



# Justices of the Peace Act 1979 (repealed 19.6.1997)

## 1979 CHAPTER 55

### PART VII

#### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

#### 63 Courses of instruction.

- (1) It shall be the duty of every magistrates' courts committee, in accordance with arrangements approved by the Lord Chancellor, to make and administer schemes providing for courses of instruction for justices of the peace of their area.
- <sup>F1</sup>(2) .....
- (3) There may be paid out of moneys provided by Parliament any expenses incurred by the Lord Chancellor in providing courses of instruction for justices of the peace.
- (4) If courses of instruction are not provided for justices of the peace of any area as required by subsection (1) <sup>F2</sup> . . . , then any expenses incurred by the Lord Chancellor in providing courses of instruction to make good the default shall be recoverable by him from the magistrates' courts committee <sup>F2</sup> . . . in default; and any sums recovered by the Lord Chancellor under this subsection shall be paid into the Consolidated Fund.
- (5) The [<sup>F3</sup>Lord Chancellor] may provide courses of instruction for justices' clerks [<sup>F4</sup>and for staff of magistrates' courts committees].
- (6) In this section "justices' clerk" includes a clerk of special sessions.

#### Textual Amendments

- F1** S. 63(2) repealed (1.4.1995) by 1994 c. 29, s. 93, **Sch. 9 Pt.II**; S.I. 1995/685, **art.8(m)**
- F2** Words in s. 63(4) repealed (1.4.1995) by 1994 c. 29, s. 93, **Sch. 9 Pt.II**; S.I. 1995/685, **art.8(m)**
- F3** Words in s. 63(5) substituted (1.4.1992) by virtue of S.I. 1992/709, **art. 2(3)**.

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**F4** Words in s. 63(5) substituted (1.4.1995) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para.21**; S.I. 1995/685, **art.7(1)(l)**

**[<sup>F5</sup>63A Disqualification in case of bankruptcy.**

- (1) A person who is adjudged bankrupt shall be disqualified for being appointed or acting as a justice of the peace.
- (2) Where a person is disqualified under this section, the disqualification shall cease—
  - (a) on his discharge from bankruptcy; or
  - (b) if the bankruptcy order is previously annulled, on the date of its annulment.]

**Textual Amendments**

**F5** S. 63A inserted by **Statute Law (Repeals) Act 1989 (c.43)**, s. 1(2), **Sch. 2 para. 3**

**64 Disqualification in certain cases of justices who are members of local authorities.**

- (1) A justice of the peace who is a member of a local authority . . . <sup>F6</sup>shall not act as a member of the Crown Court or of a magistrates' court in any proceedings brought by or against, or by way of appeal from a decision of, the authority or any committee or officer of the authority.
- (2) For the purposes of subsection (1) above—
  - (a) any reference to a committee of a local authority includes a joint committee, joint board, joint authority or other combined body of which that authority is a member or on which it is represented; and
  - (b) any reference to an officer of a local authority refers to a person employed or appointed by the authority, or by a committee of the authority, in the capacity in which he is employed or appointed to act.
- [<sup>F7</sup>(2A) For the purposes of subsections (1) and (2) above, the Broads Authority [<sup>F8</sup>and every National Park authority shall be deemed to be local authorities.].]
- (3) A justice of the peace who is a member of the Common Council of the City of London shall not act as a member of the Crown Court or of a magistrates' court in any proceedings brought by or against, or by way of appeal from a decision of, the Corporation of the City or the Common Council or any committee or officer of the Corporation or Common Council; and subsection (2) above shall apply for the purposes of this subsection, with the substitution, for references to a local authority, of references to the Corporation or the Common Council.
- (4) Nothing in this section shall prevent a justice from acting in any proceedings by reason only of their being brought by a police officer.
- (5) No act shall be invalidated by reason only of the disqualification under this section of the person acting.
- [<sup>F9</sup>(6) In this section “local authority” means a local authority within the meaning of the Local Government Act <sup>M1</sup>1972 or the Local Government (Scotland) Act <sup>M2</sup>1973, . . . <sup>F10</sup>[<sup>F11</sup>a police authority established under section 3 of the Police Act 1964,] a joint authority established by Part IV of the Local Government Act 1985 [<sup>F12</sup>and a housing action trust established under Part III of the Housing Act 1988].]

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#### Textual Amendments

- F6** Words repealed by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), ss. 84(1), 102, **Sch. 14 para. 57(a)**, Sch. 17
- F7** [S. 64\(2A\)](#) added by [Norfolk and Suffolk Broads Act 1988 \(c.4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), Sch. 6 para. 20, **Sch. 7**
- F8** Words in [s. 64\(2A\)](#) substituted (23.11.1995) by [1995 c. 25](#), s. 78, **Sch. 10 para.19**; [S.I. 1995/2950](#), **art. 2(1)**
- F9** [S. 64\(6\)](#) inserted by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), s. 84(1), **Sch. 14 para. 57(b)**
- F10** Words repealed by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F11** Words in [s. 64\(6\)](#) substituted (1.4.1995) by [1994 c. 29](#), s. 43, **Sch. 4 Pt. II para. 54**; [S.I. 1994/3262](#), **art. 4(1)**, **Sch.**
- F12** Words added by [Housing Act 1988 \(c.50, SIF 61\)](#), s. 140, **Sch. 17 para. 27**

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

- C1** [S. 64](#) amended by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), ss. 57(7), 99, **Sch. 13 para. 13(i)**  
[S. 64](#) extended (5.7.1994) by [1994 c. 19](#), s. 39, **Sch. 13 para. 20(h)**
- C2** [S. 64\(6\)](#) extended by [S.I. 1985/1884](#), **art. 10**, **Sch. 3 para. 4(q)** and [S.I. 1987/2110](#), **art. 2**, **Sch. 1 para. 8(m)**

#### Marginal Citations

- M1** [1972 c.70\(81:1\)](#).
- M2** [1973 c.65\(81:2\)](#).

### 65 Justices not disqualified by reason of being ratepayers.

A justice of the peace may perform any act in the execution of his office as such a justice in relation to the laws concerning rates leviable by a rating authority [<sup>F13</sup>, community charges of a charging authority [<sup>F14</sup>council tax set by a billing authority]or the non-domestic rate of a special authority within the meaning of section 144(6) of the Local Government Finance Act 1988], notwithstanding that the justice is rated to or chargeable with such rates [<sup>F13</sup>or is liable or would, but for an enactment or anything provided or done under an enactment, be liable to pay an amount in respect of any such community charges [<sup>F14</sup>such council tax] or such non-domestic rate.]in the area affected by the act in question.

#### Textual Amendments

- F13** Words inserted by [S.I. 1990/531](#), **art. 2(2)**
- F14** Words in [s. 65](#) inserted (2.11.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(1), **Sch. 13 para. 48**; [S.I. 1992/2454](#), **art. 2**.

### 66 Acts done by justices outside their commission area.

- (1) A justice of the peace for any commission area may act as a justice for that area in any commission area which adjoins the commission area for which he is a justice.
- (2) Justices for the county of Surrey or the county of Kent may hold special or petty sessions for any division of their county at any place in Greater London; and for all

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purposes relating to sessions so held the place at which they are held shall be deemed to be within the county and the division for which the justices holding them are justices.

## 67 Promissory oaths of certain justices.

- (1) Subject to the provisions of this section, any person who under this Act or under any other enactment is a justice of the peace for any area by virtue of any other office held by him shall, before acting as such a justice, take the oath of allegiance and judicial oath in accordance with the Promissory Oaths Acts.
- (2) A person shall not be required by virtue of subsection (1) above to take those oaths as a justice of the peace by reason only of his being appointed under this Act or any other enactment to act temporarily as deputy for, or as if he were, the holder of another office to which that subsection applies; but those oaths may be taken by and administered to any such person notwithstanding anything in the Promissory Oaths Acts or any other enactment.
- (3) A person shall not be required, on becoming a justice of the peace for any area, to take the oath of allegiance and judicial oath in accordance with the Promissory Oaths Acts if he has at any time done so as justice of the peace for whatever area.
- (4) The oaths required by law to be taken by a metropolitan stipendiary magistrate may, in the case of a person authorised to act as such under section 34 of this Act, be taken before any of the metropolitan stipendiary magistrates.
- (5) In this section “the Promissory Oaths Acts” means the <sup>M3</sup>Promissory Oaths Act 1868 and the <sup>M4</sup>Promissory Oaths Act 1871.

### Marginal Citations

**M3** 1868 c. 72.

**M4** 1871 c. 48.

## 68 Greater Manchester, Merseyside and Lancashire.

- (1) Sections 6(1), 7 and 11 of this Act shall have effect in relation to the counties of Greater Manchester, Merseyside and Lancashire with the substitution, for any reference to the Lord Chancellor, of a reference to the Chancellor of the Duchy of Lancaster.
- (2) In relation to the entry in or removal from the supplemental list of the name of a person who is a justice of the peace only for any of the counties of Greater Manchester, Merseyside and Lancashire, subsections (4) to (6) of section 8 and section 9 of this Act shall have effect respectively with the substitution, for any reference to the Lord Chancellor, of a reference to the Chancellor of the Duchy of Lancaster.

## 69 Isles of Scilly.

For the purposes of this Act the Isles of Scilly shall be deemed to form part of the county of Cornwall.

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## [<sup>F15</sup>69A Regulations.

A statutory instrument containing (whether alone or with other provisions) regulations made by virtue of section 12, 21, 24C, 24D(2), 25(2) or 62A of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

### Textual Amendments

**F15** S. 69A inserted (1.11.1994) by 1994 c. 29, s.90; S.I. 1994/2594, art.3

## 70 Interpretation.

In this Act, except in so far as the context otherwise requires,—

[<sup>F16</sup>“capital expenditure” means expenditure for capital purposes (construed in accordance with section 40 of the Local Government and Housing Act 1989);]

“commission area” has the meaning assigned to it by section 1 of this Act;

<sup>F17</sup> . . .

“justices’ clerk” means a clerk to the justices for a petty sessions area;

“London commission areas”, “inner London area” and “outer London areas” have the meanings assigned to them by section 2 of this Act;

[<sup>F18</sup>“magistrate”—

- (a) in relation to a commission area, means a justice of the peace for the commission area, other than a justice whose name is for the time being entered in the supplemental list,
- (b) in relation to a part of a commission area, means a person who (in accordance with paragraph (a) of this definition) is a magistrate for that area and ordinarily acts in and for that part of it, and
- (c) in relation to a magistrates’ courts committee area, means a person who (in accordance with paragraphs (a) and (b) of this definition) is a magistrate for that area or any part of that area;

“magistrates’ courts committee area” means the area to which a magistrates’ courts committee relates;]

“officer” includes the holder of any place, situation or employment, and “office” shall be construed accordingly;

“petty sessional court-house” means any of the following, that is to say—

- (a) a court-house or place at which justices are accustomed to assemble for holding special or petty sessions or for the time being appointed as a substitute for such a court-house or place (including, where justices are accustomed to assemble for either special or petty sessions at more than one court-house or place in a petty sessional division, any such court-house or place);
- (b) a court-house or place at which a stipendiary magistrate is authorised by law to do alone any act authorised to be done by more than one justice of the peace;

“petty sessions area” has the meaning assigned to it by section 4 of this Act;

“prescribed” in Part II of this Act means prescribed by regulations made by the [<sup>F19</sup>Lord Chancellor] by statutory instrument;

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[<sup>F20</sup>“preserved county” has the meaning given by section 64 of the Local Government (Wales) Act 1994;]

[<sup>F21</sup>“relevant area” means the area of a non-metropolitan county created by Part I of the Local Government Act 1972 <sup>F22</sup>, as it stood immediately before 1st April 1995;]

“the Receiver” means the Receiver for the metropolitan police district;

“stipendiary magistrate” includes a metropolitan stipendiary magistrate;

“the supplemental list” has the meaning assigned to it by section 8 of this Act.

[<sup>F23</sup>“unitary district” means a district comprised in an area for which there is no county council.]

#### Textual Amendments

- F16** Definition in s. 70 inserted (31.10.1991) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), **s. 93(4)**; S.I. 1991/2208, art. 2(4), **Sch. 3**.
- F17** S. 70: definition repealed (1.11.1994) by [1994 c. 29, s. 93, Sch. 9 Pt. II](#); S.I. 1994/2594, **art. 7(h)**
- F18** S. 70: definitions substituted (1.11.1994 subject to saving in art. 6(j) of S.I. 1994/2594) by [1994 c. 29, s. 91, Sch. 8 Pt. I para. 22](#); S.I. 1994/2594, **art. 6**
- F19** Words in s. 70 substituted (1.4.1992) by virtue of S.I. 1992/709, **art. 2(3)**.
- F20** Definition in s. 70 inserted (1.4.1996) by [1994 c. 19, s. 1\(3\), Sch. 2 para. 10\(4\)](#); S.I. 1995/3198, art. 3, **Sch.1**
- F21** S. 70: definition inserted (1.4.1996) by S.I. 1996/674, reg. 2, **Sch. Pt. I para. 1(7)(a)**
- F22** [1972 c.70](#).
- F23** S. 70: definition inserted (1.4.1996) by S.I. 1996/674, reg. 2, **Sch. Pt. I para. 1(7)(b)**

## 71 Transitional provisions and savings, amendments and repeals.

- (1) The transitional provisions and savings in Schedule 1 to this Act shall have effect.
- (2) Subject to subsection (1) above—
  - (a) the enactments specified in Schedule 2 to this Act shall have effect subject to the amendments specified in that Schedule ; and
  - (b) the enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) Subject to any express amendment or repeal made by this Act, any enactment passed or instrument made before the 18th April 1973 and in force at the commencement of this Act shall have effect in relation to any time thereafter as if—
  - (a) any reference to a person appointed justice by a commission of the peace or to a person being removed from a commission of the peace were a reference to his being appointed or removed from office as a justice of the peace in accordance with section 6 of this Act; and
  - (b) any reference to a supplemental list kept by virtue of section 4 of the Justices of the <sup>M5</sup>Peace Act 1949 in connection with the commission of the peace for any area were a reference to the supplemental list for England and Wales kept under section 8 of this Act.
- (4) The inclusion in this Act of any express transitional provision, saving or amendment shall not be taken as prejudicing the operation of sections 16 and 17 of the <sup>M6</sup>Interpretation Act 1978 (which relate to the effect of repeals).

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

- C3** The text of S. 71(2), and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

- M5** 1949 c. 101.  
**M6** 1978 c. 30.

**72 Short title, commencement and extent.**

- (1) This Act may be cited as the Justices of the Peace Act 1979.
- (2) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.
- (3) This Act shall not extend to Scotland or to Northern Ireland.

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