

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Police and Magistrates' Courts Act 1994, Part II. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 8

#### MAGISTRATES' COURTS: MINOR AND CONSEQUENTIAL AMENDMENTS

##### Commencement Information

- II** Sch. 8 partly in force; Sch. 8 not in force at Royal Assent, see s. 94(1)(2); Sch. 8 in force for certain purposes at 1.11.1994, 3.2.1995, 1.4.1995 and otherwise *prosp.* by S.I. 1994/2594, arts. 3(1), 6; S.I. 1995/42, art. 2; S.I. 1995/685, arts. 4(1), 7

#### PART II

##### AMENDMENTS OF OTHER ENACTMENTS

###### *London Building Acts (Amendment) Act 1939*

<sup>F1</sup>24 .....

##### Textual Amendments

- F1** Sch. 8 para. 24 repealed (1.4.2001) by 1999 c. 22, s. 106, Sch. 15 Pt. V(6) (with s. 107, Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 2(c)(i) (with Sch. 2 para. 2)

###### *Superannuation (Miscellaneous Provisions) Act 1967*

<sup>F2</sup>25 .....

##### Textual Amendments

- F2** Sch. 8 para. 25 repealed (1.4.2001) by 1999 c. 22, s. 106, Sch. 15 Pt. V(6) (with s. 107, Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 2(c)(i) (with Sch. 2 para. 2)

###### *Pensions (Increase) Act 1971*

26 In Schedule 2 to the <sup>M1</sup>Pensions (Increase) Act 1971 (list of official pensions for the purposes of that Act), in paragraph 47, at the end of paragraph (b) there shall be added the words—

- “or as staff of such a committee; or  
(c) service as a justices' chief executive.”

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**Marginal Citations**

**M1** 1971 c. 56.

- 27 In Schedule 6 to that Act (employments relevant to section 13(2) of that Act), in paragraph (d) after the words "for that area" there shall be inserted the words " or by any magistrates' courts committee whose area includes all or part of that area ".

*Juries Act 1974*

- 28 In Schedule 1 to the Juries<sup>M2</sup> Act 1974, in Group B of Part I (persons ineligible) for the entry beginning "Justices' clerks" there shall be substituted— " Justices' chief executives, justices' clerks and justices' clerks' assistants. "

**Marginal Citations**

**M2** 1974 c. 23.

*Domestic Proceedings and Magistrates' Courts Act 1978*

- 29 In section 30 of the<sup>M3</sup> Domestic Proceedings and Magistrates' Courts Act 1978 (provisions as to jurisdiction and procedure), in subsection (1) for the words "the committee of magistrates" there shall be substituted the words " a magistrates' courts committee ".

**Marginal Citations**

**M3** 1978 c. 22.

*Magistrates' Courts Act 1980*

- 30 In section 70 of the<sup>M4</sup> Magistrates' Courts Act 1980 (jurisdiction of magistrates' courts in inner London for domestic proceedings), for the words "committee of magistrates" in subsections (1) and (2) there shall be substituted the words " magistrates' courts committee whose area consists of or includes that petty sessions area ".

**Marginal Citations**

**M4** 1980 c. 43.

- 31 In section 145 of that Act, subsection (1)(d) (by virtue of which rules may make provision as to the extent to which a justices' clerk may engage in practice as a legal representative) shall be omitted.

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### *Road Traffic Offenders Act 1988*

32 In section 82 of the <sup>M5</sup>Road Traffic Offenders Act 1988 (accounting for fixed penalties in England and Wales), for subsection (2) there shall be substituted—

“(2) Where, in England and Wales, a justices’ clerk for a petty sessions area comprised in the area of one magistrates’ courts committee (“the first committee”) discharges functions in connection with a fixed penalty for an offence alleged to have been committed in a petty sessions area comprised in the area of another magistrates’ courts committee (“the second committee”)—

- (a) the paying authority or authorities in relation to the second committee must make to the paying authority or authorities in relation to the first committee such payment in connection with the discharge of those functions as may be agreed between all the paying authorities concerned or, in default of such agreement, as may be determined by the Lord Chancellor, and
- (b) any such payment between paying authorities shall be taken into account in determining for the purposes of section 59 of the Justices of the <sup>M6</sup>Peace Act 1979 the net cost to the responsible authorities of the functions referred to in subsection (1) of that section.

(2A) In subsection (2) above “paying authority” and “responsible authority” have the same meaning as in section 55 of the Justices of the Peace Act 1979.”

#### **Marginal Citations**

- M5** 1988 c. 53.
- M6** 1979 c. 55.

### *Criminal Justice Act 1991*

33 (1) Section 76 of the <sup>M7</sup>Criminal Justice Act 1991 (provision of court security officers) shall be amended as follows.

(2) In subsections (1)(b) and (2), for the words “responsible authority” there shall be substituted the words “paying authority or authorities”.

(3) In subsection (3)—

- (a) the words from “in relation to” to “inner London area” shall be omitted, and
- (b) for the words “responsible authority” there shall be substituted the words “paying authority or authorities”.

(4) In subsection (4), for the words from “in relation to” to “responsible authority” there shall be substituted the words “any paying authority”.

<sup>F3</sup>(5) . . . . .

(6) For subsection (6) there shall be substituted—

“(6) In this section—

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“the committee”, in relation to a petty sessions area, means the magistrates' courts committee whose area consists of or includes that petty sessions area, and

“paying authority”, in relation to a committee, has the same meaning as in section 55 of the 1979 Act.”

**Textual Amendments**

**F3** Sch. 8 para. 33(5) repealed (1.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(6)** (with s. 107, Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 2(c)(i)** (with Sch. 2 para. 2)

**Commencement Information**

**I1** Sch. 8 Pt. II para. 33 partly in force; Sch. 8 Pt. II para. 33 not in force at Royal Assent see s. 94(1)(2); Sch. 8 Pt. II para. 33(1)-(4)(6) in force (1.4.1995) by 1995/685, arts. 4(1), 7(2)(i)

**Marginal Citations**

**M7** 1991 c. 53.

- 34 In section 77 of that Act (powers and duties of court security officers), in subsection (5)—
- (a) in paragraph (a), for the words “chief clerk” there shall be substituted the words “justices' chief executive”, and
  - (b) in paragraph (b), for the words from “employed to” to “by him” there shall be substituted the words “of the magistrates' courts committee authorised by such a justices' chief executive or clerk”.

*Local Government Finance Act 1992*

<sup>F4</sup>35 .....

**Textual Amendments**

**F4** Sch. 8 para. 35 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with s. 107, Sch. 14 paras. 7(2), 36(9))

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