

Changes to legislation: Access to Justice Act 1999 is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“(4A) 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 a magistrates’ court in Northern Ireland, the clerk of the court.”

VALID FROM 01/04/2001

The Criminal Procedure (Scotland) Act 1995 (c.46)

- 175 In section 234(9) of the Criminal Procedure (Scotland) Act 1995 (copies of probation order relating to person resident in England and Wales to be sent to clerk of relevant area), for “clerk to the justices” substitute “ justices’ chief executive ”.

VALID FROM 01/04/2001

The Reserve Forces Act 1996 (c.14)

- 176 The Reserve Forces Act 1996 has effect subject to the following amendments.
- 177 (1) Paragraph 7 of Schedule 2 (delivery into military, air-force or naval custody of person dealt with by court of summary jurisdiction as illegally absent) is amended as follows.
- (2) In sub-paragraph (3) (fee payable to clerk of the court), for “clerk” substitute “ proper officer ”.
- (3) After that sub-paragraph insert—
- “(3A) In sub-paragraph (3) “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.”
- 178 (1) Paragraph 9 of Schedule 3 (proof of outcome of civil trial) is amended as follows.
- (2) In sub-paragraphs (1), (2) and (3) (certificate signed by clerk is proof of outcome), for “clerk” substitute “ proper officer ”.
- (3) For sub-paragraph (4) substitute—
- “(4) In this paragraph “proper officer” means—
- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
 - (b) in relation to any other court, the clerk of the court, his deputy or any other person having the custody of the records of the court.”

Status: Point in time view as at 27/07/1999.

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VALID FROM 01/04/2001

The Crime and Disorder Act 1998 (c.37)

- 179 (1) Schedule 3 to the Crime and Disorder Act 1998 (procedure where no committal proceedings for indictable-only offence) is amended as follows.
- (2) In paragraph 4(9), (10) and (11) (power of justice to take depositions etc), for “clerk of” substitute “ chief executive to ”.
- (3) In paragraph 6(7) (Crown Court to inform clerk of magistrates’ court of outcome of trial), for “clerk of” substitute “ justices’ chief executive for ”.

VALID FROM 27/09/1999

SCHEDULE 14

Section 105.

TRANSITIONAL PROVISIONS AND SAVINGS

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VALID FROM 27/09/1999

SCHEDULE 15

Section 106.

REPEALS AND REVOCATIONS

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Status:

Point in time view as at 27/07/1999.

Changes to legislation:

Access to Justice Act 1999 is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.