



Administration of Justice Act 1973

1973 CHAPTER 15

PART I

JUSTICES OF THE PEACE

2 Stipendiary magistrates

- (1) It shall be lawful for Her Majesty to appoint a barrister or solicitor of not less than seven years standing to be, during Her Majesty's pleasure, a whole-time stipendiary magistrate in any commission area or areas outside the Inner London area and the City of London, and to appoint more than one such magistrate in the same area or areas ; and a person so appointed to be a magistrate in any commission area shall by virtue of his office be a justice of the peace for that area.
- (2) Any appointment of a stipendiary magistrate under this section shall be of a person recommended to Her Majesty by the Lord Chancellor, and a stipendiary magistrate appointed under this section shall not be removed from office except on the Lord Chancellor's recommendation.
- (3) A stipendiary magistrate so appointed in any commission area shall sit at such court houses in the area, on such days and at such times as may be determined by or in accordance with directions given by the Lord Chancellor from time to time.
- (4) For purposes of pension and of any derivative benefit under the Administration of Justice (Pensions) Act 1950 service as a stipendiary magistrate under this section shall be treated as service as a metropolitan stipendiary magistrate.
- (5) Where a stipendiary magistrate would, apart from this Act, be required by section 2(2) of the Justices of the Peace Act 1968 to vacate his office at the end of the completed year of service in the course of which he attains the age of 70, but the Lord Chancellor considers it desirable in the public interest to retain him in office after that time, the Lord Chancellor may from time to time authorise him to continue in office up to such age not exceeding 72 as the Lord Chancellor thinks fit.

Status: This is the original version (as it was originally enacted).

- (6) So much of section 10(1) of the Administration of Justice Act 1964 as limits the number of metropolitan stipendiary magistrates to forty shall cease to have effect, but—
- (a) the number of metropolitan stipendiary magistrates shall not at any time exceed sixty or such larger number as Her Majesty may from time to time by Order in Council specify; and
 - (b) the number of stipendiary magistrates appointed under this section shall not at any time exceed forty or such larger number as may be so specified ;
- and Her Majesty shall not be recommended to make an Order in Council under this subsection unless a draft of the Order has been laid before Parliament and approved by resolution of each House.
- (7) Section 16(2) of the Criminal Justice Administration Act 1956 and Schedule 2 to that Act shall cease to have effect but where it appears to the Lord Chancellor that it is expedient so to do in order to avoid delays in the administration of justice in any commission area in which a stipendiary magistrate may be appointed under this section, he may authorise any person qualified to be so appointed to act as a stipendiary magistrate in that area during such period (not exceeding three months at one time) as the Lord Chancellor thinks fit, and may require so to act any stipendiary magistrate appointed under this section in another commission area; and while so acting in any area under this subsection, a person shall have the same jurisdiction, powers and duties as if he had been appointed stipendiary magistrate in that area, and were a justice of the peace for that area. The Lord Chancellor may, out of moneys provided by Parliament, pay to any person authorised to act under this subsection, not being a stipendiary magistrate, such remuneration as he may, with the approval of the Minister for the Civil Service, determine.