



# Criminal Justice Act 1991

## 1991 CHAPTER 53

### PART V

#### FINANCIAL AND OTHER PROVISIONS

##### *Cash limits*

#### **93 Cash limits for magistrates' courts**

- (1) In section 55 of the 1979 Act (duties of local authorities outside Greater London), after subsection (2) there shall be inserted the following subsection—

“(2A) Nothing in subsection (1) or (2) above shall require a council to incur any expenditure or make any payment which would—

- (a) cause the net cost to it in any year of the matters mentioned in subsection (1) of section 59 of this Act to exceed the amount which, in relation to the council and that year, is for the time being determined by the Secretary of State under subsection (3)(b) of that section; or
- (b) cause its capital expenditure in any year in pursuance of functions under this Part of this Act to exceed the amount which, in relation to the council and that year, is for the time being determined by the Secretary of State under subsection (4)(b) of that section;

and in determining any such net cost as is mentioned in paragraph (a) above there shall be disregarded any such capital expenditure as is mentioned in paragraph (b) above.”

- (2) In section 58 of that Act (corresponding arrangements in inner London area), after subsection (2) there shall be inserted the following subsection—

“(2A) Nothing in subsection (1) or (2) above shall require the Receiver to incur any expenditure or make any payment which would—

- (a) cause the net cost to him in any year of the matters mentioned in subsection (1) of section 59 of this Act to exceed the amount which, in

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relation to the Receiver and that year, is for the time being determined by the Secretary of State under subsection (3)(b) of that section; or

(b) cause his capital expenditure in any year in pursuance of functions under this Part of this Act to exceed the amount which, in relation to the Receiver and that year, is for the time being determined by the Secretary of State under subsection (4)(b) of that section;

and in determining any such net cost as is mentioned in paragraph (a) above there shall be disregarded any such capital expenditure as is mentioned in paragraph (b) above.”

(3) For section 59 of that Act there shall be substituted the following section—

**“59 Grants by Secretary of State to responsible authorities**

- (1) The Secretary of State may out of money provided by Parliament pay to the responsible authorities grants towards the net cost to them in any year—
- (a) of their functions under this Part or Part II of this Act;
  - (b) of their functions under any regulations made, or having effect as if made, under section 7 of the Superannuation Act 1972 with respect to court staff or, in the case of the Receiver, his corresponding functions; and
  - (c) of making payments under section 12 or 53 of this Act;
- and in determining any such net cost as is mentioned above there shall be disregarded any such capital expenditure as is mentioned in subsection (2) below.
- (2) The Secretary of State may also out of money provided by Parliament pay to the responsible authorities grants towards their capital expenditure in any year in pursuance of their functions under this Part of this Act.
- (3) The amount of any grant under subsection (1) above towards the net cost to a responsible authority in any year of the matters mentioned in that subsection shall not exceed 80 per cent. of whichever of the following is the less, namely—
- (a) that net cost; and
  - (b) the amount which, in relation to the authority and that year, is for the time being determined by the Secretary of State.
- (4) The amount of any grant under subsection (2) above towards the capital expenditure in any year of a responsible authority in pursuance of its functions under this Part of this Act shall not exceed 80 per cent. of whichever of the following is the less, namely—
- (a) that capital expenditure; and
  - (b) the amount which, in relation to the authority and that year, is for the time being determined by the Secretary of State.
- (5) The Secretary of State, with the concurrence of the Treasury, may by statutory instrument make regulations as to the manner in which—
- (a) income and expenditure of responsible authorities are to be taken into account in determining the net cost to them in any year of the matters mentioned in subsection (1) above; or

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(b) expenditure of such authorities is to be taken into account in determining their capital expenditure in any year in pursuance of their functions under this Part of this Act;

and for the purposes of this section any question as to that net cost or that capital expenditure shall (subject to the regulations) be determined by the Secretary of State.

(6) The Secretary of State may direct that, in determining—

(a) the net cost to a responsible authority in any year of the matters mentioned in subsection (1) above; or

(b) the capital expenditure of such an authority in any year in pursuance of its functions under this Part of this Act,

there shall be taken into account or disregarded, to such extent as may be specified in the direction, such items as may be so specified.

(7) Grants under this section shall be paid at such times, in such manner and subject to such conditions as the Secretary of State may with the approval of the Treasury determine.

(8) In this section—

“court staff” means persons appointed or deemed to have been appointed as justices' clerks, or employed by a magistrates' courts committee to assist a justices' clerk, under Part III of the Justices of the Peace Act 1949 or Part II of this Act;

“responsible authority” means any of the following, namely, the council of a non-metropolitan county, metropolitan district or outer London borough, the Common Council of the City of London and the Receiver.”

(4) In section 70 of that Act (interpretation), before the definition of “commission area” there shall be inserted the following definition—

““capital expenditure” means expenditure for capital purposes (construed in accordance with section 40 of the Local Government and Housing Act 1989);”.