



# Justices of the Peace Act 1979 (repealed 19.6.1997)

## 1979 CHAPTER 55

### PART II

#### ORGANISATION OF FUNCTIONS OF JUSTICES

##### *Magistrates' courts committees*

#### **19 General provisions as to magistrates' courts committees.**

- (1) There shall continue to be committees (to be called "magistrates' courts committees") set up in accordance with the following provisions of this Part of this Act, with such functions [<sup>F1</sup>as are or may be conferred on them by or under this or any other Act and such other functions relating to matters of an administrative character] as they may be authorised by the [<sup>F2</sup>Lord Chancellor] to undertake.
- (2) Subject to [<sup>F3</sup>section 69 of the Police and Magistrates' Courts Act 1994 and to any order made under subsection (3) of this section before the commencement of that section], there shall be a magistrates' courts committee for each area to which this subsection applies, that is to say—
  - (a) every non-metropolitan county;
  - (b) every metropolitan district;
  - (c) [<sup>F4</sup>every outer London borough];
  - [<sup>F5</sup>(cc) the inner London area; and]
  - (d) the City of London.

<sup>F6</sup>(3) .....

<sup>F6</sup>(4) .....

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*Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997), Cross Heading: Magistrates' courts committees. (See end of Document for details)*

#### Textual Amendments

- F1** Words in s. 19(1) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 4(2)**; S.I. 1994/2594, **art.6**
- F2** Words in s. 19(1)(3)(a)(4) substituted (1.4.1992) by virtue of S.I. 1992/709, **art. 2(3)**.
- F3** Words in s. 19(2) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 4(3)**; S.I. 1994/2594, **art.6**
- F4** Words substituted by **Local Government Act 1985 (c.51, SIF 81:1)**, **s. 12(4)(b)**
- F5** Words in s. 19(2) substituted (1.11.1994 for specified purposes and 1.4.1995 for all remaining purposes) by 1994 c. 29, **s. 79(4)**; S.I. 1994/2594, **art.4**; S.I. 1995/685, **art. 3**.
- F6** S. 19(3)(4) repealed (1.11.1994) by 1994 c. 29, ss. 91, 93, Sch. 8 Pt. I para. 4(4), **Sch. 9 Pt.II**; S.I. 1994/2594, **arts.6, 7**

#### Modifications etc. (not altering text)

- C2** Power to amend s. 19 conferred (5.7.1994) by 1994 c. 19, **s. 55(3)(b)**.

### [<sup>F7</sup>20 Constitution of magistrates' courts committees.

- (1) A magistrates' courts committee shall, subject to subsections (2) to (4) below, be composed of magistrates for the area to which the committee relates, chosen in accordance with regulations under section 21 of this Act.
- (2) Not more than two other members, who need not be justices of the peace, may be either—
  - (a) co-opted by a magistrates' courts committee to the committee with the approval of the Lord Chancellor, or
  - (b) appointed by the Lord Chancellor to the committee.
- (3) The chief metropolitan stipendiary magistrate shall by virtue of his office be a member of the inner London magistrates' courts committee.
- (4) Until such day as the Lord Chancellor may by order made by statutory instrument appoint, two members of the inner London magistrates' courts committee shall be other metropolitan stipendiary magistrates appointed by the chief metropolitan stipendiary magistrate.
- (5) In subsections (3) and (4) above “the inner London magistrates' courts committee” means the magistrates' courts committee for an area consisting of or including the whole of the inner London area or, if there is no such committee, every magistrates' courts committee for any area which consists of or includes any part of the inner London area.]

#### Textual Amendments

- F7** S. 20 substituted (1.11.1994 subject to saving in art. 5 of S.I. 1994/2594) by 1994 c. 29, **s.70**; S.I. 1994/2594, **art. 3**

#### Modifications etc. (not altering text)

- C3** S. 20(3)(4) excluded (1.4.1995) by 1994 c. 29, **s. 88(6)**; S.I. 1995/685, **art. 4**

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## 21 Powers of [F8 Lord Chancellor] in relation to magistrates' courts committees.

(1) The [F8 Lord Chancellor] may by statutory instrument make general regulations about the constitution, procedure and quorum of magistrates' courts committees; but F9 . . . any such regulations shall have effect subject to the provisions of section 20 of this Act.

[F10(1A) Any such regulations shall provide for the members referred to in section 20(1) of this Act to be chosen by a selection panel constituted in accordance with the regulations.]

[F11(2) Any such regulations may—

- (a) lay down an upper limit for the number of members of a magistrates' courts committee (inclusive of the members referred to in subsections (2), (3) and (4) of section 20 of this Act), and
- (b) enable the Lord Chancellor to direct that, in relation to any magistrates' courts committee to which the direction is given, any members co-opted or appointed under subsection (2) of that section are to be left out of account in applying the upper limit.

(2A) Any such regulations may also make different provision in relation to the magistrates' courts committees for areas which consist of or include the whole or any part of the inner London area from that made in relation to other committees.]

(3) Any such regulations may also make provision with respect to the persons (other than the members, clerks and officers of the committee) who may be entitled to attend the meetings of a magistrates' courts committee and the rights of such persons to make representations to the committee.

(4) The [F8 Lord Chancellor] may give general or special directions with respect to summoning the first meeting of magistrates' courts committees.

### Textual Amendments

**F8** Words in s. 21 substituted (1.4.1992) by virtue of S.I. 1992/709, art. 2(3).

**F9** Words in s. 21(1) repealed (1.11.1994) by 1994 c. 29, s. 93, Sch. 9 Pt.II; S.I. 1994/2594, art.7

**F10** S. 21(1A) inserted (1.11.1994 subject to saving in art. 5 of S.I. 1994/2594) by 1994 c. 29, s. 71(2); S.I. 1994/2594, art.3

**F11** S. 21(2)(2A) substituted for s. 21(2) (1.11.1994 subject to saving in art. 5 of S.I. 1994/2594) by 1994 c. 29, s. 71(3); S.I. 1994/2594, art.3 (with art. 5)

## 22 Supplementary provisions as to magistrates' courts committees.

(1) A magistrates' courts committee shall appoint one of its members to be chairman of the committee and, subject to subsection (2) below, shall also appoint a clerk to the committee and may appoint such other officers (if any) as the [F12 Lord Chancellor] may approve.

(2) Where there is a separate magistrates' courts committee for an area to which section 19(2) of this Act applies which is not divided into petty sessional divisions, the clerk to the justices (that is to say—

- (a) in the case of a non-metropolitan county, the county justices;
- (b) in the case of a metropolitan district, the justices acting for that district;
- (c) in the case of any of the outer London [F13 boroughs], the justices [F13 acting for that borough]; or

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- (d) in the case of the City of London, the justices for the City), shall by virtue of his office be the clerk to the committee.
- (3) Where the magistrates for a petty sessions area are required to meet for the purpose of carrying out any functions under section 20 of this Act, a meeting shall be convened by the magistrates' courts committee or, if there is no such committee in being or the [<sup>F12</sup>Lord Chancellor] considers it appropriate, by the [<sup>F12</sup>Lord Chancellor].
- (4) A magistrates' courts committee may act through sub-committees appointed by them.
- (5) Subject to the provisions of this Act, a magistrates' courts committee shall have power to regulate its own procedure, including quorum.
- (6) The proceedings of a magistrates' courts committee shall not be invalidated by reason of any vacancy therein or of any defect in the appointment of a member.
- (7) A magistrates' courts committee shall be a body corporate.

#### Textual Amendments

**F12** Words in s. 22(1)(3) substituted (1.4.1992) by virtue of S.I. 1992/709, art. 2(3).

**F13** Words substituted by Local Government Act 1985 (c.51, SIF 81:1), s. 12(6)

#### Modifications etc. (not altering text)

**C4** S. 22 extended (1.11.1994) by 1994 c. 29, s. 69(8)(c); S.I. 1994/2594, art. 3.

VALID FROM 01/04/1995

#### <sup>F14</sup>22A General powers and duties of magistrates' courts committees.

- (1) A magistrates' courts committee shall be responsible for the efficient and effective administration of the magistrates' courts for their area.
- (2) A magistrates' courts committee may, in particular—
- (a) allocate administrative responsibilities among the justices' chief executive, the justices' clerks and the staff of the committee, and
  - (b) determine the administrative procedures to be followed by any of the persons mentioned in paragraph (a) above.
- (3) It shall be the duty of every magistrates' courts committee to provide courses of instruction for justices' clerks and for staff of the committee.
- (4) The Lord Chancellor may give directions to magistrates' courts committees requiring each of them, in discharging their responsibilities under subsection (1) above, to meet specified standards of performance.
- (5) The Lord Chancellor may also give directions to magistrates' courts committees requiring each of them to take specified steps, at such intervals as may be specified—
- (a) for the purpose of keeping the magistrates for their area informed as to the activities of the committee, or
  - (b) for the purpose of ascertaining the views of those magistrates on particular matters related to the functions of the committee.

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- (6) In discharging their responsibilities under subsection (1) above, a magistrates' courts committee shall have regard to the needs of court users who are disabled; and so long as any direction under subsection (4) above is in force the standards of performance required under that subsection must include standards relating to the provision made for such court users.
- (7) A direction under this section may be given to all magistrates' courts committees or to one or more particular committees.
- (8) The Lord Chancellor shall arrange for any direction given under this section to be published in such manner as he thinks fit.]

#### Textual Amendments

**F14** S. 22A inserted (1.4.1995) by 1994 c. 29, s.73; S.I. 1995/685, art. 4(b).

### 23 Powers and duties of committee as to petty sessional divisions.

- (1) Subject to the provisions of this and the next following section, a magistrates' courts committee <sup>F15</sup> . . . may at any time submit to the [<sup>F16</sup>Lord Chancellor] a draft order making such provision about the division of [<sup>F17</sup>their area] or any part thereof into petty sessional divisions as the committee think fit.
- (2) It shall be the duty of such a committee, if directed to do so by the [<sup>F16</sup>Lord Chancellor], to review the division of [<sup>F18</sup>their area], or any part thereof into petty sessional divisions and, on completion of the review, to submit to the [<sup>F16</sup>Lord Chancellor] either a draft order under subsection (1) above or a report giving reasons for making no change.
- (3) Subject to the provisions of this and the next following section—
  - (a) where such a committee submit a draft order to the [<sup>F16</sup>Lord Chancellor] under this section, he may by statutory instrument make the order either in the terms of the draft or with such modifications as he thinks fit; and
  - (b) where such a committee fail to comply within six months with a direction of the [<sup>F16</sup>Lord Chancellor] under subsection (2) above, or the [<sup>F16</sup>Lord Chancellor] is dissatisfied with the draft order or report submitted in pursuance of such a direction, he may by statutory instrument make such order as he thinks fit about the division into petty sessional divisions of the area to which the direction related.
- (4) An order under this section may provide for [<sup>F19</sup>an area] ceasing to be divided into petty sessional divisions, and a direction under subsection (2) above may be given with respect to the division of [<sup>F19</sup>an area] which is not for the time being so divided.
- (5) Any order under this section may contain transitional and other consequential provisions.

#### Textual Amendments

**F15** Words in s. 23(1) repealed (1.11.1994) by 1994 c. 29, ss. 91, 93, Sch. 8 Pt. 1 para. 6(2)(a), Sch. 9 Pt.II; S.I. 1994/2594, art.6

**F16** Words in s. 23(1)(2)(3)(a)(b) substituted (1.4.1992) by virtue of S.I. 1992/709, art. 2(3).

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- F17** Words in s. 23(1) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 6(2)(b)**; S.I. 1994/2594, **art.6**
- F18** Words in s. 23(2) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 6(3)**; S.I. 1994/2594, **art.6**
- F19** Words in s. 23(4) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 6(4)**; S.I. 1994/2594, **art.6**

**24 Procedure relating to s. 23.**

- (1) Before submitting to the [<sup>F20</sup>Lord Chancellor] a draft order or a report under section 23 of this Act about any area, a magistrates’ courts committee—
  - (a) shall consult the [<sup>F21</sup>council of every] non-metropolitan county [<sup>F22</sup>, metropolitan district or <sup>F23</sup>. . . London borough][<sup>F24</sup>which includes all or part of the area] and the magistrates for any existing petty sessional division in the area; and
  - (b) in the case of a draft order [<sup>F25</sup>concerning a non-metropolitan county], after complying with paragraph (a) above, shall send a copy of their proposals to every interested authority and take into consideration any objections made in the prescribed manner and within the prescribed time.
- (2) A magistrates’ courts committee submitting to the [<sup>F20</sup>Lord Chancellor] a draft order or a report under section 23 of this Act shall comply with such requirements (if any) as to notice as may be prescribed; and the [<sup>F20</sup>Lord Chancellor], before making an order under that section about any area otherwise than in accordance with a draft submitted to him by the magistrates’ courts committee, shall send a copy of his proposals to the committee, to the [<sup>F26</sup>council of every] non-metropolitan county [<sup>F27</sup>, metropolitan district or <sup>F28</sup>. . . London borough [<sup>F29</sup>which includes all or part of the area], to the magistrates for any existing petty sessional division in the area and, if a non-metropolitan county is concerned, to every interested authority].
- (3) Before making any order under section 23 of this Act the [<sup>F20</sup>Lord Chancellor] shall take into consideration any objections made in the prescribed manner and within the prescribed time, and may cause a local inquiry to be held.
- (4) . . . . . <sup>F30</sup>
- (5) Subject to the provisions of Schedule 1 to this Act, the powers conferred by section 23 of this Act shall be in substitution for any other power to create or alter petty sessional divisions <sup>F31</sup>. . . , except powers conferred by any other provision of this Act [<sup>F32</sup>or by section 69 of the Police and Magistrates’ Courts Act 1994].
- (6) For the purposes of this section—
  - (a) “interested authority”, in relation to any order or draft order [<sup>F33</sup>concerning a non-metropolitan county, means the council of any district in the county which is wholly or partly included in the area to which the order or draft order relates; and]
  - (b) an order shall be deemed to be made in accordance with a draft order if either it is made in terms of the draft order or the departures from the draft order do not, in the opinion of the [<sup>F20</sup>Lord Chancellor], effect important alterations in the draft order.

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#### Textual Amendments

- F20** Words in s. 24(1)(2)(3)(6)(b) substituted (1.4.1992) by virtue of S.I. 1992/709, **art. 2(3)**.
- F21** Words in s. 24(1)(a) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 7(2)(a)**; S.I. 1994/2594, **art.6**
- F22** Words substituted by **Local Government Act 1985** (c.51, SIF 81:1), **s. 12(8)(a)(i)**
- F23** Word in s. 24(1)(a) repealed (1.11.1994) by 1994 c. 29, ss. 91, 93, Sch. 8 Pt. I para. 7(2)(b), **Sch. 9 Pt.II**; S.I. 1994/2594, **arts.6, 7**
- F24** Words in s. 24(1)(a) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 7(2)(c)**; S.I. 1994/2594, **art.6**
- F25** Words inserted by **Local Government Act 1985** (c.51, SIF 81:1), **s. 12(8)(a)(ii)**
- F26** Words in s. 24(2) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 7(3)(a)**; S.I. 1994/2594, **art.6**
- F27** Words substituted by **Local Government Act 1985** (c.51, SIF 81:1), **s. 12(8)(b)**
- F28** Word in s. 24(2) repealed (1.11.1994) by 1994 c. 29, ss. 91, 93, Sch. 8 Pt. I para. 7(3)(b), **Sch. 9 Pt.II**; S.I. 1994/2594, **arts.6, 7**
- F29** Words in s. 24(2) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 7(3)(c)**; S.I. 1994/2594, **art.6**
- F30** S. 24(4) repealed by **Local Government Act 1985** (c.51, SIF 81:1), s. 102, **Sch. 17**
- F31** Words in s. 24(5) repealed (1.11.1994) by 1994 c. 29, ss. 91, 93, Sch. 8 Pt. I para. 7(4)(a), **Sch. 9 Pt.II**; S.I. 1994/2594, **arts.6, 7**
- F32** Words in s. 24(5) inserted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 7(4)(b)**; S.I. 1994/2594, **art.6**
- F33** Words substituted by **Local Government Act 1985** (c.51, SIF 81:1), **s. 12(8)(d)**

#### [<sup>F34</sup>24A Alteration of names of petty sessions areas outside inner London Area.

- (1) Subject to the provisions of this and the next section, a magistrates' courts committee<sup>F35</sup> . . . may at any time submit to the [<sup>F36</sup>Lord Chancellor] a draft order altering the name of the petty sessions area for which they are the committee or, if they are the committee for more than one petty sessions area, the name of any of those areas.
- (2) Subject to the provisions of this and the next following section, where such a committee submit a draft order to the [<sup>F36</sup>Lord Chancellor] under this section, he may by statutory instrument make the order either in the terms of the draft or with such modifications as he thinks fit.

[ Nothing in this section shall enable the name of the petty sessions area consisting of<sup>F37</sup>(2A) the City of London to be changed.]

- (3) Any order under this section may contain transitional and other consequential provisions.]

#### Textual Amendments

- F34** Ss. 24A, 24B inserted by **Criminal Justice Act 1988** (c.33, SIF 39:1), ss. 123(6), 164(1)(2), **Sch. 8 para. 16**
- F35** Words in s. 24A(1) repealed (1.11.1994) by 1994 c. 29, ss. 91, 93, Sch. 8 Pt. I para. 8(2), **Sch. 9 Pt.II**; S.I. 1994/2594, **arts.6, 7**
- F36** Words in s. 24A(1)(2) substituted (1.4.1992) by virtue of S.I. 1992/709, **art. 2(3)**.
- F37** S. 24A(2A) inserted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 8(3)**; S.I. 1994/2594, **art.6**

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## **24B Procedure relating to s. 24A.**

- (1) Before submitting to the [<sup>F38</sup>Lord Chancellor] a draft order under section 24A of this Act, a magistrates' courts committee—
  - (a) shall consult the council of the non-metropolitan county, metropolitan district or [<sup>F39</sup>London borough] concerned and the magistrates of the petty sessions area to which their proposals relate; and
  - (b) after complying with paragraph (a) above, shall send a copy of their proposals to every interested authority and take into consideration any objections made in the prescribed manner and within the prescribed time.
- (2) A magistrates' courts committee submitting to the [<sup>F38</sup>Lord Chancellor] a draft order under section 24A of this Act shall comply with such requirements (if any) as to notice as may be prescribed; and the [<sup>F38</sup>Lord Chancellor], before making an order under that section otherwise than in accordance with a draft submitted to him by the magistrates' court committee, shall send a copy of his proposals to the committee, to the council of the non-metropolitan county, metropolitan district or [<sup>F39</sup>London borough] concerned and, if a non-metropolitan county is concerned, every interested authority.
- (3) Before making any order under section 24A of this Act the [<sup>F38</sup>Lord Chancellor] shall take into consideration any objections made in the prescribed manner and within the prescribed time, and may cause a local inquiry to be held.
- (4) For the purposes of this section—
  - (a) “interested authority”, in relation to any order or draft order concerning a non-metropolitan county, means the council of any district in the county which is wholly or partly included in the area to which the order or draft order relates; and
  - (b) an order shall be deemed to be made in accordance with a draft order if either it is made in terms of the draft order or the departures from the draft order do not, in the opinion of the [<sup>F38</sup>Lord Chancellor], effect important alterations in the draft order.

### **Textual Amendments**

**F38** Words in s. 24B(1)(2)(3)(4)(b) substituted (1.4.1992) by virtue of S.I. 1992/709, **art. 2(3)**.

**F39** Words in s. 24B(1)(a)(2) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para.9**; S.I. 1994/2594, **art.6**

## **[<sup>F40</sup>24C Reports and plans.**

- (1) The Lord Chancellor may by regulations made by statutory instrument require magistrates' courts committees to submit to him such reports and plans, in relation to matters for which they are responsible, as may be prescribed.
- (2) Any report or plan required by regulations under this section—
  - (a) shall be prepared in the prescribed manner, after such consultation as may be prescribed, and within such time as may be prescribed,
  - (b) shall be in the prescribed form,
  - (c) shall be sent to such persons as may be prescribed, and
  - (d) shall be made available to the public on payment of such reasonable fee as the magistrates' courts committee may in any case determine.

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- (3) The Lord Chancellor may direct any one or more magistrates' courts committees to produce such additional reports or plans in relation to matters for which they are responsible as may be specified in the direction.]

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**Textual Amendments**

**F40** S. 24C inserted (1.11.1994) by 1994 c. 29, s.74; S.I. 1994/2594, art.3

**Status:**

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**Changes to legislation:**

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