



# Justices of the Peace Act 1997

## 1997 CHAPTER 25

An Act to consolidate the Justices of the Peace Act 1979 and provisions of Part IV of the Police and Magistrates' Courts Act 1994. [19th March 1997]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

- C1 Act modified (27.9.1999) by 1999 c. 22, ss. 105, 108(3)(e), [Sch. 14 para. 30](#) (with [Sch. 14 para. 7\(2\)](#)); [S.I. 1999/2657, art. 2\(d\)\(i\)](#)  
Act modified (25.8.2000) by 2000 c. 6, [ss. 140\(6\)](#), 168(1)

## PART I

### COMMISSIONS OF THE PEACE AND PETTY SESSIONS AREAS

#### [<sup>F1</sup>1 Commission areas.

- (1) England and Wales shall be divided into areas for each of which there shall be a commission of the peace.
- (2) The areas shall be as specified by the Lord Chancellor by order made by statutory instrument; but a commission area may not consist of an area partly within and partly outside Greater London.
- (3) An area for which there is a commission of the peace shall be known as a commission area.]

**Status:** Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

#### Textual Amendments

**F1** S. 1 substituted for ss. 1, 2 (27.9.1999) by 1999 c. 22, ss. 74(1), 108(3)(c) (with Sch. 14 para. 7(2))

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

**C2** S. 1 amended (27.9.1999) by 1999 c. 22, ss. 105, 108(3)(e), Sch. 14 para. 19 (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(d)(i)

### 3 General form of commissions of the peace.

The commission of the peace for any commission area shall be a commission under the Great Seal addressed generally, and not by name, to all such persons as may from time to time hold office as justices of the peace for the commission area.

#### [<sup>F2</sup>4 Petty sessions areas.

- (1) England and Wales shall also be divided into areas known as petty sessions areas.
- (2) The areas and their names shall be as specified by the Lord Chancellor by order made by statutory instrument.
- (3) Each petty sessions area shall consist of either—
  - (a) the whole of a commission area; or
  - (b) an area wholly included within a commission area.]

#### Textual Amendments

**F2** S. 4 substituted (27.9.1999) by 1999 c. 22, ss. 75(1), 108(3)(c) (with Sch. 14 para. 7(2))

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

**C3** S. 4 amended (27.9.1999) by 1999 c. 22, ss. 105, 108(3)(e), Sch. 14 para. 20 (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(d)(i)

## PART II

### JUSTICES OF THE PEACE

#### *Justices other than stipendiary magistrates*

### 5 Appointment and removal of justices of the peace.

- (1) Subject to the following provisions of this Act, justices of the peace for any commission area shall be appointed by the Lord Chancellor by instrument on behalf and in the name of Her Majesty and a justice so appointed may be removed from office in like manner.
- (2) Subsection (1) above—
  - (a) does not apply to stipendiary magistrates; <sup>F3</sup> . . .

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**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

F<sup>3</sup>(b) .....

**Textual Amendments**

**F3** S. 5(2)(b) and the word “and” immediately preceding it repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

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

**C4** S. 5 extended (27.9.1999) by 1999 c. 22, ss. 105, 108(3)(e), **Sch. 14 Pt. V para. 21** (with Sch. 14 para. 7(2)); S.I. 1999/2657, **art. 2(d)(i)**

**6 Residence qualification.**

(1) Subject to the provisions of this section, a person shall not be appointed as a justice of the peace for a commission area in accordance with section 5 above, nor act as a justice of the peace by virtue of any such appointment, unless he resides in or within 15 miles of that area.

[<sup>F4</sup>(1A) If a person who is the Lord Mayor or an alderman of the City of London is appointed in accordance with section 5 above as a justice of the peace for a commission area including the City of London, subsection (1) above shall not apply in relation to his appointment as a justice of the peace for that area so long as he holds either of those offices.]

(2) If the Lord Chancellor is of the opinion that it is in the public interest for a person to act as a justice of the peace for a particular area though not qualified to do so under subsection (1) above, he may direct that, so long as any conditions specified in the direction are satisfied, that subsection shall not apply in relation to that person’s appointment as a justice of the peace for the area so specified.

(3) Where a person appointed as a justice of the peace for a commission area in accordance with section 5 above is not qualified under the preceding provisions of this section to act by virtue of the appointment, he shall be removed from office as a justice of the peace in accordance with that section if the Lord Chancellor is of the opinion that the appointment ought not to continue having regard to the probable duration and other circumstances of the lack of qualification.

(4) No act or appointment shall be invalidated by reason only of the disqualification or lack of qualification under this section of the person acting or appointed.

**Textual Amendments**

**F4** S. 6(1A) inserted (27.9.1999) by 1999 c. 22, ss. 76, 108(3)(c), Sch. 10 paras. 47, **48** (with Sch. 14 paras. 7(2))

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

**C5** S. 6(1A) extended (27.9.1999) by 1999 c. 22, ss. 105, 108(3)(e), **Sch. 14 Pt. V para. 21** (with Sch. 14 paras. 7(2)); S.I. 1999/2657, **art. 2(d)(i)**

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## 7 Supplemental list for England and Wales.

- (1) There shall be kept in the office of the Clerk of the Crown in Chancery a supplemental list for England and Wales as provided for by this Act (in this Act referred to as “the supplemental list”).
- (2) Subject to the following provisions of this section, there shall be entered in the supplemental list—
  - (a) the name of any justice of the peace who has attained the age of 70 and neither holds nor has held high judicial office within the meaning of the <sup>M1</sup>Appellate Jurisdiction Act 1876; and
  - (b) the name of any justice of the peace who holds or has held such office and has attained the age of 75.
- (3) A person who, on the date when his name falls to be entered in the supplemental list in accordance with subsection (2) above, holds office as chairman of the justices for a petty sessions area <sup>F5</sup> . . . shall have his name so entered on the expiry or earlier determination of the term for which he holds office on that date.
- (4) The Lord Chancellor may direct that the name of a justice of the peace for any area shall be entered in the supplemental list if the Lord Chancellor is satisfied either—
  - (a) that by reason of the justice’s age or infirmity or other similar cause it is expedient that he should cease to exercise judicial functions as a justice for that area; or
  - (b) that the justice declines or neglects to take a proper part in the exercise of those functions.
- (5) On a person’s appointment as a justice of the peace for any area the Lord Chancellor may direct that his name shall be entered in the supplemental list if that person is appointed a justice for that area on ceasing to be a justice for some other area.
- (6) The name of a justice of the peace shall be entered in the supplemental list if he applies for it to be so entered and the application is approved by the Lord Chancellor.
- (7) Nothing in this section applies to a person holding office as stipendiary magistrate.

### Textual Amendments

**F5** Words in s. 7(3) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with **Sch. 14 paras. 7(2), 36(9)**); S.I. 1999/2657, **art. 2(d)(iii)**

### Marginal Citations

**M1** 1876 c. 59.

## 8 Removal of name from supplemental list.

- (1) A person’s name shall be removed from the supplemental list if—
  - (a) he ceases to be a justice of the peace; or
  - (b) the Lord Chancellor so directs.
- (2) Subsection (1)(b) above does not apply where the person’s name is required to be entered in the supplemental list by section 7(2) or (3) above.

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## **9 Effect of entry of name in supplemental list.**

- (1) Subject to the provisions of this section, a justice of the peace for any area, while his name is entered in the supplemental list, shall not by reason of being a justice for that area be qualified as a justice to do any act or to be a member of any committee or other body.
- (2) Subsection (1) above does not preclude a justice from doing all or any of the following acts as a justice, namely—
  - (a) signing any document for the purpose of authenticating another person's signature;
  - (b) taking and authenticating by his signature any written declaration not made on oath; and
  - (c) giving a certificate of facts within his knowledge or of his opinion as to any matter.
- (3) The entry of a person's name in the supplemental list does not preclude him, if so authorised by the Lord Chancellor, from acting as a judge of the Crown Court so long as he has not attained the age of 72.
- (4) No act or appointment shall be invalidated by reason of the disqualification under this section of the person acting or appointed.

## **10 Travelling, subsistence and financial loss allowances.**

- (1) Subject to the provisions of this section, a justice of the peace shall be entitled—
  - (a) to receive payments by way of travelling allowance or subsistence allowance where expenditure on travelling or, as the case may be, on subsistence is necessarily incurred by him for the purpose of enabling him to perform any of his duties as a justice; and
  - (b) to receive payments by way of financial loss allowance where for that performance he incurs any other expenditure to which he would not otherwise be subject or he suffers any loss of earnings or of benefit under the enactments relating to social security which he would otherwise have made or received.
- (2) For the purposes of this section a justice following a training course under a scheme made in accordance with arrangements approved by the Lord Chancellor, or a training course provided by the Lord Chancellor, shall be treated as acting in the performance of his duties as a justice.
- (3) A justice shall not be entitled to any payment under this section in respect of any duties if—
  - (a) in respect of those duties a payment of the like nature may be paid to him under arrangements made apart from this section; or
  - (b) regulations provide that this section shall not apply.
- (4) A stipendiary magistrate shall not be entitled to any payment under this section in respect of his duties as such.
- (5) Allowances payable under this section shall be paid at rates determined by the Lord Chancellor with the consent of the Treasury.
- (6) An allowance payable under this section shall be paid—

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- (a) in the case of an allowance payable in respect of duties as a justice in the Crown Court, by the Lord Chancellor; and
  - (b) in the case of an allowance otherwise payable to a justice for any commission area in respect of his duties as such, by the appropriate authority.
- (7) In subsection (6)(b) above, “the appropriate authority”<sup>[F6]</sup> means, in relation to a justice—
- (a) the council of the local government area which consists of or includes the petty sessions area for which he acts; or
  - (b) where he acts for a petty sessions area which is partly included in two or more local government areas, the councils of those local government areas.]
- <sup>[F7]</sup>(8) In subsection (7) above “local government area” means—
- (a) in relation to England, the City of London, a London borough, a metropolitan district, a non-metropolitan county for which there is a council or a unitary district; and
  - (b) in relation to Wales, a county or a county borough;
- and for the purposes of that subsection the Common Council shall be regarded as the council of the City of London.]
- (9) Where by virtue of <sup>[F8]</sup>subsection (7)(b)] above an allowance under this section is payable jointly by two or more councils the manner in which it is to be borne by each of them shall be determined by agreement between them or, in default of agreement, by the Lord Chancellor.
- (10) Regulations may make provision as to the manner in which this section is to be administered, and in particular—
- (a) for prescribing the forms to be used and the particulars to be provided for the purpose of claiming payment of allowances; and
  - (b) for avoiding duplication between payments under this section and under other arrangements where expenditure is incurred for more than one purpose, and otherwise for preventing abuses.
- (11) Regulations for the purposes of this section shall be made by the Lord Chancellor by statutory instrument.
- (12) A statutory instrument containing (whether alone or with other provisions) regulations made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F6** S. 10(7)(a)(b) and words immediately preceding substituted (27.9.1999) by 1999 c. 22, ss. 76, 108(3)(c), Sch. 10 paras. 47, **49(1)(2)** (with Sch. 14 para. 7(2))
- F7** S. 10(8) substituted (27.9.1999) by 1999 c. 22, ss. 76, 108(3)(c), Sch. 10 paras. 47, **49(1)(3)** (with Sch. 14 para. 7(2))
- F8** Words in s. 10(9) substituted (27.9.1999) by 1999 c. 22, ss. 76, 108(3)(c), Sch. 10 paras. 47, **49(1)(4)** (with Sch. 14 para. 7(2))

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VALID FROM 31/08/2000

### *[<sup>F9</sup> District Judges (Magistrates' Courts)]*

#### **Textual Amendments**

- F9** Heading substituted (31.8.2000) by 1999 c. 22, s. 78(1) (with Sch. 14 para. 7(2)); S.I. 2000/1920, art. 3(a)

#### **[<sup>F10</sup>10A Appointment and tenure.**

- (1) Her Majesty may, on the recommendation of the Lord Chancellor, appoint a person who has a 7 year general qualification (within the meaning of section 71 of the <sup>M2</sup>Courts and Legal Services Act 1990) to be a District Judge (Magistrates' Courts).
- (2) The Lord Chancellor—
  - (a) shall designate one of the District Judges (Magistrates' Courts) to be the Senior District Judge (Chief Magistrate); and
  - (b) may designate another of them to be his deputy.
- (3) A District Judge (Magistrates' Courts) may not be removed from office except by the Lord Chancellor on the ground of incapacity or misbehaviour.
- (4) The Lord Chancellor may pay to a District Judge (Magistrates' Courts) (in addition to the salary charged on and paid out of the Consolidated Fund under section 9 of the <sup>M3</sup>Administration of Justice Act 1973) such allowances as he may, with the approval of the Treasury, determine.]

#### **Textual Amendments**

- F10** Ss. 10A-10E substituted (31.8.2000) for ss. 11-20 by 1999 c. 22, s. 78(1) (with Sch. 14 para. 7(2)); S.I. 2000/1920, art. 3(a)

#### **Marginal Citations**

- M2** 1990 c.41.  
**M3** 1973 c.15.

#### **<sup>F11</sup>10B Deputies.**

- (1) The Lord Chancellor may appoint any person who has a 7 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990) to be a Deputy District Judge (Magistrates' Courts) for such period as the Lord Chancellor considers appropriate (but subject to subsection (2) below).
- (2) The Lord Chancellor may remove a Deputy District Judge (Magistrates' Courts) from office on the ground of incapacity or misbehaviour.
- (3) The Lord Chancellor may pay to a Deputy District Judge (Magistrates' Courts) such remuneration and allowances as he may, with the approval of the Treasury, determine.

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- (4) During the period of his appointment a Deputy District Judge (Magistrates' Courts) shall act as a District Judge (Magistrates' Courts) and shall be treated for all purposes (apart from appointment, tenure, remuneration and allowances and pensions) as if he were a District Judge (Magistrates' Courts).

#### Textual Amendments

**F11** Ss. 10A-10E substituted (31.8.2000) for ss. 11-20 by 1999 c. 22, s. 78(1) (with Sch. 14 para. 7(2)); S.I. 2000/1920, art. 3(a)

#### <sup>F12</sup>10C Status.

- (1) A District Judge (Magistrates' Courts) shall by virtue of his office be a justice of the peace for every commission area.
- (2) Where any enactment makes provision defining the powers of any person or court by reference to the area for which a person is a justice of the peace, the provision shall have effect where that person is a District Judge (Magistrates' Courts) as if it defined the powers by reference to the area for which he is for the time being acting as a justice of the peace.
- (3) A District Judge (Magistrates' Courts) shall sit at such court-houses, 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) References in any enactment, instrument or other document to a district judge or deputy district judge do not include a District Judge (Magistrates' Courts).

#### Textual Amendments

**F12** Ss. 10A-10E substituted (31.8.2000) for ss. 11-20 by 1999 c. 22, s. 78(1) (with Sch. 14 para. 7(2)); S.I. 2000/1920, art. 3(a)

#### <sup>F13</sup>10D Power to discharge functions exercisable by two justices.

- (1) A District Judge (Magistrates' Courts), sitting in a place appointed for the purpose, shall have power—
- (a) to do any act; and
  - (b) to exercise alone any jurisdiction,
- which can be done or exercised by two justices, including any act or jurisdiction expressly required to be done or exercised by justices sitting or acting in petty sessions.
- (2) Subsection (1) above does not apply where the law under which the act or jurisdiction can be done or exercised was made after 2nd August 1858 and contains express provision contrary to that subsection.
- (3) Any statutory provision auxiliary to the jurisdiction exercisable by two justices of the peace shall apply also to the jurisdiction of a District Judge (Magistrates' Courts).
- (4) Subsections (1) and (3) above do not apply where the act or jurisdiction relates to the grant or transfer of any licence.



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(5) Any authority or requirement in any enactment for persons to be summoned or to appear at petty sessions in any case shall include authority or a requirement in such a case for persons to be summoned or to appear before a District Judge (Magistrates' Courts) at the place appointed for his sitting.

(6) Nothing in this section applies to the hearing or determination of family proceedings within the meaning of section 65 of the Magistrates' Courts Act 1980.

#### Textual Amendments

**F13** Ss. 10A-10E substituted (31.8.2000) for ss. 11-20 by 1999 c. 22, s. 78(1) (with Sch. 14 para. 7(2)); S.I. 2000/1920, art. 3(a)

#### <sup>F14</sup>10E Disapplication of restrictions.

(1) Nothing in the <sup>M4</sup>Magistrates' Courts Act 1980—

- (a) requiring a magistrates' court to be composed of two or more justices or to sit in a petty sessional court-house or an occasional court-house; or
- (b) limiting the powers of a magistrates' court when composed of a single justice or when sitting elsewhere than in a petty sessional court-house,

shall apply to any District Judge (Magistrates' Courts) sitting in a place appointed for the purpose.

(2) Subsection (1) above does not apply to the hearing or determination of family proceedings within the meaning of section 65 of the Magistrates' Courts Act 1980.

#### Textual Amendments

**F14** Ss. 10A-10E substituted (31.8.2000) for ss. 11-20 by 1999 c. 22, s. 78(1) (with Sch. 14 para. 7(2)); S.I. 2000/1920, art. 3(a)

#### Marginal Citations

**M4** 1980 c.43.

### *Stipendiary magistrates*

## 11 Appointment and removal of stipendiary magistrates.

(1) Her Majesty may appoint a person who has a 7 year general qualification (within the meaning of section 71 of the <sup>M5</sup>Courts and Legal Services Act 1990) 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 may appoint more than one such magistrate in the same area or areas.

(2) A person so appointed to be a stipendiary magistrate in any commission area shall by virtue of his office be a justice of the peace for that area.

(3) Any stipendiary magistrate appointed under this section—

- (a) shall be a person recommended to Her Majesty by the Lord Chancellor; and

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- (b) shall not be removed from office except on the Lord Chancellor's recommendation.
- (4) The number of stipendiary magistrates appointed under this section shall not at any time exceed 50 or such other number (which is not less than 40) as Her Majesty may from time to time by Order in Council specify.
- (5) No Order in Council may be made under subsection (4) above unless a draft of the Order has been laid before Parliament and approved by resolution of each House.

#### Marginal Citations

M5 1990 c. 41.

### 12 Retirement of stipendiary magistrates.

- (1) A stipendiary magistrate appointed on or after 31st March 1995 shall vacate his office on the day on which he attains the age of 70.
- (2) A stipendiary magistrate appointed before 31st March 1995 shall vacate his office at the end of the completed year of service in the course of which he attains the age of 70.
- (3) Subsections (1) and (2) above are subject to section 26(4) to (6) of the <sup>M6</sup>Judicial Pensions and Retirement Act 1993 (Lord Chancellor's power to authorise continuance in office up to the age of 75) and to section 27 of that Act (completion of proceedings) and Schedule 7 to that Act (transitional provisions).

#### Marginal Citations

M6 1993 c. 8.

### 13 Acting stipendiary magistrate.

- (1) Where it appears to the Lord Chancellor that it is expedient to do so in order to avoid delays in the administration of justice in any commission area in which a stipendiary magistrate can be appointed under section 11 above, the Lord Chancellor—
- (a) 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; or
- (b) may require so to act any stipendiary magistrate appointed under that section in another commission area.
- (2) While acting as a stipendiary magistrate in any commission area under subsection (1) above, 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.
- (3) Part V of this Act applies to a person acting as a stipendiary magistrate under subsection (1) above as it applies to a stipendiary magistrate.
- (4) The Lord Chancellor may pay to any person who is authorised to act under this section and is not a stipendiary magistrate such remuneration as he may, with the approval of the Treasury, determine.

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#### **14 Place of sitting and powers of stipendiary magistrates.**

- (1) A stipendiary magistrate appointed under section 11 above 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.
- (2) A stipendiary magistrate appointed under section 11 above, sitting in a place appointed for the purpose, shall have power—
  - (a) to do any act; and
  - (b) to exercise alone any jurisdiction,which can be done or exercised by two justices, including any act or jurisdiction expressly required to be done or exercised by justices sitting or acting in petty sessions.
- (3) Subsection (2) above does not apply where the law under which the act or jurisdiction can be done or exercised was made after 2nd August 1858 and contains express provision contrary to that subsection.
- (4) Any statutory provision auxiliary to the jurisdiction exercisable by two justices of the peace shall apply also to the jurisdiction of such a stipendiary magistrate.
- (5) Subsections (2) and (4) above do not apply where the act or jurisdiction relates to the grant or transfer of any licence.
- (6) Any authority or requirement in any enactment for persons to be summoned or to appear at petty sessions in any case shall include authority or a requirement in such a case for persons to be summoned or to appear before such a stipendiary magistrate at the place appointed for his sitting.
- (7) Nothing in this section applies to the hearing or determination of family proceedings within the meaning of section 65 of the <sup>M7</sup>Magistrates' Courts Act 1980.

#### **Marginal Citations**

**M7** 1980 c. 43.

#### **15 Certain restrictions on magistrates' courts not to apply to stipendiary magistrates.**

- (1) Subject to subsection (2) below, nothing in the <sup>M8</sup>Magistrates' Courts Act 1980—
  - (a) requiring a magistrates' court—
    - (i) to be composed of two or more justices; or
    - (ii) to sit in a petty sessional court-house or an occasional court-house; or
  - (b) limiting the powers of a magistrates' court—
    - (i) when composed of a single justice; or
    - (ii) when sitting elsewhere than in a petty sessional court-house,shall apply to any stipendiary magistrate sitting in a place appointed for the purpose.
- (2) Subsection (1) above does not apply to the hearing or determination of family proceedings within the meaning of section 65 of the <sup>M9</sup>Magistrates' Courts Act 1980.

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

- C6** S. 15 amended (19.6.1997) by 1965 c. 45, **Sch. para. 2** proviso (as inserted by 1997 c. 25, ss. 73(2), 74(1), **Sch. 5 para.9**)

**Marginal Citations**

- M8** 1980 c. 43.  
**M9** 1980 c. 43.

*Metropolitan stipendiary magistrates*

**16 Appointment, removal and retirement of metropolitan stipendiary magistrates.**

- (1) Metropolitan stipendiary magistrates shall be appointed by Her Majesty, and Her Majesty shall from time to time appoint such number of persons as is necessary; but the number of metropolitan stipendiary magistrates shall not at any time exceed 60 or such larger number as Her Majesty may from time to time by Order in Council specify.
- (2) A person shall not be qualified to be appointed a metropolitan stipendiary magistrate unless he has a 7 year general qualification (within the meaning of section 71 of the <sup>M10</sup>Courts and Legal Services Act 1990).
- (3) The Lord Chancellor shall designate one of the metropolitan stipendiary magistrates to be the chief metropolitan stipendiary magistrate.
- (4) Each metropolitan stipendiary magistrate—
  - (a) shall by virtue of his office be a justice of the peace for each of the London commission areas and for the retained counties of Essex, Hertfordshire, Kent and Surrey; and
  - (b) may be removed from office by the Lord Chancellor for inability or misbehaviour.
- (5) Section 12 above applies to metropolitan stipendiary magistrates as well as other stipendiary magistrates in England or Wales.
- (6) No Order in Council shall be made under subsection (1) above unless a draft of the Order has been laid before Parliament and approved by resolution of each House.

**Marginal Citations**

- M10** 1990 c. 41.

**17 Metropolitan stipendiary magistrates: allocation and sittings etc.**

- (1) The Lord Chancellor may assign metropolitan stipendiary magistrates to petty sessional divisions of the inner London area and may alter any assignment under this subsection; but the assignment of a magistrate to a particular division shall not preclude him from exercising jurisdiction for any other division of the inner London area.
- (2) Metropolitan stipendiary magistrates shall sit at such court-houses provided for the inner London area under the following provisions of this Act on such days and at such

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times as may be determined by, or in accordance with, directions given by the Lord Chancellor from time to time.

- (3) The chief metropolitan stipendiary magistrate shall—
- (a) cause a meeting of all the metropolitan stipendiary magistrates (or such of them as are able to attend) to be held at least once in every three months; and
  - (b) if present, preside over the meeting.

## **18 Jurisdiction of metropolitan stipendiary magistrates and lay justices for inner London area.**

- (1) Metropolitan stipendiary magistrates shall hold magistrates’ courts for the inner London area.
- (2) In the inner London area the jurisdiction conferred on justices of the peace by any enactment, by their commission or by the common law shall be exercisable both—
- (a) by metropolitan stipendiary magistrates; and
  - (b) by justices of the peace for that area who are not metropolitan stipendiary magistrates (in this Part of this Act referred to as “lay justices”).
- (3) Subject to subsections (4) and (5) below, the jurisdiction conferred on metropolitan stipendiary magistrates as such by any enactment shall be exercisable both—
- (a) by metropolitan stipendiary magistrates; and
  - (b) by lay justices for the inner London area.
- (4) Subsection (3)(b) above does not apply to the jurisdiction conferred on metropolitan stipendiary magistrates by—
- <sup>F15</sup>(a) .....
  - (b) the <sup>M11</sup>Extradition Act 1989.
- (5) A magistrates’ court consisting of lay justices for the inner London area shall not by virtue of subsection (3) above try an information summarily or hear a complaint except when composed of at least two justices.
- (6) Without prejudice to subsection (2) above, subsections (2) to (7) of section 14 above apply to a metropolitan stipendiary magistrate as they apply to a stipendiary magistrate appointed under section 11 above.
- (7) Section 15 above applies to metropolitan stipendiary magistrates as well as other stipendiary magistrates in England or Wales.

### **Textual Amendments**

**F15** S. 18(4)(a) omitted (4.8.1998) by S.I. 1998/276, reg. 17(2)

### **Marginal Citations**

**M11** 1989 c. 33.

## **19 Acting metropolitan stipendiary magistrate.**

- (1) If it appears to the Lord Chancellor that it is expedient to do so in order to avoid delays in the administration of justice in the inner London area, he may authorise any person who has a 7 year general qualification (within the meaning of section 71 of the

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<sup>M12</sup>Courts and Legal Services Act 1990) to act as a metropolitan stipendiary magistrate during such period (not exceeding three months at one time) as the Lord Chancellor thinks fit.

- (2) Anything required or authorised by law to be done by, to or before a metropolitan stipendiary magistrate may be done by, to or before any person acting as a metropolitan stipendiary magistrate under subsection (1) above.
- (3) Part V of this Act applies to a person acting as a metropolitan stipendiary magistrate under subsection (1) above as it applies to a metropolitan stipendiary magistrate.
- (4) The Lord Chancellor may pay to any person authorised to act under this section such remuneration as he may, with the approval of the Treasury, determine.

#### Marginal Citations

**M12** 1990 c. 41.

## 20 Division of work in inner London area.

- (1) There shall be a committee established for the purposes mentioned in subsection (6) below.
- (2) The committee shall consist of the following members—
  - (a) the chief metropolitan stipendiary magistrate;
  - (b) six lay justices appointed by the chairmen of the petty sessional divisions of the inner London area; and
  - (c) six metropolitan stipendiary magistrates appointed by the chief metropolitan stipendiary magistrate.
- (3) The lay justices eligible for appointment under paragraph (b) of subsection (2) above include any of the chairmen referred to in that paragraph.
- (4) The members of the committee shall hold office for a period of twelve months, but shall be eligible for re-appointment.
- (5) The chief metropolitan stipendiary magistrate shall be the chairman of the committee.
- (6) It shall be the duty of the committee—
  - (a) to keep under consideration the division of work in the inner London area between the metropolitan stipendiary magistrates and the lay justices; and
  - (b) to give general directions to any magistrates' courts committee for any area which consists of or includes the whole or any part of the inner London area as to the division of the work.

*F16 . . .*

#### Textual Amendments

**F16** S. 21 and preceding heading repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with **Sch. 14 paras. 7(2), 36(9)**); S.I. 1999/2657, **art. 2(d)(iii)**

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F17 **21** .....

**Textual Amendments**

**F17** S. 21 and preceding heading repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

*General provisions*

**22 Chairman and deputy chairmen of justices.**

- (1) For any petty sessions area there shall be a chairman and one or more deputy chairmen of the justices chosen from amongst themselves by the magistrates for the area; and any contested election for the purpose of this section shall be held by secret ballot.
- (2) Subject to subsections (3) and (4) below, if the chairman or a deputy chairman of the justices for a petty sessions area is present at a meeting of those justices, he shall preside unless he requests another justice to preside in accordance with rules made under section 24 below.
- (3) Subsection (2) above does not confer on any chairman or deputy chairman of the justices the right to preside in court if, under rules made under section 24 below, he is ineligible to preside in court.
- (4) Subsection (2) above does not confer on any chairman or deputy chairman of the justices the right to preside—
  - (a) in a youth court or family proceedings court;
  - (b) at meetings of a committee or other body of justices having its own chairman; or
  - (c) at meetings when any stipendiary magistrate is engaged as such in administering justice.
- (5) A metropolitan stipendiary magistrate who is by virtue of his office a justice of the peace for any area mentioned in section 16(4) above shall not, by reason only of his being a justice of the peace for that area by virtue of that office, be qualified—
  - (a) to be chosen under subsection (1) above as chairman or deputy chairman of the justices for a petty sessional division of that area; or
  - (b) to vote under that subsection at the election of any such chairman or deputy chairman.

F18 **23** .....

**Textual Amendments**

**F18** S. 23 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**



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## 24 Rules as to chairmanship and size of bench.

- (1) The number of justices (other than metropolitan stipendiary magistrates) sitting to deal with a case as a magistrates' court shall not be greater than the number prescribed by rules made under this section.
- (2) Rules made under this section may make provision as to the manner in which section 22 above and this section are to be administered, and in particular—
  - (a) as to the arrangements to be made for securing the presence on the bench of enough, but not more than enough, justices;
  - (b) as to the term of office and the procedure at an election of the chairman or a deputy chairman of the justices for a petty sessions area (including any procedure for nominating candidates at any such election), and the number of deputy chairmen to be elected for any such area;
  - (c) as to training courses to be completed by justices before they may preside in court;
  - (d) as to the approval of justices, by committees of justices constituted in accordance with the rules, before they may preside in court, as to the justices who may be so approved and as to the courts to which the approval relates; and
  - (e) as to circumstances in which a justice may preside in court even though requirements imposed by virtue of paragraph (c) or (d) above are not satisfied in relation to him.
- (3) The right of magistrates to vote at an election of the chairman or a deputy chairman of the justices for a petty sessions area may, by rules made under this section, be restricted with a view to securing that the election is made by magistrates experienced as such in the area.
- (4) No rules shall be made under this section except on the advice of, or after consultation with, the rule committee established under section 144 of the <sup>M13</sup>Magistrates' Courts Act 1980.
- (5) Rules under this section shall be made by the Lord Chancellor by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### Marginal Citations

M13 1980 c. 43.

## 25 Records of justices of the peace.

- (1) In each commission area <sup>F19</sup> . . . , such one of the justices as may be designated by the Lord Chancellor shall be keeper of the rolls.
- (2) There shall be transmitted to the keeper of the rolls for each commission area, and be enrolled in the records of the justices for that area, a copy of any instrument appointing or removing a justice of the peace in that area in accordance with section 5 above; and the keeper of the rolls shall be notified, in such manner as the Lord Chancellor may direct, of any resignation or death of a justice so appointed, and shall cause to be kept, and from time to time rectified, a record of those for the time being holding office by virtue of any such appointment.



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<sup>F20</sup>(3) .....

- (4) There shall be kept in the office of the Clerk of the Crown in Chancery a record of all persons for the time being holding office as justices of the peace by virtue of appointments made in accordance with section 5 above, together with the instruments of appointment or removal.

**Textual Amendments**

- F19** Words in s. 25(1) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**
- F20** S. 25(3) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

[<sup>F21</sup>**26 Greater Manchester, Merseyside and Lancashire.**

- (1) This section applies to the area consisting of the counties of Greater Manchester and Merseyside and the retained county of Lancashire; and for this purpose the retained county of Lancashire is that county as it stood immediately before 1st April 1995.
- (2) Sections 5(1), 6 and 25 above have effect—
- (a) in the case of a commission area which is wholly included within the area to which this section applies with the substitution, for any reference to the Lord Chancellor, of a reference to the Chancellor of the Duchy of Lancaster; and
- (b) in the case of a commission area which is partly included within that area with the substitution, for any reference to the Lord Chancellor, of a reference to the Lord Chancellor and the Chancellor of the Duchy of Lancaster acting jointly.
- (3) Sections 7(4) to (6) and 8 above have effect—
- (a) in the case of a person who is a justice of the peace only for a commission area which is wholly included within that area with the substitution, for any reference to the Lord Chancellor, of a reference to the Chancellor of the Duchy of Lancaster; and
- (b) in the case of a person who is a justice either for such a commission area and another commission area or for a commission area which is partly included within that area with the substitution, for any reference to the Lord Chancellor, of a reference to the Lord Chancellor and the Chancellor of the Duchy of Lancaster acting jointly.]

**Textual Amendments**

- F21** S. 26 substituted (27.9.1999) by 1999 c. 22, ss. 76, 108(3)(c), Sch. 10 paras. 47, **50** (with Sch. 14 paras. 7(2))

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## PART III

### MAGISTRATES' COURTS COMMITTEES

[<sup>F22</sup> *Introductory*]

#### Textual Amendments

**F22** Heading substituted (27.9.1999 with effect as mentioned in [Sch. 14 para. 30](#) of the amending Act) by 1999 c. 22, **ss. 81, 108(3)(c)(e)** (with [Sch. 14 para. 7\(2\)](#))

#### [<sup>F23</sup> **27** **Introduction.**

Magistrates' courts committees shall have—

- (a) such functions as are conferred or imposed on them by or under this Act or any other enactment; and
- (b) such other functions relating to matters of an administrative character as they may be authorised by the Lord Chancellor to undertake.]

#### Textual Amendments

**F23** [Ss. 27-27B](#) substituted for s. 27 (27.9.1999 with effect as mentioned in [Sch. 14 para. 30](#) of the amending Act) by 1999 c. 22, **ss. 81, 108(3)(c)** (with [Sch. 14 para. 7\(2\)](#))

<sup>F24</sup> *Magistrates' courts committees outside Greater London*

#### Textual Amendments

**F24** [Ss. 27-27B](#) and crossheading substituted for s. 27 (27.9.1999 with effect as mentioned in [Sch. 14 para. 30](#) of the amending Act) by 1999 c. 22, **ss. 81, 108(3)(c)** (with [Sch. 14 para. 7\(2\)](#))

#### <sup>F25</sup> **27A** **Committees.**

- (1) England and Wales outside Greater London shall be divided into areas for each of which there shall be a magistrates' courts committee.
- (2) The areas of the committees shall be as specified by the Lord Chancellor by order made by statutory instrument.
- (3) Each area outside Greater London for which there is a magistrates' courts committee shall—
  - (a) consist of the whole of one or more commission areas or be included wholly within a single commission area; and
  - (b) comprise the whole of one or more petty sessions areas.

#### Textual Amendments

**F25** [Ss. 27-27B](#) substituted for s. 27 (27.9.1999 with effect as mentioned in [Sch. 14 para. 30](#) of the amending Act) by 1999 c. 22, **ss. 81, 108(3)(c)** (with [Sch. 14 para. 7\(2\)](#))

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

C7 S. 27A amended (temp. from 27.9.1999) by 1999 c. 22, ss. 105, 108(3)(e), Sch. 14 Pt. V para. 29 (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(d)(i)

<sup>F26</sup>**27B Alteration of committee areas.**

- (1) A magistrates’ courts committee for an area outside Greater London may at any time submit to the Lord Chancellor written proposals for the alteration of their area.
- (2) Before submitting such proposals, the magistrates’ courts committee shall consult—
  - (a) the magistrates for their area or any other magistrates’ courts committee area to which the proposals relate;
  - (b) any other magistrates’ courts committee to which the proposals relate; and
  - (c) every relevant authority whose area includes all or any part of any of the magistrates’ courts committee areas to which the proposals relate.
- (3) The Lord Chancellor shall not make an order under section 27A(2) above which makes an alteration of any area unless he is satisfied that the making of the order is likely to contribute to an overall increase in the efficiency of the administration of magistrates’ courts.
- (4) Before making an order under section 27A(2) above which makes an alteration of any area, other than an order which implements proposals submitted to him under subsection (1) above, the Lord Chancellor shall consult—
  - (a) the magistrates for the area;
  - (b) the magistrates’ courts committees for the area; and
  - (c) every relevant authority whose area includes all or any part of the magistrates’ courts committee area.
- (5) For the purposes of subsection (4) above, an order shall be taken to implement proposals if it implements them without changes or any departures from the proposals do not, in the opinion of the Lord Chancellor, effect important changes in the proposals.
- (6) An order under section 27A(2) above which makes an alteration of any area may contain such consequential and transitional provisions as appear to the Lord Chancellor to be necessary or expedient, including—
  - (a) provision for the transfer of property, rights and liabilities;
  - (b) provision for the management or custody of transferred property (whether real or personal); and
  - (c) provision for any magistrates’ courts committee coming into existence by virtue of the order to be constituted under section 30 below as a body corporate, and to incur liabilities, before the date on which the functions of any magistrates’ courts committee are transferred to it.
- (7) The Lord Chancellor may give directions with respect to convening the first meeting of a magistrates’ courts committee coming into existence by virtue of an order under section 27A(2) above.
- (8) A statutory instrument containing an order under section 27A(2) above which makes an alteration of any area shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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- (9) In this section references to the alteration of a magistrates’ courts committee area include (as well as a change in the boundaries of the area)—
- (a) the combination of the area with another magistrates’ courts committee area; and
  - (b) the division of the area between two or more magistrates’ courts committee areas.
- (10) In this section “relevant authority” means—
- (a) a county council;
  - (b) a county borough council; or
  - (c) the council of a unitary district.

#### Textual Amendments

**F26** Ss. 27-27B substituted for s. 27 (27.9.1999 with effect as mentioned in [Sch. 14 para. 30](#) of the amending Act) by 1999 c. 22, ss. 81, 108(3)(c) (with [Sch. 14 para. 7\(2\)](#))

### [<sup>F27</sup> 28 Constitution of committees.

- (1) A magistrates’ courts committee for an area outside Greater London shall, subject to subsection (2) below, be composed of justices of the peace for the area to which the committee relates, chosen in accordance with regulations under section 29 below.
- (2) Such a magistrates’ courts committee may also include persons (who need not be justices of the peace)—
  - (a) co-opted by the committee with the approval of the Lord Chancellor; or
  - (b) appointed by the Lord Chancellor.]

#### Textual Amendments

**F27** Ss. 28-30 substituted (27.9.1999 with effect as mentioned in [Sch. 14 para. 30](#) of the amending Act) by 1999 c. 22, ss. 82, 108(3)(c) (with [Sch. 14 para. 7\(2\)](#))

### [<sup>F28</sup> 29 Regulations about committees.

- (1) The Lord Chancellor may by statutory instrument make general regulations about the constitution, procedure and quorum of magistrates’ courts committees for areas outside Greater London; but any such regulations shall have effect subject to the provisions of section 28 above.
- (2) The regulations shall provide for the members referred to in section 28(1) above to be chosen by a selection panel constituted in accordance with the regulations.
- (3) The 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 subsection (2) of section 28 above); 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 that subsection are to be left out of account in applying the upper limit.

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- (4) The regulations may make provision for the payment of remuneration to members of a magistrates’ courts committee co-opted or appointed under section 28(2) above.
- (5) The regulations may make different provision in relation to magistrates’ courts committees for different areas.
- (6) The 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.
- (7) A statutory instrument containing (whether alone or with other provisions) regulations made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F28** Ss. 28-30 substituted (27.9.1999 with effect as mentioned in Sch. 14 para. 30 of the amending Act) by 1999 c. 22, ss. 82, 108(3)(c) (with Sch. 14 para. 7(2))

#### [<sup>F29</sup>30 **Supplementary provisions about committees.**

- (1) A magistrates’ courts committee for an area outside Greater London shall appoint one of their members to be chairman of the committee.
- (2) Where the magistrates for a petty sessions area are required to meet for the purpose of carrying out any functions under section 29 above, a meeting shall be convened by the magistrates’ courts committee or, if there is no such committee or the Lord Chancellor considers it appropriate, by the Lord Chancellor.
- (3) A magistrates’ courts committee for an area outside Greater London may act through sub-committees appointed by them which, if they include at least one member of the committee, may also include persons who are not members.
- (4) Such a magistrates’ courts committee may also arrange for the discharge of any of their functions—
  - (a) by the chairman of the committee; or
  - (b) by the justices’ chief executive.
- (5) Subject to the provisions of this Act, a magistrates’ courts committee for an area outside Greater London shall have power to regulate their own procedure, including quorum.
- (6) A magistrates’ courts committee for an area outside Greater London shall be a body corporate.
- (7) A magistrates’ courts committee for an area outside Greater London shall, on at least one occasion in every calendar year, admit members of the public to a meeting of the committee.
- (8) The minutes of proceedings of every meeting of such a magistrates’ courts committee shall be open to inspection by members of the public at the offices of the committee, except to the extent that the committee determine that the minutes disclose information of a confidential nature.

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- (9) Copies of any minutes which are open to inspection under subsection (8) above shall be made available to the public on payment of such reasonable fee as the magistrates' courts committee may in any case determine.
- (10) A magistrates' courts committee making a determination under subsection (8) above shall state their reasons for regarding the information in question as being of a confidential nature.]

#### Textual Amendments

**F29** Ss. 28-30 substituted (27.9.1999 with effect as mentioned in Sch. 14 para. 30 of the amending Act) by 1999 c. 22, ss. 82, 108(3)(c) (with Sch. 14 para. 7(2))

[<sup>F30</sup> Greater London]

#### Textual Amendments

**F30** Ss. 30A-30C inserted (27.9.1999 so far as relating to s. 30B and 1.3.2000 so far as relating to ss. 30A(1), 30C and otherwise 1.4.2001) by 1999 c. 22, s. 83(1) (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(c)(i); S.I. 1999/3344, art. 3(a)(i) (with art. 4, Sch. 2); S.I. 2001/916, art. 2(a)(i) (subject to transitional provisions in Sch. 2 para. 2)

VALID FROM 01/03/2000

#### [<sup>F31</sup> 30A Greater London Magistrates' Courts Authority.

- (1) There shall be a body corporate known as the Greater London Magistrates' Courts Authority.
- (2) The Authority shall be the magistrates' courts committee for Greater London.]

#### Textual Amendments

**F31** Ss. 30A-30C inserted (27.9.1999 so far as relating to s. 30B and 1.3.2000 so far as relating to ss. 30A(1), 30C and otherwise 1.4.2001) by 1999 c. 22, s. 83(1) (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(c)(i); S.I. 1999/3344, art. 3(a)(i) (with art. 4, Sch. 2); S.I. 2001/916, art. 2(a)(i) (subject to transitional provisions in Sch. 2 para. 2)

#### <sup>F32</sup> 30B Regulations about Authority.

- (1) The Lord Chancellor may by regulations made by statutory instrument make provision relating to the Greater London Magistrates' Courts Authority, including—
- (a) provision about the membership of the Authority (including provision as to who is to chair it and about the payment of remuneration to its members); and
  - (b) provision about the Authority's constitution and procedure (including quorum and meetings).

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- (2) A statutory instrument containing (whether alone or with other provisions) regulations made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F32** Ss. 30A-30C inserted (27.9.1999 so far as relating to s. 30B and 1.3.2000 so far as relating to ss. 30A(1), 30C and otherwise 1.4.2001) by 1999 c. 22, s. 83(1) (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(c)(i); S.I. 1999/3344, art. 3(a)(i) (with art. 4, Sch. 2); S.I. 2001/916, art. 2(a)(i) (subject to transitional provisions in Sch. 2 para. 2)

VALID FROM 01/03/2000

#### <sup>F33</sup>30C Procedure of Authority.

- (1) The Greater London Magistrates' Courts Authority may, with the approval of the Lord Chancellor, act through committees appointed by the Authority which, if they include at least one member of the Authority, may also include persons who are not members.
- (2) The Authority may also arrange for the discharge of any of their functions—
  - (a) by the chairman of the Authority; or
  - (b) by the justices' chief executive.
- (3) Subject to regulations made under this Act, the Authority shall have power to regulate their own procedure, including quorum.

#### Textual Amendments

**F33** Ss. 30A-30C inserted (27.9.1999 so far as relating to s. 30B and 1.3.2000 so far as relating to ss. 30A(1), 30C and otherwise 1.4.2001) by 1999 c. 22, s. 83(1) (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(c)(i); S.I. 1999/3344, art. 3(a)(i) (with art. 4, Sch. 2); S.I. 2001/916, art. 2(a)(i) (subject to transitional provisions in Sch. 2 para. 2)

VALID FROM 08/01/2001

#### <sup>F34</sup>31A Execution of warrants.

- (1) A magistrates' courts committee may approve persons or bodies for the purpose of executing warrants pursuant to section 125B of the <sup>M14</sup>Magistrates' Courts Act 1980.
- (2) The Lord Chancellor may by statutory instrument make regulations as to—
  - (a) conditions which must be satisfied by a person or body in order to be approved under subsection (1) above; and
  - (b) the procedure by which a person or body may be so approved.



**Status:** Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.

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- (3) A statutory instrument containing (whether alone or with other provisions) regulations made by virtue of subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A magistrates’ courts committee shall maintain a register—
  - (a) containing the names of all persons and bodies approved by the committee under subsection (1) above; or
  - (b) stating that no person or body has been so approved.
- (5) Copies of the register kept by a committee under subsection (4) above shall be available for inspection by members of the public in every petty sessional court-house in the committee’s area during the hours that the court-house is open to the public.
- (6) A decision by a magistrates’ courts committee to revoke the approval of a person or body under subsection (1) above does not have effect to revoke the approval until the committee have informed the person or body in writing of the decision.]

#### Textual Amendments

**F34** S. 31A and sidenote inserted (8.1.2001) by 1999 c. 22, s. 93(1) (with Sch. 14 para. 7(2)); S.I. 2000/3280, art. 2(b)

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

**C8** S. 31A(2)-(5) modified (8.1.2001) by 1980 c. 43, s. 125B(3) (as inserted (8.1.2001) by 1999 c. 22, s. 93(2) (with Sch. 14 para. 7(2))); S.I. 2000/3280, art. 2(b)

#### Marginal Citations

**M14** 1980 c.43.

### 31 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.
- <sup>F35</sup>(2) .....
- (3) It shall be the duty of every magistrates’ courts committee to provide training courses 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.



**Status:** Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

- (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**

**F35** S. 31(2) repealed (27.9.1999) by 1999 c. 22, ss. 88, 106, **Sch. 15 Pt. V(7)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(c)(iii)(d)(ii)(a), **Sch. 2**

<sup>F36</sup>**32** .....

**Textual Amendments**

**F36** S. 32 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f) (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(iii)

[<sup>F37</sup>**32A** **Alteration of commission areas.**

- (1) A magistrates’ courts committee may at any time submit to the Lord Chancellor written proposals for an alteration of any commission area which includes the whole or any part of their area.
- (2) Before submitting such proposals the magistrates’ courts committee shall consult—
  - (a) the magistrates for their area or that of any affected magistrates’ courts committee; and
  - (b) any affected magistrates’ courts committee.
- (3) Before making an order under section 1(2) above which makes an alteration of a commission area, other than an order which implements proposals submitted to him under subsection (1) above, the Lord Chancellor shall consult—
  - (a) the magistrates for the area of any affected magistrates’ courts committee; and
  - (b) any affected magistrates’ courts committee.
- (4) For the purposes of subsection (3) above an order shall be taken to implement proposals if it implements them without changes or any departures from the proposals do not, in the opinion of the Lord Chancellor, effect important changes in the proposals.
- (5) An order under section 1(2) above which makes an alteration of a commission area may contain such consequential and transitional provisions as appear to the Lord Chancellor to be necessary or expedient.

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*Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)*

- (6) A statutory instrument containing an order under section 1(2) above which makes an alteration of a commission area shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section references to the alteration of a commission area include (as well as a change in the boundaries of the area)—
  - (a) the combination of the area with another commission area; and
  - (b) the division of the area between two or more commission areas.
- (8) For the purposes of this section a magistrates' courts committee is affected by proposals or a proposed order if the alteration proposed would affect any commission area which includes the whole or any part of their area.]

#### Textual Amendments

**F37** S. 32A and sidenote inserted (27.9.1999) by 1999 c. 22, ss. 74(2), 108(3)(c) (with Sch. 14 para. 7(2))

#### [<sup>F38</sup>33] Alteration of petty sessions areas.

- (1) A magistrates' courts committee may at any time submit to the Lord Chancellor a draft order which makes an alteration of a petty sessions area for which they are the committee.
- (2) A magistrates' courts committee shall, if directed to do so by the Lord Chancellor, consider whether any alteration is required to any petty sessions area for which they are the committee and, on completion of its consideration, shall submit to the Lord Chancellor either—
  - (a) a draft order under subsection (1) above; or
  - (b) a report giving reasons for no alteration.
- (3) The Lord Chancellor may only make an order under section 4(2) above which makes an alteration of a petty sessions area where—
  - (a) the magistrates' courts committee for the area have submitted a draft order to him under subsection (1) above and the alteration made by the order is in the terms of the draft or subject only to such modifications as the Lord Chancellor thinks fit;
  - (b) a magistrates' courts committee fail to comply within six months with a direction of the Lord Chancellor under subsection (2) above or he is dissatisfied with the draft order or report submitted in pursuance of such a direction; or
  - (c) the alteration is consequential on an order under section 1(2) or 27A(2) above.
- (4) An order under section 4(2) above which makes an alteration of a petty sessions area may contain such consequential and transitional provisions as appear to the Lord Chancellor to be necessary or expedient.
- (5) In this section and section 34 below references to the alteration of a petty sessions area include (as well as a change in the boundaries of the area)—
  - (a) the combination of the area with another petty sessions area;
  - (b) the division of the area between two or more petty sessions areas; and
  - (c) changing the name of the area.]

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**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

### Textual Amendments

**F38** S. 33 and sidenote substituted (27.9.1999) by 1999 c. 22, ss. 75(2), 108(3)(c) (with Sch. 14 para. 7(2))

## 34 Procedure relating to s. 33.

- (1) Before submitting to the Lord Chancellor a draft order or a report under section 33 above about any [<sup>F39</sup>petty sessions] area, a magistrates’ courts committee—
  - (a) shall consult—
    - (i) every relevant council; and
    - (ii) the magistrates for <sup>F40</sup> . . . the area; and
  - (b) in the case of a draft order which relates to any district which is not a unitary district, after complying with paragraph (a) above, shall send a copy of their proposals to every relevant district council and take into consideration any objections made in the prescribed manner and within the prescribed time.
- (2) A magistrates’ courts committee submitting to the Lord Chancellor a draft order or a report under section 33 above shall comply with such requirements (if any) as to notice as may be prescribed.
- (3) Before making an order under [<sup>F41</sup>section 4(2) above which makes an alteration of a petty sessions area] otherwise than in accordance with a draft submitted to him by the magistrates’ courts committee, the Lord Chancellor shall send a copy of his proposals to—
  - (a) the magistrates’ courts committee;
  - (b) every relevant council;
  - (c) the magistrates for <sup>F42</sup> . . . the area; and
  - (d) if the proposals relate to any district which is not a unitary district, every relevant district council.
- (4) Before making any order under [<sup>F43</sup>section 4(2) above which makes an alteration of a petty sessions area,] the 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.
- (5) For the purposes of this section—
  - (a) “relevant council”, in relation to an order, a draft order or a report, means any council of—
    - (i) a county;
    - (ii) a county borough;
    - (iii) a unitary district; or
    - (iv) a London borough,which includes all or part of the area to which the order, draft order or report relates;
  - (b) “relevant district council”, in relation to an order or draft order about any area, means any council of a district, other than a unitary district, which includes all or part of the area;
  - (c) “prescribed” means prescribed by regulations made by the Lord Chancellor by statutory instrument; and

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- (d) an order shall be taken to be made in accordance with a draft order if it is made in terms of the draft order or any departures from the draft order do not, in the opinion of the Lord Chancellor, effect important alterations in the draft order.

**Textual Amendments**

**F39** Words in s. 34(1) inserted (27.9.1999) by 1999 c. 22, ss. 75(3)(a), 108(3)(c) (with Sch. 14 para. 7(2))

**F40** Words in s. 34(1)(a)(ii) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), Sch. 15 Pt. V(1) (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(iii)

**F41** Words in s. 34(3) substituted (27.9.1999) by 1999 c. 22, ss. 75(3)(b), 108(3)(c) (with Sch. 14 para. 7(2))

**F42** Words in 34(3)(C) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), Sch. 15 Pt. V(1) (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(iii)

**F43** Words in s. 34(4) substituted (27.9.1999) by 1999 c. 22, ss. 75(3)(c), 108(3)(c) (with Sch. 14 para. 7(2))

<sup>F44</sup>35 .....

**Textual Amendments**

**F44** S. 35 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), Sch. 15 Pt. V(1) (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(iii)

<sup>F45</sup>36 .....

**Textual Amendments**

**F45** S. 36 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), Sch. 15 Pt. V(1) (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(iii)

**37 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.
- (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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- (4) In this section “prescribed” means prescribed by regulations made by the Lord Chancellor by statutory instrument; and a statutory instrument containing (whether alone or with other provisions) regulations made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### 38 Default powers.

- (1) The Lord Chancellor may make an order under subsection (3) below if he is of the opinion that, without reasonable excuse, a magistrates’ courts committee—
- (a) are failing properly to discharge any duty imposed on them by or under any enactment; or
  - (b) have so failed and are likely to do so again.
- (2) Before making an order under subsection (3) below, the Lord Chancellor shall give a written warning to the magistrates’ courts committee specifying the default or defaults to which the order relates.
- (3) An order under this subsection shall—
- (a) state that the Lord Chancellor is of the opinion mentioned in subsection (1) above; and
  - (b) provide either or both of the following—
    - (i) that, on the making of the order, the chairman of the committee is to vacate his office as chairman; or
    - (ii) that, on the making of the order, one or more specified members of the committee (who may include the chairman but may not consist of all the members of the committee) are to vacate their office.
- (4) If, after making an order under subsection (3) above, the Lord Chancellor remains of the opinion mentioned in subsection (1) above, he may make an order—
- (a) stating that he remains of that opinion; and
  - (b) providing—
    - (i) that all the members of the committee are to vacate their office on the making of the order; and
    - (ii) that for a specified period, not exceeding three months, beginning with the making of the order the committee is to consist of persons nominated by the Lord Chancellor (who need not be justices of the peace).
- (5) An order under subsection (4) above shall provide for new members of the committee to be chosen, in accordance with regulations under section 29 above, to take office at the end of the specified period.

<sup>F46</sup>(6) .....

#### Textual Amendments

**F46** S. 38(6) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(5)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

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### 39 Studies by Audit Commission.

- (1) The Audit Commission may, at the request of a magistrates’ courts committee, undertake or promote comparative and other studies—
  - (a) designed to enable the Commission to make recommendations for improving economy, efficiency and effectiveness in the performance of the committee’s functions; and
  - (b) for improving the financial or other management of the committee.
- (2) Any magistrates’ courts committee which has requested a study in accordance with subsection (1) above, and any officer or member of such a committee, shall provide the Audit Commission, or any person authorised by it, with such information as it or he may reasonably require for the carrying out of the study.
- (3) The Audit Commission shall charge the magistrates’ courts committee concerned such fees for any study carried out under subsection (1) above as will cover the full cost of carrying it out.
- (4) In this section “the Audit Commission” means the Audit Commission for Local Authorities and the National Health Service in England and Wales.

#### [<sup>F47</sup>39A Code of conduct for members etc.

- (1) The Lord Chancellor may prepare a code of conduct to be observed by—
  - (a) members of magistrates’ courts committees; and
  - (b) members of selection panels for choosing members of such committees.
- (2) The Lord Chancellor may from time to time prepare a revised version of the code.
- (3) Before preparing the code or a revised version of the code the Lord Chancellor shall undertake such consultation as appears to him to be appropriate.
- (4) The code, and any revised version of the code, shall come into force as provided by an order made by the Lord Chancellor by statutory instrument; and an order providing for the coming into force of the code or a revised version shall set out the code or revised version.
- (5) A statutory instrument containing an order made by virtue of subsection (4) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F47** S. 39A and sidenote inserted (27.9.1999) by 1999 c. 22, ss. 86, 108(3)(c) (with Sch. 14 para. 7(2))

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

**C9** S. 39A modified (27.9.1999) by 1999 c. 22, ss. 105, 108(3)(e), Sch. 14 para. 32(2) (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(d)(i)

#### [<sup>F48</sup>39B Non-compliance with code.

- (1) The Lord Chancellor may make an order under subsection (2) below if he is of the opinion that—
  - (a) a member of a magistrates’ courts committee; or

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- (b) a member of a selection panel for choosing members of such a committee, has, without reasonable excuse, failed to observe the code.
- (2) An order under this subsection shall state that the Lord Chancellor is of the opinion mentioned in subsection (1) above and may provide either or both of the following—
- (a) that, on the making of the order, the person is to cease to be a member of the committee or selection panel concerned or to cease to be such a member for a specified period; or
- (b) that, for a specified period, the person may not be appointed (or co-opted) as a member of any magistrates’ courts committee or any selection panel for choosing members of such a committee.
- (3) The Lord Chancellor may by regulations made by statutory instrument make provision for the purpose of establishing whether persons have failed to observe the code.
- (4) A statutory instrument containing regulations made by virtue of subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F48** S. 39B and sidenote inserted (27.9.1999) by 1999 c. 22, ss. 86, 108(3)(c) (with Sch. 14 para. 7(2))

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

**C10** S. 39B modified (27.9.1999) by 1999 c. 22, ss. 105, 108(3)(e), Sch. 14 para. 32(2) (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(d)(i)

## PART IV

### JUSTICES’ CHIEF EXECUTIVES, JUSTICES’ CLERKS AND STAFF

#### 40 Appointment of justices’ chief executive.

(1) Every magistrates’ courts committee shall appoint a justices’ chief executive.

- [<sup>F49</sup>(1A) The justices’ chief executive appointed by a magistrates’ courts committee is—
- (a) the justices’ chief executive for every magistrates’ court for the committee’s area;
- (b) the justices’ chief executive for every petty sessions area for which they are the committee; and
- (c) the chief executive to the justices acting for every such petty sessions area.]
- (2) A person may not be appointed as justices’ chief executive unless—
- (a) the magistrates’ courts committee have submitted to the Lord Chancellor, in accordance with regulations, an application for approval of one or more persons offering themselves for appointment;
- (b) the Lord Chancellor has approved one or more of those persons; and
- (c) the person appointed is a person so approved.



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- (3) Where a person employed as a justices’ chief executive under a contract for a fixed term is re-appointed on the expiry of that term, subsection (2) above does not apply in relation to the re-appointment.
- (4) Where the Lord Chancellor declines to approve any person who is named in an application under subsection (2)(a) above, he shall inform the magistrates’ courts committee of the reasons for his decision.
- <sup>F50</sup>(5) . . . . .
- (6) A person may not be appointed both as justices’ chief executive and as justices’ clerk for a petty sessions area unless the Lord Chancellor has agreed that he may hold both appointments.
- (7) Where, in accordance with subsection (6) above, a person holds an appointment as justices’ chief executive with an appointment as justices’ clerk for a petty sessions area, he shall not exercise any functions as justices’ clerk for the petty sessions area unless authorised to do so (either generally or in any particular case) by the magistrates’ courts committee for the area which includes that petty sessions area.
- (8) In this section “regulations” means regulations made by the Lord Chancellor by statutory instrument [<sup>F51</sup> which may make different provision in relation to the Greater London Magistrates’ Courts Authority and other magistrates’ courts committees]; and a statutory instrument containing (whether alone or with other provisions) regulations made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F49** S. 40(1A) inserted (27.9.1999) by 1999 c. 22, s. 88(3) (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(c)(iii)
- F50** S. 40(5) repealed (27.9.1999) by 1999 c. 22, ss. 87, 106, 108(3)(c), Sch. 15 Pt. V(7) (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(ii)(c)
- F51** Words in s. 40(8) inserted (27.9.1999 as relating to Sch. 12 para. 11 of the amending Act and 1.3.2000 as relating to Sch. 12 para. 9 of the amending Act) by 1999 c. 22, s. 83, Sch. 12 paras. 9, 11 (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(c)(ii); S.I. 1999/3344, art. 3(a)(ii) (with art. 4, Sch. 2)

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

- C11** S. 40(2)(a)(b) extended (30.6.1999) by S.I.1999/1609, arts. 1, 5, Sch. para. 7(2)  
 S. 40(2)(a)(b) extended (12.7.1999) by S.I. 1999/1705, arts. 1, 5, Sch. para. 7(2)

#### [<sup>F52</sup>41 Role of justices’ chief executive.

- (1) The justices’ chief executive appointed by any magistrates’ courts committee shall make arrangements for the efficient and effective administration of the magistrates’ courts for the area to which the committee relates.
- (2) For that purpose the administration of the magistrates’ courts for the area to which a magistrates’ courts committee relates includes—
- (a) the exercise of the function of acting as clerk to the committee; and
  - (b) the exercise of all of the functions conferred or imposed on justices’ chief executives by or under any other enactment so far as relating to any of those courts or that committee.



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- (3) The duty imposed on a justices’ chief executive by subsection (1) above shall in particular require him—
  - (a) to allocate responsibility for what falls to be done in the exercise of his functions among justices’ clerks and the staff of the committee; and
  - (b) to determine the administrative procedures to be followed by them.
- (4) The justices’ chief executive appointed by a magistrates’ courts committee shall make arrangements for discussions relating to matters of law (including procedure and practice) among the justices’ clerks appointed by the committee, in particular with a view to securing consistency in the advice given by them to justices about such matters.
- (5) The justices’ chief executive appointed by a magistrates’ courts committee shall perform—
  - (a) the duties imposed on him by this section; and
  - (b) any other functions conferred or imposed on him by or under any other enactment,in accordance with any directions given to him by the committee.
- (6) Subject to section 48 below, the justices’ chief executive appointed by a magistrates’ courts committee may give directions to justices’ clerks and the staff of the committee as to the carrying out of their responsibilities (including the performance of any functions conferred or imposed on them by or under any enactment).]

#### Textual Amendments

**F52** S. 41 and sidenote substituted (27.9.1999) by 1999 c. 22, s. 88(1) (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(c)(iii)

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#### [<sup>F53</sup>41A Justices’ chief executive as collecting officer.

- (1) A justices’ chief executive shall, by virtue of his office, be collecting officer of each of the courts for the area of the magistrates’ courts committee which appointed him.
- (2) A justices’ chief executive shall act under any order made under section 30 of the <sup>M15</sup>Criminal Justice Administration Act 1914 (which provided for periodical payments under court orders to be made through an officer of the court or other third party) which, in accordance with the provisions of paragraph 16A of Schedule 4 to this Act, has effect to direct the payment of money to him.
- (3) This section is without prejudice to the provisions of—
  - (a) section 59 of the <sup>M16</sup>Magistrates’ Courts Act 1980 (periodical payments through justices’ chief executive); and
  - (b) sections 59A and 62 of that Act (proceedings by justices’ chief executive).]

#### Textual Amendments

**F53** S. 41A and sidenote inserted (1.4.2001) by 1999 c. 22, s. 91(1) (with Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(a)(iii) (subject to transitional provisions in Sch. 2 para. 2)

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### Marginal Citations

**M15** 1914 c.58.

**M16** 1980 c.43.

## 42 Appointment and removal of justices’ clerks.

- (1) Justices’ clerks shall be appointed by the magistrates’ courts committee; and a magistrates’ courts committee may appoint more than one justices’ clerk for any petty sessions area.
- (2) A person may not be appointed as justices’ clerk unless—
  - (a) the magistrates’ courts committee have submitted to the Lord Chancellor, in accordance with regulations, an application for approval of one or more persons offering themselves for the appointment;
  - (b) the Lord Chancellor has approved one or more of those persons; and
  - (c) the person appointed is a person so approved.
- (3) Where a person employed as a justices’ clerk under a contract for a fixed term is re-appointed on the expiry of that term, subsection (2) above does not apply in relation to the re-appointment.
- (4) Where the Lord Chancellor declines to approve any person who is named in an application under subsection (2)(a) above, he shall inform the magistrates’ courts committee of the reasons for his decision.
- (5) The approval of the Lord Chancellor shall be required—
  - (a) for any decision to increase the number of justices’ clerks for a petty sessions area or to have more than one justices’ clerk for a new petty sessions area; or
  - (b) for the removal of the justices’ clerk for a petty sessions area where the magistrates for the area do not consent to the removal.
- (6) A magistrates’ courts committee shall consult the magistrates for any petty sessions area—
  - (a) on the appointment of a justices’ clerk for the area, except in the case of a re-appointment on the expiry of a fixed term; or
  - (b) on the removal of a justices’ clerk for the area.
- (7) Before—
  - (a) approving any person under subsection (2) above; or
  - (b) approving the removal of a justices’ clerk,
 the Lord Chancellor shall consider any representations made to him by the magistrates for the petty sessions area concerned; and before approving the removal of a justices’ clerk the Lord Chancellor shall also consider any representations made to him by the clerk.
- (8) Where a person is employed as a justices’ clerk under a contract for a fixed term, the expiry of that term without renewal shall be treated for the purposes of subsections (5) to (7) above as his removal as justices’ clerk, unless he has consented to the failure to renew.
- (9) In this section “regulations” means regulations made by the Lord Chancellor by statutory instrument; and a statutory instrument containing (whether alone or with

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other provisions) regulations made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### 43 Qualifications for appointment as justices’ clerk.

No person shall be appointed as justices’ clerk unless either—

- (a) at the time of appointment—
  - (i) he has a 5 year magistrates’ courts qualification (within the meaning of section 71 of the <sup>M17</sup>Courts and Legal Services Act 1990); or
  - (ii) he is a barrister or solicitor and has served for not less than five years as assistant to a justices’ clerk; or
- (b) he then is or has previously been a justices’ clerk.

##### Marginal Citations

M17 1990 c. 41.

#### 44 Terms of employment of justices’ chief executives, justices’ clerks and staff.

- (1) Except as provided by this Act, a justices’ chief executive or justices’ clerk—
  - (a) shall be employed by the magistrates’ courts committee on such terms as they may determine; and
  - (b) shall hold and vacate office in accordance with the terms of his contract of service.
- (2) A magistrates’ courts committee may employ staff on such terms as they think fit.
- (3) Without prejudice to the generality of subsection (1) of section 144 of the <sup>M18</sup>Magistrates’ Courts Act 1980, the power conferred by that section to make rules for regulating and prescribing the procedure and practice to be followed by justices’ clerks includes power to provide that, subject to any exceptions prescribed by the rules, persons—
  - (a) shall not be employed to assist a justices’ clerk in any capacity so prescribed; or
  - (b) shall not be permitted to do on behalf of a justices’ clerk any such acts as may be so prescribed,

unless those persons are qualified to be appointed justices’ clerk or have such other qualifications as may for any purpose be allowed by the rules or approved by the Lord Chancellor in accordance with the rules.

##### Marginal Citations

M18 1980 c. 43.

#### 45 General powers and duties of justices’ clerks.

- (1) Rules made in accordance with section 144 of the <sup>M19</sup>Magistrates’ Courts Act 1980 may (except to the extent that any enactment passed after this Act otherwise directs) make provision enabling things authorised to be done by, to or before a single justice of the peace to be done instead by, to or before a justices’ clerk.

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- (2) Such rules may also make provision enabling things authorised to be done by, to or before a justices’ clerk (whether by virtue of subsection (1) above or otherwise) to be done instead by, to or before a person appointed by a magistrates’ courts committee to assist him.
- (3) Any enactment (including any enactment contained in this Act) or any rule of law which—
- (a) regulates the exercise of any jurisdiction or powers of justices of the peace; or
  - (b) relates to things done in the exercise or purported exercise of any such jurisdiction or powers,
- shall apply in relation to the exercise or purported exercise of any such jurisdiction or powers by the clerk to any justices by virtue of subsection (1) above as if he were one of those justices.
- (4) The functions of a justices’ clerk include giving advice to the justices to whom he is clerk, at their request, about [<sup>F54</sup>matters of law (including procedure and practice)] on questions arising in connection with the discharge of their functions, including questions arising when the clerk is not personally attending on them.
- (5) The powers of a justices’ clerk include, at any time when he thinks he should do so, bringing to the attention of those justices any point of [<sup>F55</sup>law (including procedure and practice)] that is or may be involved in any question so arising.
- (6) For the purposes of subsections (4) and (5) above the functions of justices of the peace do not include functions as a judge of the Crown Court.
- (7) Subsections (4) and (5) above—
- (a) apply in relation to any of the justices to whom the justices’ clerk is clerk as they apply in relation to all of them; and
  - (b) do not define or in any respect limit—
    - (i) the powers and duties of a justices’ clerk; or
    - (ii) the matters on which justices may obtain assistance from their clerk.

#### Textual Amendments

**F54** Words in s. 45(4) substituted (27.9.1999) by 1999 c. 22, s. 89(2)(a) (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(c)(iii)

**F55** Words in s. 45(5) substituted (27.9.1999) by 1999 c. 22, s. 89(2)(b) (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(c)(iii)

#### Marginal Citations

**M19** 1980 c. 43.

## 46 Functions of justices’ clerk as collecting officer.

Without prejudice to the provisions of sections 59 and 59A of the Magistrates’ Courts Act 1980 (periodical payments through justices’ clerk and proceedings by the clerk etc.) or section 62 of that Act (payments required to be made to a child), a justices’ clerk—

- (a) shall, by virtue of his office, be collecting officer of any magistrates’ court of which he is the clerk; and

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- (b) in that capacity shall act under any order directing the payment of money to him which was made by any court under section 30 of the <sup>M20</sup>Criminal Justice Administration Act 1914 (which provided for periodical payments under court orders to be made through an officer of the court or other third party) and which continues to have effect in accordance with the provisions of paragraph 18 of Schedule 4 to this Act.

**Marginal Citations**

**M20** 1914 c. 58.

**47 Person acting as substitute clerk to justices.**

- (1) Subject to any rules made under section 144 of the <sup>M21</sup>Magistrates’ Courts Act 1980, where a person who is not the justices’ clerk (or one of the justices’ clerks) for a petty sessions area acts as clerk to the justices for that petty sessions area—
  - (a) he shall be treated as acting as deputy to the justices’ clerk; and
  - (b) he shall make a return to the justices’ clerk of—
    - (i) all matters done before the justices; and
    - (ii) all matters that the clerk to the justices is required to register or record.
- (2) Where there are two or more justices’ clerks for the petty sessions area, any reference in subsection (1) above to the justices’ clerk is a reference to such one of them as may be designated for the purpose by the magistrates’ courts committee.

**Marginal Citations**

**M21** 1980 c. 43.

**[<sup>F56</sup>48 Independence of justices’ clerks and staff exercising legal functions.**

- (1) When exercising any legal function—
  - (a) a justices’ clerk shall not be subject to the direction of the justices’ chief executive or any other person or body; and
  - (b) a member of the staff of a magistrates’ courts committee shall not be subject to the direction of any person or body other than a justices’ clerk.
- (2) In subsection (1) “legal function” means—
  - (a) any function exercisable by one or more justices of the peace; or
  - (b) a function specified in section 45(4) or (5) above.]

**Textual Amendments**

**F56** S. 48 and sidenote substituted (27.9.1999) by 1999 c. 22, ss. 89(1) (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(c)(iii)

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#### Textual Amendments

**F57** S. 49 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(5)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 19992657, art. 2(d)(iii)

### [<sup>F58</sup> 50 Pensions of employees of GLMCA.

- (1) The Lord Chancellor may, with the consent of the Minister for the Civil Service, make provision by order made by statutory instrument for section 1 of the<sup>M22</sup> Superannuation Act 1972 (pensions of civil servants etc.) to apply to persons employed by the Greater London Magistrates’ Courts Authority (and may make such provision by amendment of that Act).
- (2) An order under subsection (1) above may provide for the Authority to pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of the increase attributable to such provision in the sums payable under the Superannuation Act 1972 out of money provided by Parliament.
- (3) Where an order under subsection (1) above is made, the Minister for the Civil Service may, to such extent and subject to such conditions as he thinks fit—
  - (a) delegate to any person the function of administering a scheme made under section 1 of the Superannuation Act 1972, so far as relating to employees of the Authority; or
  - (b) authorise the exercise of that function (so far as so relating) by, or by employees of, any person.
- (4) A person to whom the function of administering a scheme made under section 1 of the Superannuation Act 1972 is delegated under subsection (3)(a) above may, to such extent and subject to such conditions as he may determine, authorise the exercise of that function by, or by employees of, any person.
- (5) Where a person is authorised under subsection (3)(b) or (4) above to exercise the function of administering a scheme made under section 1 of the<sup>M23</sup> Superannuation Act 1972, anything done or omitted to be done by or in relation to him (or an employee of his) in, or in connection with, the exercise or purported exercise of the function shall be treated for all purposes as done or omitted to be done by the person who authorised him.
- (6) Subsection (5) above does not apply for the purposes of—
  - (a) any criminal proceedings against the authorised person (or any employee of his); or
  - (b) any contract between him and the person who authorised him, so far as relating to the function.
- (7) A statutory instrument containing an order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F58** S. 50 substituted (1.4.2001) by 1999 c. 22, s. 83, Sch. 12 paras. 9, 13 (with Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(a)(i) (subject to transitional provisions in Sch. 2 para. 2)

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#### Marginal Citations

M22 1972 c.11.

M23 1972 c.11.

### 50 Pensions etc. of justices’ chief executive, justices’ clerks and staff in inner London area. **E+W**

- (1) Schedule 3 to this Act (which re-enacts certain provisions relating to the functions of the Receiver for the Metropolitan Police District with respect to pensions etc. of court staff) shall have effect.
- (2) The Lord Chancellor may by order make provision with respect to pensions, allowances or gratuities payable to or in respect of inner London court staff, or any class of inner London court staff.
- (3) An order under subsection (2) above may—
  - (a) itself make provision with respect to the pensions, allowances or gratuities which, subject to the fulfilment of such requirements and conditions as may be prescribed by the order, are to be or may be paid to or in respect of inner London court staff, or any class of inner London court staff; or
  - (b) provide that the civil service provisions are to have effect, with such modifications as may be prescribed by the order, in relation to the payment by such persons as may be so prescribed, out of such funds as may be so prescribed, of pensions, allowances and gratuities to or in respect of inner London court staff, or any class of inner London court staff.
- (4) Without prejudice to the generality of subsections (2) and (3) above, an order under subsection (2)—
  - (a) may include all or any of the provisions referred to in paragraphs 1 to 11 of Schedule 3 to the <sup>M70</sup>Superannuation Act 1972; and
  - (b) may make different provision as respects different classes of persons and different circumstances.
- (5) Paragraphs 1 to 11 of Schedule 3 to the Superannuation Act 1972 shall have effect, in their application for the purposes of this section, as if references to regulations were references to an order under this section and references to the Secretary of State were references to the Lord Chancellor.
- (6) Subsections (3) and (4) of section 7 of the <sup>M71</sup>Superannuation Act 1972 (which relate to increases under the Pensions (Increase) Act 1971) shall have effect in relation to an order under subsection (2) above as they have effect in relation to regulations under that section.
- (7) The Lord Chancellor may by order repeal or amend any of the relevant enactments, whether or not he makes provision under subsection (2) above.
- (8) An order under subsection (2) or (7) above may make such consequential, transitional, incidental or supplemental provision (including provision amending or repealing any provision of this Act or any other enactment) as the Lord Chancellor thinks necessary or expedient.
- (9) Before making an order under subsection (2) or (7) above the Lord Chancellor shall consult—



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- (a) the inner London magistrates’ courts committee;
  - (b) such local authorities as appear to him to be concerned;
  - (c) the Receiver for the Metropolitan Police District; and
  - (d) such representatives of other persons likely to be affected by the proposed order as appear to him to be appropriate.
- (10) An order under subsection (2) or (7) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) In this section—
- “the civil service provisions” has the meaning given by section 15(1) of the <sup>M72</sup>Superannuation (Miscellaneous Provisions) Act 1967;
  - “inner London court staff” means the justices’ chief executive employed by the inner London magistrates’ courts committee, any justices’ clerk for [<sup>F112</sup>a petty sessions area which is included (wholly or partly) in]the inner London area and staff of the inner London magistrates’ courts committee;
  - “the inner London magistrates’ courts committee” means the magistrates’ courts committee for an area consisting of or including 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; and
  - “the relevant enactments” means—
    - (a) Schedule 3 to this Act; and
    - (b) section 15 of the <sup>M73</sup>Superannuation (Miscellaneous Provisions) Act 1967 (superannuation of metropolitan civil staffs) so far as it relates to the persons mentioned in subsection (1)(a)(ii) of that section.

#### Textual Amendments

**F112** Words in definition of “inner London court staff” inserted (27.9.1999) by 1999 c. 22, ss. 76, 108(3)(c), Sch. 10 paras. 47, 51 (with Sch. 14 paras. 7(2))

#### Marginal Citations

**M70** 1972 c. 11.  
**M71** 1971 c. 56.  
**M72** 1967 c. 28.  
**M73** 1967 c. 28.

## PART V

### PROTECTION AND INDEMNIFICATION OF JUSTICES AND JUSTICES’ CLERKS

#### 51 Immunity for acts within jurisdiction.

No action shall lie against any justice of the peace or justices’ clerk in respect of any act or omission of his—

- (a) in the execution of his duty—
  - (i) as such a justice; or



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- (ii) as such a clerk exercising, by virtue of any statutory provision, any of the functions of a single justice; and
- (b) with respect to any matter within his jurisdiction.

## 52 Immunity for certain acts beyond jurisdiction.

An action shall lie against any justice of the peace or justices' clerk in respect of any act or omission of his—

- (a) in the purported execution of his duty—
  - (i) as such a justice; or
  - (ii) as such a clerk exercising, by virtue of any statutory provision, any of the functions of a single justice; but
- (b) with respect to a matter which is not within his jurisdiction, if, but only if, it is proved that he acted in bad faith.

## 53 Where action prohibited, proceedings may be set aside.

If any action is brought in circumstances in which this Part of this Act provides that no action is to lie, a judge of the court in which the action is brought may, on the application of the defendant and upon an affidavit as to the facts, set aside the proceedings in the action, with or without costs, as the judge thinks fit.

VALID FROM 01/04/2001

### <sup>F59</sup>53A Costs in legal proceedings.

- (1) A court may not order any justice of the peace or justices' clerk to pay costs in any proceedings in respect of any act or omission of his in the execution (or purported execution) of his duty—
  - (a) as such a justice; or
  - (b) as such a clerk exercising, by virtue of any statutory provision, any of the functions of a single justice.
- (2) Subsection (1) above does not apply in relation to—
  - (a) any proceedings in which a justice or justices' clerk is being tried for an offence or is appealing against a conviction; or
  - (b) any proceedings in which it is proved that a justice or justices' clerk acted in bad faith in respect of the matters giving rise to the proceedings.
- (3) Where a court is prevented by subsection (1) above from ordering a justice or justices' clerk to pay costs in any proceedings, the court may instead order the making by the Lord Chancellor of a payment in respect of the costs of a person in the proceedings.
- (4) The Lord Chancellor may by statutory instrument make regulations specifying—
  - (a) circumstances when a court shall or shall not exercise the power conferred on it by subsection (3) above; and
  - (b) how the amount of any payment ordered under that subsection is to be determined.

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- (5) No regulations may be made under subsection (4) above unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.
- (6) In this section references to a justices’ clerk include any person appointed by a magistrates’ courts committee to assist a justices’ clerk.]

#### Textual Amendments

**F59** S. 53A and sidenote inserted (1.4.2001) by 1999 c. 22, s. 98(1) (with Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(b)(i) (subject to saving in Sch. 1 para. 2 and transitional provisions in Sch. 2 para. 2)

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

**C12** S. 53A(3) restricted (1.4.2001) by S.I. 2001/1296, reg. 3

## 54 Indemnification of justices and justices’ clerks.

- (1) For the purposes of subsection (2) below, the following amounts are “relevant amounts” in relation to a justice of the peace or justices’ clerk—
- (a) any costs which he reasonably incurs—
    - (i) in or in connection with proceedings against him in respect of anything done or omitted in the exercise (or purported exercise) of his duty as a justice of the peace or justices’ clerk; or
    - (ii) in taking steps to dispute any claim which might be made in such proceedings;
  - (b) any damages awarded against him or costs ordered to be paid by him in any such proceedings; and
  - (c) any sums payable by him in connection with a reasonable settlement of any such proceedings or claim,
- and relevant amounts relate to criminal matters if the duty mentioned in paragraph (a) (i) above relates to criminal matters.
- (2) Subject to the provisions of this section, a justice of the peace or justices’ clerk—
- (a) shall be indemnified out of local funds in respect of relevant amounts which relate to criminal matters unless it is proved, in respect of the matters giving rise to the proceedings or claim, that he acted in bad faith; and
  - (b) in respect of other relevant amounts—
    - (i) may be indemnified out of local funds; and
    - (ii) shall be so indemnified if, in respect of the matters giving rise to the proceedings or claim, he acted reasonably and in good faith.
- (3) Any question whether, or to what extent, a person is to be indemnified under this section shall be determined by the magistrates’ courts committee for the area for which he acted at the material time.
- (4) A determination under subsection (3) above with respect to any such costs or sums as are mentioned in subsection (1)(a) or (c) above may, if the person claiming to be indemnified so requests, be made in advance before those costs are incurred or the settlement made, as the case may be.

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- (5) Any such determination in advance for indemnity in respect of costs to be incurred shall be subject to such limitations, if any, as the committee think proper and to the subsequent determination of the amount of the costs reasonably incurred and shall not affect any other determination which may fall to be made in connection with the proceedings or claim in question.
- (6) An appeal shall lie to a person appointed for the purpose by the Lord Chancellor—
- (a) on the part of the person claiming to be indemnified, from any decision of the magistrates' courts committee under subsection (3) or (4) above, other than a decision to postpone until after the conclusion of the proceedings any determination with respect to his own costs or to impose limitations on making a determination in advance for indemnity in respect of such costs;
  - (b) on the part of any paying authority, from any determination of the magistrates' courts committee under subsection (3) above other than a determination in advance for indemnity in respect of costs to be incurred by the person claiming to be indemnified.
- (7) Where there are two or more paying authorities in relation to any justice or justices' clerk, any question as to the extent to which the funds required to indemnify him are to be provided by each authority shall be determined by agreement between those authorities and the magistrates' courts committee concerned or, in default of such agreement, shall be determined by the Lord Chancellor.
- (8) The Lord Chancellor may by statutory instrument make rules prescribing the procedure to be followed in any appeal under subsection (6) above; and any statutory instrument made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) In this section—
- “justices' clerk” includes any person appointed by a magistrates' courts committee to assist a justices' clerk;
  - “local funds”, in relation to a justice or justices' clerk, means funds out of which the expenses of the magistrates' courts committee for the area for which he acted at the material time are payable; and
  - “paying authority”, in relation to a justice or justices' clerk, means any authority which is a paying authority for the purposes of section 55 below in relation to the magistrates' courts committee for the area for which he acted at the material time.

## PART VI

### ADMINISTRATIVE AND FINANCIAL ARRANGEMENTS

#### 55 Duties of local authorities.

- (1) Subject to the provisions of this Act, the paying authority or authorities in relation to any magistrates' courts committee shall provide the petty sessional court-houses and other accommodation, and the goods and services, proper for the performance of the functions of—
- (a) the magistrates for the magistrates' courts committee area;
  - (b) the magistrates' courts committee;

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- (c) any other committee of the magistrates for that area; or
  - (d) the justices' clerks for any part of the magistrates' courts committee area.
- (2) Subsection (1) above shall not require the paying authority or authorities to provide any current item or class of current items if the magistrates' courts committee have notified the authority or authorities <sup>F60</sup>—
- (a) to provide any goods or services which regulations made by virtue of section 59E(2) below require the magistrates' courts committee to obtain otherwise than from that authority or any of those authorities; or
  - (b) that they intend to obtain that item or class of items otherwise than from that authority or any of those authorities.
- (3) For the purposes of subsection (2) above "current item" means any goods or services which are of such a kind that expenditure incurred by a paying authority on providing them would not be capital expenditure.
- (4) Where there is one paying authority in relation to a magistrates' courts committee, that authority shall pay the expenses of the committee.
- (5) Where there are two or more paying authorities in relation to a magistrates' courts committee, each of those authorities shall pay a proper proportion of those expenses.
- (6) For the purposes of subsections (4) and (5) above the expenses of a magistrates' courts committee shall be taken to include—
- (a) expenses incurred by them in obtaining goods and services which are proper for the purposes mentioned in subsection (1) above but which by virtue of subsection (2) above the paying authority or authorities are not required to provide;
  - (b) the sums payable under Part IV of this Act on account of a person's salary or expenses as justices' chief executive or as justices' clerk for any part of the magistrates' courts committee area, the remuneration of any staff employed by the committee and the remuneration of any court security officers employed (whether by the committee or a paying authority) under section 76(2)(a) of the <sup>M24</sup>Criminal Justice Act 1991 in relation to petty sessions areas within the magistrates' courts committee area together with—
    - (i) secondary Class I contributions payable in respect of any such person, staff or officers under Part I of the <sup>M25</sup>Social Security Contributions and Benefits Act 1992; and
    - (ii) contributions equivalent premiums so payable under Chapter III of Part III of the <sup>M26</sup>Pension Schemes Act 1993;
  - (c) the sums payable under any contract entered into (whether by any such magistrates' courts committee or a paying authority) under section 76(2)(b) of the Criminal Justice Act 1991; and
  - (d) so far as they are not otherwise provided for, all other costs incurred, with the general or special authority of the magistrates' courts committee, by the justices for the magistrates' courts committee area.
- (7) Nothing in subsection (1), (4) or (5) above requires any paying authority 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 57 below to exceed the amount which, in relation to that authority and that year, is for the time being determined by the Lord Chancellor under subsection (3)(b) of that section; or

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- (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 that authority and that year, is for the time being determined by the Lord Chancellor 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.
- (8) Subject to section 14(1) above, any accommodation provided under this section for any justice, justices' clerk or justices' chief executive may be outside the area for which the justices act and, in the case of a petty sessional court-house, shall be treated as being in that area for the purposes of the jurisdiction of the justices when acting in the court-house.
- (9) Two or more paying authorities may arrange for accommodation, goods or services provided for the purposes of this section by one of them to be used also as if provided for those purposes by the other or each of the others.
- (10) In this section—
- “paying authority” in relation to a magistrates' courts committee, means any responsible authority whose area comprises all or part of the area to which the committee relates; and
- “responsible authority” means any council of—
- (a) a county;
  - (b) a county borough;
  - (c) a unitary district; or
  - (d) a London borough,
- or the Common Council of the City of London.

#### Textual Amendments

**F60** Paras. (a)(b) in s. 55 inserted (27.9.1999) by 1999 c. 22, ss. 84(3), 108(3)(c) (with Sch. 14 para. 7(2))

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

**C13** S. 55(9): modified (*temp.*) (18.11.1998) by S.I. 1998/2664, art. 5, Sch. para. 6(5)

#### Marginal Citations

**M24** 1991 c. 53.

**M25** 1992 c. 4.

**M26** 1993 c. 48.

## 56 Provisions supplementary to s. 55.

- (1) Subject to the provisions of this section—
- (a) the petty sessional court-houses and other accommodation, goods and services to be provided by the paying authority, or each of the paying authorities, under section 55 above;
  - (b) the salary to be paid to a justices' clerk or justices' chief executive and to staff of a magistrates' courts committee; and
  - (c) the nature and amount of the expenses which a magistrates' courts committee may incur in the discharge of any functions or may authorise to be incurred,

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shall be such as may from time to time be determined by the magistrates' courts committee after consultation with the paying authority or authorities.

[<sup>F61</sup>(1A) Subsection (1) above does not apply to the extent that regulations made by virtue of section 59E below have the effect of precluding a determination as to any of the matters mentioned in that subsection.]

- (2) Where the expenses of a magistrates' courts committee (including any sums which, by virtue of section 55(6) above, are to be taken to be such expenses) fall to be borne by more than one paying authority, any question as to the manner in which they are to be borne by the authorities concerned shall be determined by agreement between those authorities and the magistrates' courts committee concerned or, in default of such agreement, shall be determined by the Lord Chancellor.
- (3) Any paying authority which is aggrieved by a determination of a magistrates' courts committee under subsection (1) above may, within one month from the receipt by the authority of written notice of the determination, appeal to the Lord Chancellor, whose decision shall be binding upon the magistrates' courts committee and any authority concerned.
- (4) The approval of the Lord Chancellor shall be required for any determination under subsection (1) above reducing the salary of a justices' clerk or justices' chief executive, unless the justices' clerk or justices' chief executive concerned consents to the reduction.
- (5) In this section "paying authority" has the same meaning as in section 55 above.

#### **Textual Amendments**

**F61** S. 56(1A) inserted (27.9.1999) by 1999 c. 22, ss. 84(4), 108(3)(c) (with Sch. 14 para. 7(2))

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

**C14** S. 56(2): modified (*temp.*) (18.11.1998) by S.I. 1998/2664, art. 5, Sch. para. 6(5)

## **57 Grants by Lord Chancellor to responsible authorities.**

- (1) The Lord Chancellor may pay to the responsible authorities grants towards the net cost to them in any year—
  - (a) of their functions under this Part of this Act;
  - (b) of their functions under any regulations made, or having effect as if made, under section 7 or 24 of the <sup>M27</sup>Superannuation Act 1972 with respect to court staff;
  - (c) of their functions under any regulations having effect by virtue of paragraph 20(1)(a) or (2) of Schedule 4 to this Act; and
  - (d) of making payments under section 10 or 54 above;
 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 Lord Chancellor may also pay to the responsible authorities grants towards their capital expenditure in any year in pursuance of their functions under this Part of this Act.

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- (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—
- (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 Lord Chancellor.
- (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—
- (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 Lord Chancellor.
- [<sup>F62</sup>(4A) The Lord Chancellor, with the concurrence of the Treasury, may by statutory instrument make regulations providing that any expenditure of responsible authorities in pursuance of their functions under this Part of this Act which is of a description specified in the regulations shall be taken not to be capital expenditure for the purposes of section 55(3) or (7) above or this section.
- (4B) A statutory instrument containing (whether alone or with other provisions) regulations made by virtue of subsection (4A) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- (5) The Lord Chancellor, 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
  - (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 Lord Chancellor.
- (6) The Lord Chancellor 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 Lord Chancellor may with the approval of the Treasury determine.
- (8) In this section—
- “court staff” means justices’ chief executives, justices’ clerks and staff of magistrates’ courts committees;
- “responsible authority” has the same meaning as in section 55 above.



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**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

#### Textual Amendments

**F62** S. 57(4A)(4B) inserted (27.11.1998) by 1998 c. 65, s.10

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

**C15** S. 57 modified (28.2.2001) by S.I. 2001/916, art. 4, **Sch. 1 para. 3** (subject to transitional provisions in Sch. 2 para. 2)

#### Marginal Citations

**M27** 1972 c. 11.

### 58 Local authority land appropriated to magistrates' courts purposes.

(1) Where on or after 1st April 1995 a responsible authority appropriate any land owned by them to magistrates' courts purposes, the authority shall be taken for the purposes of section 57(2) above to incur, in the year in which the appropriation is made, capital expenditure in pursuance of their functions under this Part of this Act of an amount equal to the open market value of the land at the time of the appropriation.

(2) In subsection (1) above—

“magistrates' courts purposes” means the purposes of being provided under section 55(1) above as a petty sessional court-house or other accommodation; and

“responsible authority” has the same meaning as in section 55 above.

### 59 Regulations as to accounts and audit.

(1) The Lord Chancellor may by regulations made by statutory instrument require magistrates' courts committees—

- (a) to keep prescribed accounts and prescribed records in relation to those accounts; and
- (b) to cause any such accounts to be audited in accordance with the regulations.

(2) In subsection (1) above “prescribed” means prescribed by the regulations; and a statutory instrument containing (whether alone or with other provisions) regulations made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

VALID FROM 31/08/2000

*[<sup>F63</sup> Greater London Magistrates' Courts Authority]*

#### Textual Amendments

**F63** Heading inserted (31.8.2000 for specified purposes and otherwise 1.4.2001) by 1999 c. 22, s. **83(2)** (with Sch. 14 para. 7(2)); S.I. 2000/1920, art. **3(b)**; S.I. 2001/916, art. **2(a)(i)** (subject to transitional provisions in Sch. 2 para. 2)

**Status:** Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.

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VALID FROM 01/04/2001

**[<sup>F64</sup>59A Functions.**

- (1) The Greater London Magistrates' Courts Authority shall provide such petty sessional court-houses and other accommodation, and such goods and services, as they may determine proper for the performance of the Authority's functions and those of—
  - (a) the magistrates for Greater London;
  - (b) any committee of the magistrates for Greater London; and
  - (c) the justices' clerks for any part of Greater London.
- (2) The Authority may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the function in subsection (1) above; but the Authority may not borrow money except insofar as authorised by any other enactment to do so.]

**Textual Amendments**

**F64** S. 59A and sidenote inserted (1.4.2001) by 1999 c. 22, s. 83(2) (with Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(a)(i) (subject to transitional provisions in Sch. 2 para. 2)

**<sup>F65</sup>59B Funding.**

- (1) The Lord Chancellor may pay grants to the Greater London Magistrates' Courts Authority in respect of the Authority's expenditure.
- (2) Grants under this section shall be paid at such times, in such manner and subject to such conditions as the Lord Chancellor may with the concurrence of the Treasury determine.
- (3) Each London local authority shall pay to the Authority such amount in respect of—
  - (a) any kind of the Authority's expenditure in any year; or
  - (b) if less, such amount as may, in relation to that kind of expenditure and that year, be for the time being determined by the Lord Chancellor,as may be determined in accordance with regulations made by the Lord Chancellor by statutory instrument.
- (4) The Lord Chancellor may by regulations made by statutory instrument make provision as to the making of payments under subsection (3) above, including provision—
  - (a) as to whether payments are to be made by instalments or otherwise;
  - (b) as to the time when payments are to be made;
  - (c) conferring a right to interest on anything unpaid; and
  - (d) permitting a London local authority to anticipate a payment under this section when making calculations in accordance with section 32 of the <sup>M28</sup>Local Government Finance Act 1992 (originally or by way of substitute).

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- (5) The Lord Chancellor may with the consent of the Treasury make provision by regulations made by statutory instrument as to how any kind of the Authority's expenditure is to be determined.
- (6) Subject to any such regulations, the Lord Chancellor may direct that in determining any kind of the Authority's expenditure 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) A statutory instrument containing regulations made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section "London local authority" means the council of any London borough or the Common Council of the City of London.

#### Textual Amendments

**F65** S. 59B inserted (31.8.2000) by 1999 c. 22, s. 83(2) (with Sch. 14 para. 7(2)); S.I. 2000/1920, art. 3(b)

#### Marginal Citations

**M28** 1992 c. 14.

#### <sup>F66</sup>59C Consultation.

- (1) The Greater London Magistrates' Courts Authority shall consult each London local authority before making any determination under section 59A(1) above or any determination as to—
  - (a) the salary to be paid to a justices' clerk or justices' chief executive and to staff of the Authority; or
  - (b) the nature and amount of the expenses which the Authority may incur in the discharge of their functions or may authorise to be incurred.
- (2) Any London local authority which is aggrieved by such a determination may, within one month from the receipt by the London local authority of written notice of the determination, appeal to the Lord Chancellor, whose decision shall be binding upon the Authority and the London local authority concerned.
- (3) In this section, "London local authority" has the same meaning as in section 59B above.

#### Textual Amendments

**F66** S. 59C inserted (31.8.2000) by 1999 c. 22, s. 83(2) (with Sch. 14 para. 7(2)); S.I. 2000/1920, art. 3(b)

#### <sup>F67</sup>59D Accounting.

- (1) The Greater London Magistrates' Courts Authority shall keep a fund to be known as the GLMCA fund.

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- (2) All the Authority's receipts shall be paid into the GLMCA fund and all the Authority's expenditure shall be paid out of it.
- (3) The Authority shall—
  - (a) keep accounts of payments made into or out of the GLMCA fund; and
  - (b) make arrangements for the proper administration of their financial affairs.
- (4) The Lord Chancellor may by regulations made by statutory instrument make provision applying—
  - (a) Part VIII of the <sup>M29</sup>Local Government Finance Act 1988 (financial administration); and
  - (b) Part II of the <sup>M30</sup>Audit Commission Act 1998 (accounts and audit of public bodies),to the Authority, with or without modifications and exceptions.
- (5) A statutory instrument containing regulations made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F67** S. 59D inserted (31.8.2000 as regards s. 59D(4)(5) otherwise 1.4.2001) by 1999 c. 22, s. 83(2) (with Sch. 14 para. 7(2)); S.I. 2000/1920, art. 3(b); S.I. 2001/916, art. 2(a)(i) (subject to transitional provisions in Sch. 2 para. 2)

#### Marginal Citations

**M29** 1988 c.41.

**M30** 1998 c.18.

*[<sup>F68</sup> Provisions applying to all magistrates' courts committees.]*

#### Textual Amendments

**F68** Heading inserted (27.9.1999) by 1999 c. 22, ss. 83(2), 108(3)(c) (with Sch. 14 para. 7(2))

### [<sup>F69</sup> 59E Standard goods and services.

- (1) The Lord Chancellor may by statutory instrument make regulations requiring every magistrates' courts committee, or every specified magistrates' courts committee, to obtain for the performance of any function referred to in section 55(1) or 59A(1) above—
  - (a) specified goods or services; or
  - (b) goods or services of a specified description,if he considers that it would be in the interests of the efficient and effective administration of magistrates' courts generally for them to do so.
- (2) Regulations made by virtue of subsection (1) above may include provision requiring magistrates' courts committees to obtain the specified goods or services, or goods or services of the specified description—
  - (a) from a specified person or person of a specified description;

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- (b) at or by a specified time; or
  - (c) both from such a person and at or by such a time.
- (3) A statutory instrument containing (whether alone or with other provisions) regulations made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### **Textual Amendments**

**F69** S. 59E inserted (27.9.1999) by 1999 c. 22, ss. 84(2), 108(3)(c) (with Sch. 14 para. 7(2))

### **60 Application of fines and fees.**

- (1) Subject to paragraphs (a) and (b) of section 139 of the <sup>M31</sup>Magistrates Courts Act 1980 (which relates to the disposal of sums adjudged to be paid by a summary conviction) and to the following provisions of this section, there shall be paid to the Lord Chancellor—
- (a) all fines imposed by a magistrates' court and all sums which become payable by virtue of an order of such a court and are by any enactment made applicable as fines so imposed or any class or description of such fines; and
  - (b) all other sums received by a justices' clerk by reason of his office except—
    - (i) sums to which a person other than the Lord Chancellor is by law entitled and which are paid to that person; and
    - (ii) sums paid into court in pursuance of orders under section 35 of the <sup>M32</sup>Powers of Criminal Courts Act 1973 (compensation orders).
- (2) The sums payable to the Lord Chancellor by virtue of subsection (1)(a) above do not include—
- (a) any sums which by or in pursuance of any provision in the enactments relating to those sums are directed to be paid to the Commissioners of Customs and Excise or to any officer of theirs or person appointed by them;
  - (b) any sums which by or in pursuance of any such provision are directed to be paid—
    - (i) to or for the benefit of the party aggrieved, party injured or a person described in similar terms; or
    - (ii) to or for the benefit of the family or relatives of a person described in any such terms or of a person dying in consequence of an act or event which constituted or was the occasion of an offence;
  - (c) any sums which by or in pursuance of any such provision are directed to be applied in making good any default or repairing any damage or paying or reimbursing any expenses (other than those of the prosecution); or
  - (d) any sums which are directed to be paid to any person by or in pursuance of any such provision referring in terms to awarding or reimbursing a loss, or to damages, compensation or satisfaction for loss, damage, injury or wrong.
- (3) Paragraph (b) of subsection (1) above does not apply to sums received by a justices' clerk on account of his salary or expenses as such; and any sum paid to the Lord Chancellor by virtue of that paragraph shall be paid to him subject to its being repaid to any person establishing his title to it.

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- (4) The Lord Chancellor, with the concurrence of the Treasury, may by statutory instrument make regulations as to the times at which, and the manner in which, justices' clerks shall account for and pay the sums payable to him under this section, and as to the keeping, inspection and audit of accounts of justices' clerks, whether for the purposes of this section or otherwise.
- (5) For the purposes of this section anything done by the Crown Court on appeal from a magistrates' court shall be treated as done by the magistrates' court.
- (6) In this section "fine" includes—
- (a) any pecuniary penalty, pecuniary forfeiture or pecuniary compensation payable under a conviction; and
  - (b) any non-pecuniary forfeiture on conviction by, or under any order of, a magistrates' court so far as the forfeiture is converted into or consists of money.

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

**C16** S. 60 modified (25.8.2000) by 2000 c. 6, ss. 140(6), 168(1)

**Marginal Citations**

**M31** 1980 c. 43.

**M32** 1973 c. 62.

VALID FROM 01/04/2001

**[<sup>F70</sup>60A Regulations about payment, accounting and banking.**

The Lord Chancellor, with the concurrence of the Treasury, may by statutory instrument make regulations—

- (a) as to the times at which, and the manner in which, a justices' chief executive shall pay sums payable by him to the Lord Chancellor or any other person;
- (b) requiring the keeping and production of accounts by justices' chief executives in respect of sums received by them (apart from any received on account of their salaries or expenses as such) and for the inspection and audit of the accounts required to be kept; and
- (c) requiring justices' chief executives to use specified banking arrangements or facilities, or banking arrangements or facilities of a specified description, in relation to sums received by them (apart from any received on account of their salaries or expenses as such).]

**Textual Amendments**

**F70** S. 60A and sidenote inserted (1.4.2001) by 1999 c. 22, s. 91(3) (with Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(a)(iii) (subject to transitional provisions in Sch. 2 para. 2)

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## 61 Defaults of justices’ clerks etc.

The Lord Chancellor may, if he thinks fit, pay to any person any money due to that person which he has not received because of the default of a justices’ clerk [<sup>F71</sup>, of a justices’ chief executive] or of any staff of a magistrates’ courts committee.

### Textual Amendments

**F71** Words in s. 61 inserted (27.9.1999) by 1999 c. 22, s. 88(4) (with Sch. 14 para. 7(2))

## PART VII

### INSPECTION OF MAGISTRATES’ COURTS SERVICE

## 62 Inspectors of the magistrates’ courts service.

- (1) The Lord Chancellor may appoint such number of inspectors of the magistrates’ courts service (to be known collectively as “Her Majesty’s Magistrates’ Courts Service Inspectorate”) as he may consider appropriate.
- (2) The Lord Chancellor shall appoint one of the persons so appointed to be Her Majesty’s Chief Inspector of the Magistrates’ Courts Service.
- (3) It shall be the duty of inspectors of the magistrates’ courts service—
  - (a) to inspect and report to the Lord Chancellor on the organisation and administration of magistrates’ courts for each magistrates’ courts committee area; and
  - (b) to discharge such other functions in connection with the organisation and administration of magistrates’ courts as the Lord Chancellor may from time to time direct.
- (4) Her Majesty’s Chief Inspector of the Magistrates’ Courts Service shall make an annual report to the Lord Chancellor as to the discharge of the functions of the Inspectorate; and the Lord Chancellor shall, within one month of receiving the report, lay a copy of it before each House of Parliament.

[<sup>F72</sup>(4A) If pursuant to this section a recommendation is made for the taking of any action by a magistrates’ courts committee, the Lord Chancellor may give a direction requiring the committee to take the recommended action within a period specified in the direction.]

- (5) The Lord Chancellor shall make to or in respect of inspectors of the magistrates’ courts service such payments by way of remuneration, allowances or otherwise as he may with the approval of the Treasury determine.

### Textual Amendments

**F72** S. 62(4A) inserted (1.1.2000) by 1999 c. 22, s. 85 (with Sch. 14 para. 7(2)); S.I. 1999/3344, art. 2(c) (with art. 4, Sch. 2)



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### **63 Powers of inspectors.**

- (1) Subject to subsection (2) below, an inspector of the magistrates' courts service exercising his functions under section 62 above shall have at all reasonable times—
  - (a) a right of entry to any court-house or other premises occupied by a magistrates' courts committee; and
  - (b) a right to inspect, and take copies of, any records kept by a magistrates' courts committee, and any other documents containing information relating to the administration of the magistrates' courts for their area, which he considers relevant to the discharge of his functions.
- (2) Subsection (1) above does not entitle an inspector—
  - (a) to be present when a magistrates' court is hearing proceedings in private; or
  - (b) to attend any private deliberations of the justices of the peace.
- (3) The records referred to in paragraph (b) of subsection (1) above include records kept by means of a computer; and an inspector exercising the power to inspect records conferred by that subsection—
  - (a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and associated apparatus or material which is or has been in use in connection with the records in question; and
  - (b) may require—
    - (i) the person by whom or on whose behalf the computer is or has been so used; or
    - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material, to afford him such reasonable assistance as he may require.

## **PART VIII**

### **MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS**

### **64 Training courses.**

- (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 training courses for justices of the peace of their area.
- (2) If training courses are not provided for justices of the peace of any area as required by subsection (1) above, the Lord Chancellor may recover from the magistrates' courts committee in default any expenses which he incurs in providing training courses to make good the default.
- (3) The Lord Chancellor may provide training courses for justices' clerks and for staff of magistrates' courts committees.

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VALID FROM 01/04/2004

#### **64A Disqualifying offices**

The person who is the chairman of the Independent Police Complaints Commission or any person who is otherwise a member of that Commission or a member of its staff is disqualified for being appointed or acting as a justice of the peace.

#### **65 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.

#### **66 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 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.
- (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.
- (4) Subsection (2) above applies for the purposes of subsection (3) above with the substitution, for references to a local authority, of references to the Corporation or the Common Council.
- (5) Nothing in this section prevents a justice from acting in any proceedings by reason only of their being brought by a police officer.
- (6) No act shall be invalidated by reason only of the disqualification under this section of the person acting.
- (7) In this section "local authority" means—
  - (a) a local authority within the meaning of the <sup>M33</sup>Local Government Act 1972 or the <sup>M34</sup>Local Government (Scotland) Act 1973;
  - (b) a police authority established under section 3 of the <sup>M35</sup>Police Act 1996;

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- [<sup>F73</sup>(ba) the Service Authority for the National Criminal Intelligence Service;
- (bb) the Service Authority for the National Crime Squad;]
- (c) a joint authority established by Part IV of the <sup>M36</sup>Local Government Act 1985;
- (d) a housing action trust established under Part III of the <sup>M37</sup>Housing Act 1988;
- (e) the Broads Authority; and
- (f) a National Park authority.

**Textual Amendments**

**F73** S. 66(7)(ba)(bb) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para.92**; 1998/354, art. 2(2)(ay)

**Marginal Citations**

- M33** 1972 c. 70.
- M34** 1973 c. 65.
- M35** 1996 c. 16.
- M36** 1985 c. 51.
- M37** 1988 c. 50.

**67 Justices not disqualified by reason of liability to local taxation.**

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—

- (a) rates leviable by a rating authority;
- (b) community charges of a charging authority;
- (c) council tax set by a billing authority; or
- (d) the non-domestic rate of a special authority within the meaning of section 144(6) of the <sup>M38</sup>Local Government Finance Act 1988,

even though he is rated to or chargeable with any rates falling within paragraph (a) above or is liable, or would but for any enactment or anything provided or done under any enactment be liable, to pay an amount in respect of any charge, tax or rate falling within paragraphs (b) to (d) above in the area affected by the act in question.

**Marginal Citations**

- M38** 1988 c. 41.

**68 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.

<sup>F74</sup>(2) .....

**Textual Amendments**

**F74** S. 68(2) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

*Status: Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)*

VALID FROM 01/04/2001

**[<sup>F75</sup>68A Provision of accommodation for justices and staff.**

Any accommodation provided under any enactment for any justice, justices' clerk or justices' chief executive may be outside the area for which the justices act and, in the case of a petty sessional court-house, shall be treated as being in that area for the purposes of the jurisdiction of the justices when acting in the court-house.]

**Textual Amendments**

**F75** S. 68A and sidenote inserted (1.4.2001) by 1999 c. 22, s. 83(3), Sch. 12 paras. 9, 19 (with Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(a)(i) (subject to transitional provisions in Sch. 2 para. 2)

**69 Promissory oaths of certain justices.**

- (1) Subject to the provisions of this section, any person who, under this Act, 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 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 despite 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 that or any other 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 19 above, be taken before any of the metropolitan stipendiary magistrates.
- (5) In this section “the Promissory Oaths Acts” means the <sup>M39</sup>Promissory Oaths Act 1868 and the <sup>M40</sup>Promissory Oaths Act 1871.

**Marginal Citations**

**M39** 1868 c. 72.

**M40** 1871 c. 48.

**70 Application of enactments to the City of London.**

- (1) <sup>F76</sup> . . . In any enactment relating to justices of the peace, magistrates' courts, justices' clerks or matters connected therewith (including, except to the extent that it otherwise expressly provides, any such enactment passed after the passing of this Act)—
  - (a) any reference to a county <sup>F76</sup> . . . shall be taken to include the City of London <sup>F76</sup> . . . ; and

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**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

(b) any reference to a county council shall be taken to include the Corporation of the City acting through the Common Council, and references to a county fund shall be taken to include the City fund;

but in any such enactment which refers in the same context both to a non-metropolitan county and to a metropolitan district, the reference to a non-metropolitan county shall be taken to include the City.

(2) Where any such enactment (including any enactment contained in this Act) expressly refers in the same context both—

(a) to a county or non-metropolitan county<sup>F77</sup> . . . ; and

(b) to the City<sup>F77</sup> . . . ,

the operation of that enactment shall not be affected by, and shall be without prejudice to the generality of, subsection (1) above.

**Textual Amendments**

**F76** Words in s. 70(1) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

**F77** Words in s. 70(2) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

<sup>F78</sup>**71** .....

**Textual Amendments**

**F78** S. 71 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

**72 Interpretation.**

(1) In this Act, except to the extent that the context otherwise requires—

“capital expenditure” means expenditure for capital purposes (construed in accordance with section 40 of the<sup>M41</sup>Local Government and Housing Act 1989);

<sup>F79</sup> . . .

[<sup>F80</sup>“inner London area” means the area consisting of the inner London boroughs;]

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

<sup>F79</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

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- (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;

**F81**  
 . . .

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

“petty sessional court-house” means—

- (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 [<sup>F82</sup>petty sessions area], any such court-house or place); or

- (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:

**F79**  
 . . .

**F79**  
 . . .

**F79**  
 . . .

“stipendiary magistrate” includes a metropolitan stipendiary magistrate;

“the supplemental list” has the meaning given by section 7 above; and

“unitary district” means a district comprised in an area for which there is no county council.

**F83**(2) . . . . .

#### Textual Amendments

- F79** Definitions in s. 72(1) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**
- F80** Definition in s. 72(1) inserted (27.9.1999) by 1999 c. 22, ss. 76, 108(3)(c), Sch. 10 paras. 47, **52(1)(2)** (with Sch. 14 para. 7(2))
- F81** Definition in s. 72(1) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(5)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**
- F82** Words in s. 72(1) substituted (27.9.1999) by 1999 c. 22, ss. 76, 108(3)(c), Sch. 10 paras. 47, **52(1)(3)** (with Sch. 14 para. 7(2))
- F83** S. 72(2) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

#### Marginal Citations

- M41** 1989 c. 42.

### 73 Transitional provisions, consequential amendments and repeals.

- (1) The transitional provisions and savings in Schedule 4 to this Act shall have effect.
- (2) The enactments and instruments mentioned in Schedule 5 to this Act shall be amended in accordance with that Schedule.

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**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

- (3) The enactments mentioned in Schedule 6 to this Act shall be repealed, and the instruments mentioned in that Schedule shall be revoked, to the extent specified in the third column of that Schedule.

#### Extent Information

- E1** Any amendment, repeal or revocation contained in Schs. 5, 6 (except as mentioned in s. 75(3)(4)) has the same extent as the provision it amends, repeals or revokes, see s. 75(2)

## 74 Commencement.

- (1) Subject to—
- (a) subsection (2) below; and
  - (b) paragraphs 7(2)(f) and 8 of Schedule 4 to this Act,
- this Act shall come into force at the end of the period of three months beginning with the day on which it is passed (and any reference in this Act to the commencement of this Act is a reference to its coming into force at the end of that period).
- (2) If section 82 of and Schedule 7 to the <sup>M42</sup>Police and Magistrates' Courts Act 1994 have not come into force before the commencement of this Act, then section 50 of and Schedule 3 to this Act shall come into force on the relevant commencement date.
- (3) In subsection (2) above “relevant commencement date” means—
- (a) if before the commencement of this Act a date on or after the date of that commencement has been appointed by an order under section 94 of the Police and Magistrates' Courts Act 1994 (commencement and transitional provisions) as the date on which section 82 of and Schedule 7 to that Act are to come into force, the date so appointed; and
  - (b) otherwise, such date as the Lord Chancellor may by order appoint.
- (4) Subsections (4), (5), (7) and (8) of section 94 of the Police and Magistrates' Courts Act 1994 shall apply to an order under subsection (3)(b) above as they would apply to an order under subsection (2) of that section.

#### Marginal Citations

- M42** 1994 c. 29.

## 75 Short title and extent.

- (1) This Act may be cited as the Justices of the Peace Act 1997.
- (2) Subject to subsections (3) and (4) below, any amendment, repeal or revocation contained in Schedule 5 or 6 to this Act has the same extent as the provision it amends, repeals or revokes.
- (3) In Schedule 5 to this Act—
- (a) paragraphs 2 and 5 extend to England and Wales only; and
  - (b) paragraph 9 extends to the United Kingdom.



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(4) In Schedule 6 to this Act, the repeal of section 70 of the <sup>M43</sup>Criminal Procedure and Investigations Act 1996 extends to England and Wales only.

(5) Subject to subsections (2) to (4) above, this Act extends to England and Wales only.

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**Marginal Citations**

**M43** [1996 c. 25](#).

**Status:** Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

## SCHEDULES

### F84 SCHEDULE 1

#### Textual Amendments

**F84** Sch. 1 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

### F85 SCHEDULE 2

#### Textual Amendments

**F85** Sch. 2 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. v(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

### SCHEDULE 3

Section 50.

#### CONTINUING FUNCTIONS OF RECEIVER FOR THE METROPOLITAN POLICE DISTRICT IN RELATION TO PENSIONS ETC. OF COURT STAFF

1 In this Schedule—

“the committee of magistrates” means the committee which until 1st April 1995 existed for the inner London area under section 35 of the Justices of the <sup>M44</sup>Peace Act 1979;

“court staff” has the same meaning as in section 57 of this Act;

“the inner London magistrates’ courts committee” has the same meaning as in section 50 of this Act;

“the Receiver” means the Receiver for the Metropolitan Police District; and

“responsible authority” has the same meaning as in section 55 of this Act.

#### Marginal Citations

**M44** 1979 c. 55.

**Status:** Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

- 2 The Receiver shall pay out of the metropolitan police fund any superannuation benefits payable in respect of justices' clerks and other officers employed by the committee of magistrates or the inner London magistrates' courts committee under any enactment or instrument applied to those clerks or other officers by regulations having effect in accordance with section 15(9) of the <sup>M45</sup>Superannuation (Miscellaneous Provisions) Act 1967, other than benefits payable by the London Residuary Body, and any superannuation contributions and other payments for which the inner London magistrates' courts committee may be liable as their employer under any such enactment or instrument.

**Marginal Citations**

**M45** 1967 c. 28.

- 3 Nothing in paragraph 2 above shall require the Receiver to incur any expenditure or make any payment which would cause the net cost to him in any year of the matters mentioned in paragraph 4 below to exceed the amount which, in relation to that year, is for the time being determined by the Lord Chancellor under paragraph 5(b) below.
- 4 The Lord Chancellor may out of money provided by Parliament pay to the Receiver grants towards the net cost to the Receiver in any year—
- (a) of the Receiver's functions under paragraph 2 above; and
  - (b) of the Receiver's functions corresponding to those of responsible authorities under regulations made, or having effect as if made, under section 7 of the <sup>M46</sup>Superannuation Act 1972 with respect to court staff.

**Marginal Citations**

**M46** 1972 c. 11.

- 5 The amount of any grant under paragraph 4 above towards the net cost to the Receiver in any year of the matters mentioned in that paragraph 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 that year, is for the time being determined for the purposes of this paragraph by the Lord Chancellor.
- 6 In subsections (5), (6) and (7) of section 57 of this Act (grants by Lord Chancellor to responsible authorities)—
- (a) references to that section include references to this Schedule; and
  - (b) references to the matters mentioned in subsection (1) of that section include references to the matters mentioned in paragraph 4 above.

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## SCHEDULE 4

Section 73(1).

### TRANSITIONAL PROVISIONS AND SAVINGS

#### PART I

##### GENERAL PROVISIONS

##### *Continuity of the law*

- 1 (1) The repeal (or revocation) and re-enactment of provisions by this Act does not affect the continuity of the law.
- (2) Any subordinate legislation made or other thing done, or having effect as if made or done, under or for the purposes of any provision repealed (or revoked) and re-enacted by this Act shall, if in force or effective immediately before the commencement of the corresponding provision of this Act, have effect thereafter as if made or done under or for the purposes of that corresponding provision.
- (3) Any reference (express or implied) in this Act or any other enactment or in any instrument or document—
- (a) to any provision of this Act; or
  - (b) to things done or falling to be done under or for the purposes of any provision of this Act,
- shall (so far as the context permits) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision repealed (or revoked) by this Act had effect, a reference—
- (i) to that corresponding provision; or
  - (ii) to things done or falling to be done under or for the purposes of that corresponding provision,
- as the case may be.
- (4) Any reference (express or implied) in any enactment or in any instrument or document—
- (a) to any provision repealed (or revoked) and re-enacted by this Act; or
  - (b) to things done or falling to be done under or for the purposes of any such provision,
- shall (so far as the context permits) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision of this Act has effect, a reference—
- (i) to that corresponding provision; or
  - (ii) to things done or falling to be done under or for the purposes of that corresponding provision,
- as the case may be.
- (5) Without prejudice to the generality of sub-paragraph (4) above, where a power conferred by an Act is expressed to be exercisable in relation to enactments contained in Acts passed before or in the same Session as the Act conferring the power, the

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power is also exercisable in relation to provisions of this Act which reproduce such enactments.

- (6) Sub-paragraphs (1) to (5) above have effect instead of section 17(2) of the <sup>M47</sup>Interpretation Act 1978 (but are without prejudice to any other provision of that Act).

**Marginal Citations**

**M47** 1978 c. 30.

*General saving for old transitional provisions and savings*

- 2 The repeal (or revocation) by this Act of any transitional provision or saving relating to the coming into force of a provision reproduced in this Act does not affect the operation of the transitional provision or saving in so far as it is not specifically reproduced in this Act but remains capable of having effect in relation to the corresponding provision of this Act or otherwise.
- 3 The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.

*Use of existing forms, etc.*

- 4 Any reference to an enactment repealed (or revoked) by this Act which is contained in a document made, served or issued on or after the commencement of that repeal (or revocation) shall be construed, except so far as a contrary intention appears, as a reference or, as the context may require, as including a reference to the corresponding provision of this Act.

**PART II**

PROVISIONS RELATING TO PARTICULAR ENACTMENTS

*Interpretation*

- 5 In this Part of this Schedule—
- (a) the “1979 Act” means the Justices of the <sup>M48</sup>Peace Act 1979;
  - (b) the “1994 Act” means the <sup>M49</sup>Police and Magistrates’ Courts Act 1994; and
  - (c) any reference to the commencement of this Act shall be construed in accordance with section 74(1) of this Act.

**Marginal Citations**

**M48** 1979 c. 55.

**Status:** Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

**M49** 1994 c. 29.

### *Petty sessions areas*

F86<sup>6</sup>

#### **Textual Amendments**

**F86** Sch. 4 para. 6 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

### *Inner London area*

- 7 (1) If section 83(1) of the 1994 Act (administrative and financial arrangements for magistrates' courts) has not come into force in relation to the inner London area before the commencement of this Act then, until the relevant commencement date, sections 55 and 56 of this Act shall not apply in relation to that area.
- (2) If section 83(2) of the 1994 Act (repeal of sections 57 and 58 of 1979 Act), so far as it relates to section 58 of the 1979 Act (duties of Receiver in relation to inner London area), and the repeal of section 58 of the 1979 Act by Part II of Schedule 9 to the 1994 Act have not come into force before the commencement of this Act then, until the relevant commencement date—
- (a) notwithstanding the repeal of the 1979 Act by this Act—
    - (i) section 58 of the 1979 Act shall continue to have effect; and
    - (ii) section 70 of the 1979 Act (interpretation) shall continue to have effect for the purpose of interpreting section 58 of that Act;
  - (b) section 54 of this Act shall have effect as if the Receiver for the Metropolitan Police District were the paying authority for the purposes of that section in respect of a justice or justices' clerk acting for the inner London area;
  - (c) any reference in any enactment to Part VI of this Act (including the reference in section 57(1)(a) of this Act) shall have effect as if it included a reference to section 58 of the 1979 Act;
  - (d) the Receiver for the Metropolitan Police District shall be—
    - (i) the paying authority and the responsible authority for the purposes of section 82 of the <sup>M50</sup>Road Traffic Offenders Act 1988 (accounting for fixed penalties); and
    - (ii) the paying authority for the purposes of section 76 of the <sup>M51</sup>Criminal Justice Act 1991 (provision of court security officers) in relation to the magistrates' courts committee for the inner London area;
  - (e) the provisions of subsections (3) and (4) of section 76 of the Criminal Justice Act 1991 shall not apply in relation to the magistrates' courts committee for the inner London area; and
  - (f) the repeals by this Act of—
    - (i) section 60(6) of the <sup>M52</sup>Local Government Act 1985;

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- (ii) paragraph 7 of Schedule 11 to the <sup>M53</sup>Children Act 1989, so far as that repeal relates to paragraph (c) of that paragraph; and
  - (iii) paragraph 40(2)(k) of Schedule 11 to the Criminal Justice Act 1991, shall not come into force.
- (3) If paragraph 1 of Schedule 8 to the 1994 Act has not come into force before the commencement of this Act then, until the relevant commencement date, section 10 of this Act shall have effect—
- (a) as if in subsection (7), after paragraph (a), there were inserted—
    - “(aa) in relation to a justice for the inner London area, the Receiver for the Metropolitan Police District;”;
  - (b) with the omission of subsections (8)(a) and (9).
- (4) If paragraph 19(3) of Schedule 8 to the 1994 Act has not come into force in relation to the inner London area before the commencement of this Act then, until the relevant commencement date, section 57 of this Act shall have effect in relation to the inner London area as if the Receiver for the Metropolitan Police District were the responsible authority for the purposes of that section.
- (5) If paragraph 23 of Schedule 8 to the 1994 Act has not come into force before the commencement of this Act then, until the relevant commencement date, paragraph 27(2) below shall have effect as if the reference to sections 55 and 56 of this Act included a reference to section 58 of the 1979 Act.
- (6) If the repeal by Part II of Schedule 9 to the 1994 Act of words in section 59(1)(b) of the 1979 Act has not come into force before the commencement of this Act then, until the relevant commencement date, section 57 of this Act shall have effect as if, at the end of subsection (1)(b), there were inserted the words “or, in the case of the Receiver for the Metropolitan Police District, his corresponding functions”.
- (7) “Relevant commencement date”, in relation to any of sub-paragraphs (1) to (6) above, means—
- (a) if before the commencement of this Act a date on or after the date of that commencement has been appointed by an order under section 94 of the 1994 Act (commencement and transitional provisions) as the date on which the provision (or provisions) of the 1994 Act mentioned in that sub-paragraph is (or are) to come into force (or is to come into force in relation to the area, or for the purpose, so mentioned), the date so appointed; and
  - (b) otherwise, such date as the Lord Chancellor may by order appoint.
- (8) Subsections (4), (5), (7) and (8) of section 94 of the 1994 Act shall apply to an order under sub-paragraph (7)(b) above as they would apply to an order under subsection (2) of that section.

#### **Marginal Citations**

**M50** 1988 c. 53.

**M51** 1991 c. 53.

**M52** 1985 c. 51.

**M53** 1989 c. 41.

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- 8 (1) If paragraph 24 of Schedule 8 to the 1994 Act has not come into force before the commencement of this Act, then paragraph 4 of Schedule 5 to this Act shall not come into force until immediately after that provision of the 1994 Act has come into force.
- (2) If paragraph 35 of Schedule 8 to the 1994 Act has not come into force before the commencement of this Act, then paragraph 30(a) of Schedule 5 to this Act shall not come into force until immediately after that provision of the 1994 Act has come into force.
- 9 The committee established for the purposes of section 34A of the 1979 Act (division of work in inner London area) shall after the commencement of this Act continue in existence as the committee established for the purposes of section 20 of this Act and each person who immediately before the commencement of this Act holds office as a member of the committee shall continue to hold office as a member until the expiry of the period for which he was appointed under section 34A(3) of the 1979 Act.
- 10 Subject to any order made under section 32 of this Act—
- (a) any reference in any document to the committee of magistrates shall have effect, in relation to any time on or after 1 April 1995, as a reference to the magistrates' courts committee for the inner London area; and
- (b) without prejudice to the generality of paragraph 1 above or 13 below, the body corporate formerly constituted under section 35 of the 1979 Act (committee of magistrates for inner London area) which, by virtue of section 79(2) of the 1994 Act (savings), is the magistrates' courts committee for that area shall continue to be that magistrates' courts committee.
- 11 (1) Sub-paragraph (2) below applies to any person who, immediately before the commencement of this Act is treated by virtue of section 80(2) or (3) of the 1994 Act (abolition of offices of principal chief clerk and chief clerk: savings) as having been appointed by the magistrates' courts committee for the inner London area—
- (a) under section 24D of the 1979 Act, as justices' chief executive; or
- (b) as a justices' clerk—
- (i) under section 25 of that Act, for any petty sessional division of the inner London area; or
- (ii) under section 34B of that Act, for the youth courts or family proceedings courts for that area and the City of London.
- (2) Subject to section 42(5) to (7) of this Act, any person to whom this sub-paragraph applies shall hold and vacate office—
- (a) in accordance with the terms of his appointment; or
- (b) if he has entered into a contract of service, in accordance with the terms of his contract of service.
- (3) Where, immediately before the commencement of this Act, a person is employed under a contract of service to which subsection (5) of section 80 of the 1994 Act (abolition of offices of senior deputy chief clerk and deputy chief clerk: savings for contract of service) applies—



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- (a) the repeal by this Act of that subsection shall not affect the continuation of that person's contract of service;
  - (b) he shall not be dismissed from his employment without the approval of the Lord Chancellor; and
  - (c) before approving his dismissal the Lord Chancellor shall consider any representations made by him.
- (4) Any reference in any instrument or document to the chief clerk for any petty sessional division of the inner London area or for the youth courts or family proceedings courts for that area and the City of London shall have effect, in relation to any time on or after 1st April 1995, as a reference to the justices' clerk for [<sup>F87</sup>the corresponding petty sessions area] or, as the case may be, for those courts.

#### Textual Amendments

**F87** Words in Sch. 4 para. 11 substituted (27.9.1999) by 1999 c. 22, ss. 76, 108(3)(c), Sch. 10 para. 53 (with Sch. 14 para. 7(2))

#### *Stipendiary magistrates*

- 12 (1) This paragraph applies where immediately before the commencement of this Act a stipendiary magistrate who holds office in any commission area or commission areas is treated by virtue of paragraph 7(b) of Schedule 1 to the 1979 Act (stipendiary magistrates appointed under section 29 of the Justices of the <sup>M54</sup>Peace Act 1949 who held office immediately before 1st April 1974) as having been appointed under section 13 of the 1979 Act.
- (2) The stipendiary magistrate shall continue to hold office in that commission area or those commission areas as if appointed under section 11 of this Act.
- (3) His salary shall not be less than that payable to him immediately before 1st April 1974.
- (4) For the purposes of section 12 of this Act he shall be treated as having been appointed on the date on which he was appointed to the office which he held immediately before 1st April 1974.
- (5) Sub-paragraph (2) above is without prejudice to the generality of paragraph 1(2) above.

#### Marginal Citations

**M54** 1949 c. 101.

#### *Magistrates' courts committees*

- 13 Any magistrates' courts committee which was set up in accordance with the provisions of Part II of the 1979 Act for any area and is in existence immediately before the commencement of this Act shall after that commencement be treated as

**Status:** Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

having been set up in accordance with the provisions of Part III of this Act as the magistrates' courts committee for that area.

- 14 Without prejudice to the generality of paragraph 1(2) above, the repeal by this Act of section 69 of the 1994 Act does not affect the continued operation of any order made under that section before the commencement of this Act.

*Justices' chief executives*

F88 15

**Textual Amendments**

**F88** Sch. 4 Pt. II para. 15 repealed (27.9.1999) by 1999 c. 22, ss. 106, Sch. 15 Pt. V(7) (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(ii)(c)

- 16 A person who, immediately before the commencement of this Act, continues to hold office as clerk to a magistrates' courts committee by virtue of Article 6(1) of the <sup>M55</sup>Police and Magistrates' Courts Act 1994 (Commencement No. 8 and Transitional Provisions) Order 1995 may continue in that appointment until the magistrates' courts committee have appointed a justices' chief executive in accordance with section 40(1) of this Act.

**Marginal Citations**

**M55** S.I. 1995/685.

VALID FROM 01/04/2001

- [<sup>F89</sup>16A Any order made before 1st April 1953 under section 30 of the <sup>M56</sup>Criminal Justice Administration Act 1914 or section 1 of the <sup>M57</sup>Affiliation Orders Act 1914—
- (a) if it directs payments to be made to any officer of a court of summary jurisdiction, shall have effect as if it directed them to be made to the justices' chief executive who is the collecting officer of that court; and
  - (b) if it directs payments to be made to any person who is not an officer of a court of summary jurisdiction, shall have effect as if it directed them to be made to the justices' chief executive who is the collecting officer of the court making the order.]

**Textual Amendments**

**F89** Sch. 4 Pt. II para. 16A inserted (1.4.2001) by 1999 c. 22, s. 91(4) (with Sch. 14 paras. 7(2)); S.I. 2001/916, art. 2(a)(iii) (subject to transitional provisions in Sch. 2 para. 2)

*Status: Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)*

**Marginal Citations**

**M56** 1914 c.58.

**M57** 1914 c.6 (4 & 5 Geo.5).

*Justices' clerks etc.*

- 17 (1) Section 44(1) of this Act shall not have effect in relation to any person appointed by a magistrates' courts committee before 1st April 1995 as justices' clerk for a petty sessions area so long as he—
- (a) continues to hold office as a justices' clerk for that area or for any one or more petty sessions areas including any part of that area; and
  - (b) has not entered into a contract of service on or after that date.
- (2) Any justices' clerk in relation to whom, by virtue of sub-paragraph (1) above, section 44(1) of this Act does not have effect shall hold office during the pleasure of the magistrates' courts committee concerned.
- (3) Any such justices' clerk shall be paid a salary for his personal remuneration, and the salary shall be taken to be remuneration for all business which he may by reason of his office as justices' clerk be called upon to perform, other than any duties as secretary to a licensing planning committee under Part VII of the <sup>M58</sup>Licensing Act 1964.
- (4) Any such justices' clerk may be paid a single salary in respect of two or more clerkships.
- (5) Any such justices' clerk shall, in addition to his salary, be paid the amount of any expenses of a description specified when his salary is determined, being expenses incurred by him with the general or special authority of the magistrates' courts committee.

**Marginal Citations**

**M58** 1964 c. 26.

- 18 Any order made before 1st April 1953 under—
- (a) section 30 of the <sup>M59</sup>Criminal Justice Administration Act 1914; or
  - (b) section 1 of the <sup>M60</sup>Affiliation Orders Act 1914,
- which is in force immediately before the commencement of this Act and, by virtue of paragraph 14 of Schedule 1 to the 1979 Act, has effect as if it required payments under it to be made to a justices' clerk in his capacity as collecting officer of a magistrates' court shall, so long as the order remains in force, continue to have that effect by virtue of this paragraph.

**Marginal Citations**

**M59** 1914 c. 58.

**Status:** Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

**M60** 1914 c. 6 (4 & 5 Geo. 6).

- 19 So far as, immediately before the commencement of this Act—
- (a) section 23(7) of the Justices of the Peace Act 1949 (terms and conditions of employment of persons transferred to magistrates' courts committee on 1st April 1953); or
  - (b) paragraph 15 of Schedule 3 to the Justices of the Peace Act 1968 (terms and conditions of employment of persons transferred to certain magistrates' courts committees on 10th November 1969),
- has effect in relation to any person by virtue of paragraph 11 or 12 of Schedule 1 to the 1979 Act, it shall continue to have effect in relation to him.

**Marginal Citations**

**M61** 1949 c. 101.

**M62** 1968 c. 69.

- 20 (1) Any regulations made under—
- (a) section 42 of the Justices of the Peace Act 1949 (compensation in connection with Parts II and III of that Act); or
  - (b) paragraph 16 of Schedule 3 to the Justices of the Peace Act 1968 (compensation in connection with section 1 of that Act),
- which are in force immediately before the commencement of this Act by virtue of paragraph 13 of Schedule 1 to the 1979 Act shall continue to have effect and may be revoked or varied notwithstanding the repeal by the 1979 Act of the provisions under which they were made.
- (2) The reference in sub-paragraph (1)(a) above to section 42 of the Justices of the Peace Act 1949 includes a reference to that section as extended by section 32 of the <sup>M63</sup>Administration of Justice Act 1964 (extension for persons not qualified at date of enactment of the Justices of the Peace Act 1949).
  - (3) The functions of a responsible authority mentioned in paragraphs (b) and (c) of section 57(1) of this Act do not include their functions in respect of decisions made by a determining authority before 3rd February 1995 under the Justices of the <sup>M64</sup>Peace Act 1949 (Compensation) Regulations 1978.

**Marginal Citations**

**M63** 1964 c. 42.

**M64** S.I. 1978/1682.

*Immunity and indemnification of justices and justices' clerks*

- 21 Subject to paragraphs 22 and 23 below, the provisions of Part V of this Act shall have effect in relation to anything done, or omitted, before the commencement of

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this Act as they would have effect in relation to any corresponding thing done, or omitted, after the commencement of this Act.

- 22 The repeal by this Act of the 1979 Act is subject to paragraph 16(1) of Schedule 19 to the <sup>M65</sup>Courts and Legal Services Act 1990 (1979 Act to continue to apply in relation to matters arising before 1st January 1991 as if section 108 of that Act of 1990 (liability of magistrates for damages and costs) had not been enacted).

**Marginal Citations**

**M65** 1990 c. 41.

- 23 In section 54(2) of this Act—
- (a) paragraph (a) shall have effect only in relation to things done or omitted on or after 1st October 1996; and
  - (b) in relation to things done or omitted before that date, paragraph (b) shall have effect with the omission of the word “other”.

*Pensions Act 1995*

- 24 (1) If before the commencement of this Act paragraph 8 of Schedule 5 to the <sup>M66</sup>Pensions Act 1995 has not come into force then, until the relevant commencement date, section 55(6)(b)(ii) of this Act shall have effect with the substitution, for the words “contributions equivalent premiums”, of the words “state scheme premiums”.
- (2) In sub-paragraph (1) above, “relevant commencement date” means—
- (a) if before the commencement of this Act the Secretary of State has made an order under section 180 of the <sup>M67</sup>Pensions Act 1995 (commencement) appointing a date on or after the date of that commencement as the date on which paragraph 8 of Schedule 5 to that Act is to come into force, the date so appointed; and
  - (b) otherwise, such date as the Secretary of State may by order appoint.
- (3) Sections 174 (orders and regulations) and 180(4) of the Pensions Act 1995 shall apply to an order under sub-paragraph (2)(b) above as they would apply to an order under section 180(1) of that Act.

**Marginal Citations**

**M66** 1995 c. 26.

**M67** 1995 c. 26.

*Enactments passed before 18th April 1973*

- 25 (1) This paragraph applies where, immediately before the commencement of this Act, any enactment passed or instrument made before the 18th April 1973 has effect by

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**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

virtue of section 71(3) of the 1979 Act (modifications of certain enactments and instruments) as if it referred to—

- (a) a person being appointed or removed from office as a justice of the peace in accordance with section 6 of the 1979 Act; or
- (b) the supplemental list for England and Wales kept under section 8 of the 1979 Act.

(2) After the commencement of this Act the enactment or instrument shall have effect 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 5 of this Act; and
- (b) any reference to a supplemental list kept by virtue of section 4 of the Justices of the <sup>M68</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 7 of this Act.

#### Marginal Citations

M68 1949 c.101.

#### *Justices of the Peace Act 1949, Schedule 2*

- 26 (1) This paragraph applies where, immediately before the commencement of this Act, any reference in Schedule 1 to the 1979 Act to any enactment under which a person held or was treated as holding any office or employment is to be construed by virtue of paragraph 15 of that Schedule as including a reference to any provision of Schedule 2 to the Justices of the Peace Act 1949.
- (2) Any reference in this Schedule which corresponds to that reference in Schedule 1 to the 1979 Act shall be construed as including a reference to that provision of Schedule 2 to the Justices of the Peace Act 1949.

#### *Saving for superannuation provisions*

- 27 (1) Nothing in this Act shall affect any pension rights or other superannuation benefits or the person by whom or the manner in which any pension or other superannuation benefit is to be paid or borne.
- (2) Sub-paragraph (1) above is subject to sections 55 and 56 of this Act.

#### *Saving for amendment of Local Government Act 1974*

- 28 The repeal by this Act of the 1979 Act does not affect the amendment made by paragraph 28 of Schedule 2 to that Act to section 1(6)(a) of the <sup>M69</sup>Local Government Act 1974 (rate support grants).

**Status:** Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

### Marginal Citations

**M69** 1974 c. 7.

### *Provision made by subordinate legislation*

- 29 Any power which, immediately before the commencement of this Act, is exercisable by order to amend or revoke any provision reproduced in this Schedule of an order made under section 94 of the 1994 Act shall be so exercisable in relation to the corresponding provision of this Schedule.

## SCHEDULE 5

Section 73(2).

### CONSEQUENTIAL AMENDMENTS

#### Extent Information

**E2** Any amendment, repeal or revocation contained in Sch. 5, except as mentioned in s. 75(3), has the same extent as the provision it amends, repeals or revokes, see s. 75(2)

### *The Sheriffs Act 1887 (c. 55)*

.....

**F90**<sub>1</sub>

#### Textual Amendments

**F90** Sch. 5 para. 1 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

### *The Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)*

.....

**F91**<sub>2</sub>

#### Textual Amendments

**F91** Sch. 5 para. 2 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

**Status:** Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

*The Children and Young Persons Act 1933 (c. 12)*

.....  
F92<sub>3</sub>

**Textual Amendments**

**F92** Sch. 5 para. 3 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

*The London Building Acts (Amendment) Act 1939 (c. xcvi)*

.....  
F93<sub>4</sub>

**Textual Amendments**

**F93** Sch. 5 para. 4 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

*The National Assistance Act 1948 (c. 29)*

.....  
F94<sub>5</sub>

**Textual Amendments**

**F94** Sch. 5 para. 5 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

*The Marriage Act 1949 (c. 76)*

.....  
F95<sub>6</sub>

**Textual Amendments**

**F95** Sch. 5 para. 6 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**



*Status: Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)*

*The Licensing Act 1964 (c. 26)*

.....  
 F967

**Textual Amendments**

**F96** Sch. 5 para. 7 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

*The Administration of Justice Act 1964 (c. 42)*

.....  
 F978

**Textual Amendments**

**F97** Sch. 5 para. 8 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

*The Backing of Warrants (Republic of Ireland) Act 1965 (c. 45)*

9 In the Schedule to the Backing of Warrants (Republic of Ireland) Act 1965 (proceedings before magistrates' court: supplementary provisions), for the proviso to paragraph 2 there shall be substituted—

“2A Section 15 of the Justices of the Peace Act 1997 (which exempts stipendiary magistrates from certain restrictions imposed by the Magistrates' Courts Act 1980) shall apply as if paragraph 2 of this Schedule were contained in the Magistrates' Courts Act 1980.”

and, in paragraph 3, for “paragraph 2” there shall be substituted “ paragraphs 2 and 2A ”.

*The Immigration Act 1971 (c. 77)*

10 In Schedule 2 to the Immigration Act 1971 (control on entry: administrative provisions), in paragraphs 23(3) and 31(4), for the words from “purposes” to “being” there shall be substituted “ purposes of the Justices of the Peace Act 1997 and, in particular, section 60 of that Act, as being ”.

**Status:** Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

*The Local Government Act 1972 (c. 70)*

.....  
F98 11

**Textual Amendments**

**F98** Sch. 5 para. 11 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(5)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

*The Criminal Justice Act 1972 (c. 71)*

- 12 In section 51 of the Criminal Justice Act 1972 (execution of process between England and Wales and Scotland), in subsection (4), for the words from “by virtue” to “it has” there shall be substituted “ by virtue of section 45(1) of the Justices of the Peace Act 1997, as it has ”.

*The Administration of Justice Act 1973 (c. 15)*

- 13 (1) The Administration of Justice Act 1973 shall be amended as follows.  
(2) For section 5 there shall be substituted—

**“5 Consequential.**

Paragraph 7 of Schedule 1 to this Act shall have effect; and the enactments specified in paragraph 10 of that Schedule shall have effect subject to the amendments specified in that paragraph.”

- (3) In section 9 (judicial salaries), in paragraph (f) of subsection (1), for the words from “appointed” to the end of that paragraph there shall be substituted “ appointed, or treated as appointed, under section 11 of the Justices of the Peace Act 1997; ”.  
(4) In Schedule 1 (consequential provisions), in paragraph 7, for “section 10(2)(a) to (c) of the Justices of the Peace Act 1979” there shall be substituted “ section 9(2)(a) to (c) of the Justices of the Peace Act 1997 ”.

*The Matrimonial Causes Act 1973 (c. 18)*

.....  
F99 14

**Textual Amendments**

**F99** Sch. 5 para. 14 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

*Status:* Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.

*Changes to legislation:* There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

*The Powers of Criminal Courts Act 1973 (c. 62)*

15 In section 32 of the Powers of Criminal Courts Act 1973 (enforcement etc. where fine or other sum imposed or forfeited by Crown Court), in subsection (6), for “Justices of the Peace Act 1979 and, in particular, section 61 thereof (application of fines and fees)” there shall be substituted “ Justices of the Peace Act 1997 and, in particular, section 60 of that Act (application of fines and fees) ”.

*The Solicitors Act 1974 (c. 47)*

16 In section 38 of the Solicitors Act 1974 (solicitor who is a justice of the peace not to act in certain proceedings)—

(a) in subsection (3), for “section 8 of the Justices of the Peace Act 1979” there shall be substituted “ section 7 of the Justices of the Peace Act 1997 ”; <sup>F100</sup>

...

<sup>F100</sup>(b) .....

**Textual Amendments**  
**F100** Sch. 5 para. 16(b) and the word “and” immediately preceding it repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), Sch. 15 Pt. V(1) (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(iii)

*The House of Commons Disqualification Act 1975 (c. 24)*

17 In Part I of Schedule 1 to the House of Commons Disqualification Act 1975 (judicial offices disqualifying for membership of the House of Commons), for “Stipendiary Magistrate within the meaning of the Justices of the Peace Act 1979.” there shall be substituted “ Stipendiary Magistrate within the meaning of the Justices of the Peace Act 1997. ”.

*The Domestic Proceedings and Magistrates’ Courts Act 1978 (c. 22)*

.....  
<sup>F101</sup>18

**Textual Amendments**  
**F101** Sch. 5 para. 18 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), Sch. 15 Pt. V(1) (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(iii)

*The Magistrates’ Courts Act 1980 (c. 43)*

19 (1) The Magistrates’ Courts Act 1980 shall be amended as follows.

**Status:** Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

- (2) In each of the provisions of that Act specified in sub-paragraph (3) below, for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”.
- (3) The provisions mentioned in sub-paragraph (2) above are—
- <sup>F102</sup>(a) .....
  - <sup>F102</sup>(b) .....
  - (c) in section 87 (enforcement of payment of fines by High Court and county court), subsection (4); and
  - (d) in section 87A (fines imposed on companies), subsection (2).
- (4) In section 139 (disposal of sums adjudged to be paid by conviction), in paragraph (c), for “section 61 of the Justices of the Peace Act 1979” there shall be substituted “ section 60 of the Justices of the Peace Act 1997 ”.
- <sup>F102</sup>(5) .....

**Textual Amendments**

**F102** Sch. 5 para. 19(3)(a)(b)(5) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), Sch. 15 Pt. V(1) (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(iii)

*The Child Abduction Act 1984 (c. 37)*

.....  
<sup>F103</sup>20

**Textual Amendments**

**F103** Sch. 5 para. 20 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), Sch. 15 Pt. V(1) (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(iii)

*The Prosecution of Offences Act 1985 (c. 23)*

- 21 In section 20 of the Prosecution of Offences Act 1985 (regulations), in subsection (5), for “section 61 of the Justices of the Peace Act 1979” there shall be substituted “ section 60 of the Justices of the Peace Act 1997 ”.

*The Local Government Act 1985 (c. 51)*

- 22 (1) The Local Government Act 1985 shall be amended as follows.
- (2) In section 99 (disqualification of justices), for “Section 64 of the Justices of the Peace Act 1979” there shall be substituted “ Section 66 of the Justices of the Peace Act 1997 ”.

*Status:* Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.

*Changes to legislation:* There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

(3) In Schedule 13 (residuary bodies), in paragraph 13, for paragraph (i) there shall be substituted—

“(i) section 66 of the Justices of the Peace Act 1997;”.

*The Criminal Justice Act 1988 (c. 33)*

23 In section 81 of the Criminal Justice Act 1988 (confiscation orders: application of proceeds of realisation etc.)—

(a) in subsections (8) and (9)(d), for “section 61 of the Justices of the Peace Act 1979” there shall be substituted “ section 60 of the Justices of the Peace Act 1997 ”; <sup>F104</sup> . . .

<sup>F104</sup>(b) .....

**Textual Amendments**

**F104** Sch. 5 para. 23(b) and the word “and” immediately preceding it repealed (27.9.1999) by 1999 c. 22, s. 106, Sch. 15 Pt. V(7) (with Sch. 14 para. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(ii)(c)

*The Legal Aid Act 1988 (c. 34)*

24 In Schedule 3 to the Legal Aid Act 1988 (criminal proceedings: enforcement of contribution orders), in paragraph 4—

(a) in sub-paragraph (1), for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”; and

(b) in sub-paragraph (2), for “section 61(4) of the Justices of the Peace Act 1979” there shall be substituted “ section 60(4) of the Justices of the Peace Act 1997 ”.

*The Road Traffic Offenders Act 1988 (c. 53)*

25 In section 82 of the Road Traffic Offenders Act 1988 (accounting for fixed penalties)—

(a) in subsection (1), for “section 61 (application of fines and fees) of the Justices of the Peace Act 1979” there shall be substituted “ section 60 of the Justices of the Peace Act 1997 (application of fines and fees) ”;

(b) in subsection (2)(b), for “section 59 of the Justices of the Peace Act 1979” there shall be substituted “ section 57 of the Justices of the Peace Act 1997 ”; and

(c) in subsection (2A), for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”.

**Status:** Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

*The Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4)*

- 26 In Schedule 4 to the Prevention of Terrorism (Temporary Provisions) Act 1989 (forfeiture orders), in paragraph 1(3), for “section 61 of the Justices of the Peace Act 1979” there shall be substituted “ section 60 of the Justices of the Peace Act 1997 ”.

*The Children Act 1989 (c. 41)*

.....  
F105<sup>27</sup>

**Textual Amendments**

**F105** Sch. 5 para. 27 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(iii)

*The Computer Misuse Act 1990 (c. 18)*

.....  
F106<sup>28</sup>

**Textual Amendments**

**F106** Sch. 5 para. 28 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(iii)

*The Criminal Justice Act 1991 (c. 53)*

- 29 (1) The Criminal Justice Act 1991 shall be amended as follows.
- (2) In section 76 (provision of court security officers), in subsection (6), in the definition of “paying authority”, for “the 1979 Act” there shall be substituted “ the Justices of the Peace Act 1997 ”.
- (3) In section 92 (interpretation of Part IV), in subsection (2), for “the 1979 Act” there shall be substituted “ the Justices of the Peace Act 1997 ”.

*The Local Government Finance Act 1992 (c. 14)*

.....  
F107<sup>30</sup>

*Status: Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)*

**Textual Amendments**

**F107** Sch. 5 para. 30 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

*The Local Government Act 1992 (c. 19)*

.....  
**F108** 31

**Textual Amendments**

**F108** Sch. 5 para. 31 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

*The Tribunals and Inquiries Act 1992 (c. 53)*

32 In Part I of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under direct supervision of Council on Tribunals), in paragraph 23, for “section 53(3) of the Justices of the Peace Act 1979 (c. 55)” there shall be substituted “ section 54(6) of the Justices of the Peace Act 1997 (c. 25) ”.

*The Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)*

33 In section 27 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (interpretation of Part I), in subsection (1), in the definition of “petty sessions area”, for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”.

*The Probation Service Act 1993 (c. 47)*

.....  
**F109** 34

**Textual Amendments**

**F109** Sch. 5 para. 34 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

**Status:** Point in time view as at 01/01/2000. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

*The Local Government (Wales) Act 1994 (c. 19)*

.....  
F110<sup>35</sup>

**Textual Amendments**

**F110** Sch. 5 para. 35 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), Sch. 15 Pt. V(1) (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(iii)

*The Drug Trafficking Act 1994 (c. 37)*

36 In section 30 of the Drug Trafficking Act 1994 (confiscation orders: application of proceeds etc.)—

- (a) in subsection (8), for “section 61 of the Justices of the Peace Act 1979” there shall be substituted “ section 60 of the Justices of the Peace Act 1997 ”; . . .

F111(b) .....

**Textual Amendments**

**F111** Sch. 5 para. 36(b) and the word “and” immediately preceding it repealed (27.9.1999) by 1999 c. 22, s. 106, Sch. 15 Pt. V(7) (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(ii)(c)

*The Police Act 1996 (c. 16)*

37 (1) The Police Act 1996 shall be amended as follows.

(2) In section 5 (reductions in size of police authorities), in subsection (2)(c), for “section 21(1A) of the Justices of the Peace Act 1979” there shall be substituted “ section 29(2) of the Justices of the Peace Act 1997 ”.

(3) In Schedule 2 (police authorities)—

- (a) in paragraph 7, for “section 21(1A) of the Justices of the Peace Act 1979” there shall be substituted “ section 29(2) of the Justices of the Peace Act 1997 ”; and
- (b) in paragraph 27, for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”.



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## SCHEDULE 6

Section 73(3).

### REPEALS AND REVOCATIONS

#### **Extent Information**

**E3** Any repeal or revocation contained in Sch. 6, except as mentioned in s. 75(4), has the same extent as the provision it repeals or revokes, see [s. 75\(2\)](#)

#### **Commencement Information**

**II** [Sch. 6](#) partly in force: Sch. 6 in force at 19.6.1997 with certain exceptions, see [ss. 73\(1\), 74\(1\)\(b\)](#)

### PART I

#### REPEALS

Chapter	Short title	Extent of repeal
1973 c. 15.	The Administration of Justice Act 1973.	In Schedule 1, paragraph 3.
1979 c. 55.	The Justices of the Peace Act 1979.	The whole Act.
1980 c. 43.	The Magistrates' Courts Act 1980.	In Schedule 7, paragraphs 55 and 191 to 197.
1982 c. 53.	The Administration of Justice Act 1982.	Section 65.
1985 c. 51.	The Local Government Act 1985.	Section 12.  Section 60(6). In Schedule 14, paragraph 57.
1988 c. 4.	The Norfolk and Suffolk Broads Act 1988.	In Schedule 6, paragraph 20.
1988 c. 33.	The Criminal Justice Act 1988.	Section 164.  In Schedule 15, paragraph 63.
1988 c. 41.	The Local Government Finance Act 1988.	In Schedule 12, paragraph 2.
1988 c. 50.	The Housing Act 1988.	In Schedule 17, paragraph 27.
1989 c. 41.	The Children Act 1989.	In Schedule 11, paragraph 7.
1989 c. 43.	The Statute Law (Repeals) Act 1989.	In Schedule 2, paragraph 3.
1990 c. 41.	The Courts and Legal Services Act 1990.	Section 108.

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*Changes to legislation:* There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

		Section 117.
		In Schedule 10, paragraphs 44 and 45.
1991 c. 17.	The Maintenance Enforcement Act 1991.	In Schedule 2, paragraph 4.
1991 c. 53.	The Criminal Justice Act 1991.	Section 93(3) and (4).
		In section 99(1), the definition of “the 1979 Act”.
		In Schedule 11, paragraph 40(2)(k).
1992 c. 14.	The Local Government Finance Act 1992.	In Schedule 13, paragraph 48.
1993 c. 8.	The Judicial Pensions and Retirement Act 1993.	In Schedule 6, paragraph 19.
1994 c. 19.	The Local Government (Wales) Act 1994.	In Schedule 2, paragraph 10.
1994 c. 29.	The Police and Magistrates’ Courts Act 1994.	Sections 69 to 90 and 91(2) and (3).
		In Schedule 4, paragraph 54.
		Schedule 7.
		In Schedule 8, Part I.
1995 c. 25.	The Environment Act 1995.	In Schedule 10, paragraph 19.
1995 c. 26.	The Pensions Act 1995.	In Schedule 5, paragraph 8.
1996 c. 16.	The Police Act 1996.	In Schedule 7, paragraph 1(2) (o).
1996 c. 25.	The Criminal Procedure and Investigations Act 1996.	Section 70.

## PART II

### REVOCATIONS

Chapter	Short title	Extent of repeal
S.I. 1985/1383.	The Local Government (Magistrates’ Courts etc.) Order 1985.	In the Schedule, paragraph 3.
S.I. 1990/531.	The Justices of the Peace Act 1979 (Amendment) Order 1990.	The whole order.
S.I. 1994/2594	The Police and Magistrates’ Courts Act 1994	The whole order.

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*Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)*

	(Commencement No. 3 and Transitional Provisions) Order 1994	
S.I. 1995/42.	The Police and Magistrates' Courts Act 1994 (Commencement No. 6 and Transitional Provisions) Order 1995.	The whole order.
S.I. 1995/685.	The Police and Magistrates' Courts Act 1994 (Commencement No. 8 and Transitional Provisions) Order 1995.	The whole order.
S.I. 1996/674.	The Local Government Changes for England (Magistrates' Courts) Regulations 1996.	In the Schedule, paragraphs 1 and 4(2).
S.I. 1996/675.	The Magistrates' Courts (Wales) (Consequences of Local Government Changes) Order 1996.	In the Schedule, paragraph 1.
S.I. 1996/676.	The Commission Areas (Gwent, Mid Glamorgan and South Glamorgan) Order 1996.	The whole order.
S.I. 1996/1924.	The Maximum Number of Stipendiary Magistrates Order 1996.	The whole Order.

## TABLE OF DERIVATIONS

### Notes:

1 This Table shows the derivation of the provisions of the Act.

2 The following abbreviations are used in the Table:—

#### Acts of Parliament

1979	= Justices of the Peace Act 1979 (c.55)
1994	= Police and Magistrates' Courts Act 1994 (c.29)

#### Subordinate legislation

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**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

1996/674	= Local Government Changes for England (Magistrates' Courts) Regulations 1996 (S.I. 1996/674)
1996/675	= Magistrates' Courts (Wales) (Consequences of Local Government Changes) Order 1996 (S.I. 1996/675)

3 The functions of the Secretary of State under 1979 were transferred to the Lord Chancellor by the Transfer of Functions (Magistrates' Courts and Family Law) Order 1992 (S.I. 1992/709) Art.2(1)(a).

Provision	Derivation
1(1)	1979 s.1(a), (b), (c); 1996/674 Sch. para.1(1)(c).
(2)(a)	Drafting.
(b)	1979 s.1(aa); Local Government (Wales) Act 1994 (c.19) Sch.2 para.10(1); drafting.
(3)	1979 s.1; 1996/674 Sch. para.1(1)(d).
2(1), (2)	1979 s.2(1).
(3) to (5)	1979 s.3.
3	1979 s.5(1).
4(1)(a)	1979 s.4(1)(a), (c), (1A), (2)(b), (d); Local Government Act 1985 (c.51) s.12(2); Local Government (Wales) Act 1994 (c.19) Sch.2 para.10(2); 1996/674 Sch. para.1(2).
(b)	1979 s.4(1)(b), (d), (1A), (2)(c), (e); Local Government Act 1985 (c.51) s.12(2); Local Government (Wales) Act 1994 (c.19) Sch.2 para.10(2); 1996/674 Sch. para.1(2).
(c)	1979 s.4(2)(f); Local Government Act 1985 (c.51) s.12(2).
(2)	1979 s.4(1), (1A), (2)(b) to (e), Local Government Act 1985 (c.51) s.12(2); Local Government (Wales) Act 1994 (c.19) Sch.2 para.10(2); 1996/674 Sch. para.1(2).
5(1)	1979 s.6(1); Administration of Justice Act 1982 (c.53) s.65.
(2)	1979 s.6(2).
6	1979 s.7.

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**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)

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7	1979 s.8.
8(1)(a)	1979 s.9(1).
(b)	1979 s.9(2).
(2)	1979 s.9(2).
9	1979 s.10.
10(1), (2)	1979 s.12(1), (2).
(3)	1979 s.12(3).
(4)	1979 s.12(3).
(5)	1979 s.12(4); Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670).
(6)	1979 s.12(5).
(7)(a)	1979 s.12(5)(a).
(b)	1979 s.12(5)(c); Local Government Act 1985 (c.51) s.12(3).
(c)	1979 s.12(5)(e).
(d)	1979 s.12(5)(b), (d), (f); 1994 Sch.8 para.1(2); 1996/674 Sch. para.1(3)(b); 1996/675 Sch. para.1(2).
(8)	1979 s.12(5)(b), (d), (f); 1994 Sch.8 para.1(2); 1996/674 Sch. para.1(3)(b); 1996/675 Sch. para.1(2).
(9)	1979 s.12(5A); 1994 Sch.8 para.1(3); 1996/674 Sch. para.1(3)(c).
(10)	1979 s.12(6).
(11)	1979 s.12(7).
(12)	1979 s.69A; 1994 s.90.
11(1)	1979 s.13(1); Courts and Legal Services Act 1990 (c.41) Sch.10 para.44(1).
(2), (3)	1979 s.13(2), (3).
(4)	1979 s.13(4); Maximum Number of Stipendiary Magistrates Order 1996 (S.I. 1996/1924) Art.2.
(5)	1979 s.13(5).
12(1)	1979 s.14(1A); Judicial Pensions and Retirement Act 1993 (c.8) Sch.6 para.19(2); Judicial Pensions and Retirement Act 1993 (Commencement) Order 1995 (S.I. 1995/631) Art.2.
(2)	1979 s.14(1); Judicial Pensions and Retirement Act 1993 (c.8) Sch.6

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	para.19(3)(a); Judicial Pensions and Retirement Act 1993 (Commencement) Order 1995 (S.I. 1995/631) Art.2.
(3)	1979 s.14(3); Judicial Pensions and Retirement Act 1993 (c.8) s.26(10), Sch.6 para.19(5).
13(1), (2)	1979 s.15(1), (2).
(3)	1979 s.15(2A); Courts and Legal Services Act 1990 (c.41) s.108(4); drafting.
(4)	1979 s.15(3); Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670).
14(1)	1979 s.16(2).
(2)	1979 s.16(3), (4).
(3)	1979 s.16(3).
(4)	1979 s.16(3).
(5)	1979 s.16(5)
(6)	1979 s.16(4).
(7)	1979 s.16(5); Magistrates' Courts Act 1980 (c.43) Sch.7 para.191(b); Children Act 1989 (c.41) Sch.11 para.7(a).
15(1)	1979 s.16(1); Magistrates' Courts Act 1980 (c.43) Sch.7 para.191(a).
(2)	1979 s.16(5); Magistrates' Courts Act 1980 (c.43) Sch.7 para.191(b); Children Act 1989 (c.41) Sch.11 para.7(a).
16(1)	1979 s.31(1).
(2)	1979 s.31(2); Courts and Legal Services Act 1990 (c.41) Sch.10 para.44(2).
(3)	1979 s.31(3).
(4)	1979 s.31(4); drafting.
(5)	1979 s.31(6).
(6)	1979 s.31(7).
17(1)	1979 s.32(1); 1994 Sch.8 para.14.
(2), (3)	1979 s.32(2), (3).
18(1)	1979 s.33(2).
(2)	1979 s.33(1).
(3)(a)	1979 s.33(2).
(b)	1979 s.33(3).

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(4)	1979 s.33(3); drafting.
(5)	1979 s.33(3).
(6)	1979 s.33(4).
(7)	Drafting.
19(1)	1979 s.34(1); Courts and Legal Services Act 1990 (c.41) Sch.10 para.44(2).
(2)	1979 s.34(2).
(3)	1979 s.34(2A); Courts and Legal Services Act 1990 (c.41) s.108(5); drafting.
(4)	1979 s.34(3); Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670).
20(1)	1979 s.34A(1); 1994 s.81.
(2)	1979 s.34A(1); 1994 s.81.
(3) to (6)	1979 s.34A(2) to (5); 1994 s.81.
21(1), (2)	1979 s.39(1), (2).
(3)	1979 s.39(3).
22(1)	1979 s.17(1); 1994 Sch.8 para.2(2).
(2)	1979 s.17(2); 1994 Sch.8 para.2(3).
(3)	1979 s.17(2A); 1994 Sch.8 para.2(4).
(4)	1979 s.17(3); Children Act 1989 (c.41) Sch.11 para.7(b); Criminal Justice Act 1991 (c.53) s.70.
(5)	1979 s.31(5).
23	1979 s.40.
24(1)	1979 s.18(1).
(2)(a)	1979 s.18(2)(a).
(b)	1979 s.18(2)(b); 1994 Sch.8 para.3(a).
(c) to (e)	1979 s.18(2)(c) to (e); 1994 Sch.8 para.3(b).
(3)	1979 s.18(3).
(4)	1979 s.18(4); Magistrates' Courts Act 1980 (c.43) Sch.7 para.192.
(5)	1979 s.18(5).
25(1), (2)	1979 s.11(1), (2).
(3)	1979 s.43; drafting.
(4)	1979 s.11(3).

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26	1979 s.68; drafting.
27(1)	1979 s.19(1); 1994 Sch.8 para.4(2).
(2)	1979 s.19(2); 1994 Sch.8 para.4(3); drafting.
(a)	1979 s.19(2)(a); Local Government (Wales) Act 1994 (c.19) Sch.2 para.10(3); 1996/674 Sch. para.1(4).
(b)	1979 s.19(2)(b).
(c)	1979 s.19(2)(c); Local Government Act 1985 (c.51) s.12(4)(b).
(d)	1979 s.19(2)(cc); 1994 s.79(4).
(e)	1979 s.19(2)(d).
(3)	1979 s.19(2)(bb); Local Government (Wales) Act 1994 (c.19) Sch.2 para.10(3); 1994 Sch.8 para.4(3); drafting.
28	1979 s.20; 1994 s.70.
29(1)	1979 s.21(1).
(2)	1979 s.21(1A); 1994 s.71(2).
(3), (4)	1979 s.21(2), (2A); 1994 s.71(3).
(5)	1979 s.21(3).
(6)	1979 s.69A; 1994 s.90.
(7)	1979 s.21(4).
30(1), (2)	1979 s.22(1), (1A); 1994 s.72(2).
(3)	1979 s.22(3); 1994 Sch.8 para.5.
(4)	1979 s.22(4); 1994 s.72(4).
(5)	1979 s.22(4A); 1994 s.72(5).
(6) to (8)	1979 s.22(5) to (7).
(9) to (12)	1979 s.22(8) to (11); 1994 s.72(6).
31	1979 s.22A; 1994 s.73.
32(1) to (9)	1994 s.69(1) to (9).
(10)	1994 s.69(10); drafting.
33(1)	1979 s.23(1); 1994 Sch.8 para.6(2).
(2)	1979 s.23(2); 1994 Sch.8 para.6(3).
(3)	1979 s.23(3).
(4)	1979 s.23(4); 1994 Sch.8 para.6(4).
(5)	1979 s.42; 1994 Sch.8 para.17; drafting.



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(6)	1979 s.23(5).
34(1)(a)	1979 s.24(1)(a); Local Government Act 1985 (c.51) s.12(8)(a)(i); 1994 Sch.8 para.7(2)(a), (c); 1996/674 Sch. para.1(5)(a); 1996/675 Sch. para.1(3).
(b)	1979 s.24(1)(b); Local Government Act 1985 (c.51) s.12(8)(a)(ii); 1996/675 Sch. para.1(3); drafting.
(2)	1979 s.24(2).
(3)	1979 s.24(2); Local Government Act 1985 (c.51) s.12(8) (b); 1994 Sch.8 para.7(3)(a), (c); 1996/674 Sch. para.1(5)(a); 1996/675 Sch. para.1(3); drafting.
(4)	1979 s.24(3).
(5)(a)	1979 s.24(1)(a), (2); Local Government Act 1985 (c.51) s.12(8); 1994 Sch.8 para.7(2), (3); 1996/674 Sch. para.1(5)(a); 1996/675 Sch. para.1(3).
(b)	1979 s.24(6)(a); Local Government Act 1985 (c.51) s.12(8)(d); 1996/674 Sch. para.1(5)(b).
(c)	1979 s.70 (“prescribed”)
(d)	1979 s.24(6)(b).
35(1), (2)	1979 s.24A(1), (2); Criminal Justice Act 1988 (c.33) s.164(2).
(3)	1979 s.24A(2A); 1994 Sch.8 para.8(3).
(4)	1979 s.24A(3); Criminal Justice Act 1988 (c.33) s.164(2).
36(1)(a)	1979 s.24B(1)(a); Criminal Justice Act 1988 (c.33) s.164(2); 1994 Sch.8 para.9; 1996/674 Sch. para.1(6)(a); 1996/675 Sch. para.1(4).
(b)	1979 s.24B(1)(b); Criminal Justice Act 1988 (c.33) s.164(2); drafting.
(2)	1979 s.24B(2); Criminal Justice Act 1988 (c.33) s.164(2).
(3)	1979 s.24B(2); Criminal Justice Act 1988 (c.33) s.164(2); 1994 Sch.8 para.9; 1996/674 Sch. para.1(6)(a); 1996/675 Sch. para.1(4).
(4)	1979 s.24B(3); Criminal Justice Act 1988 (c.33) s.164(2).

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(5)(a)	1979 s.24B(1)(a), (2); Criminal Justice Act 1988 (c.33) s.164(2); 1994 Sch.8 para.9; 1996/674 Sch. para.1(6)(a); 1996/675 Sch. para.1(4).
(b)	1979 s.24B(4)(a); Criminal Justice Act 1988 (c.33) s.164(2); 1996/674 Sch. para.1(6)(b).
(c)	1979 s.70 (“prescribed”).
(d)	1979 s.24B(4)(b); Criminal Justice Act 1988 (c.33) s.164(2).
37(1) to (3)	1979 s.24C; 1994 s.74.
(4)	1979 ss.69A, 70 (“prescribed”); 1994 s.90.
38	1994 s.88.
39	1994 s.89.
40(1) to (7)	1979 s.24D(1) to (7); 1994 s.75.
(8)	1979 ss.24D(8), 69A; 1994 ss.75, 90.
41	1979 s.24E; 1994 s.75.
42(1) to (8)	1979 s.25(1) to (8); 1994 s.76.
(9)	1979 ss.25(9), 69A; 1994 ss.76, 90.
43(a)	1979 s.26(1)(a), (3); Courts and Legal Services Act 1990 (c.41) Sch.10 para.45; 1994 Sch.8 para.10(3).
(b)	1979 s.26(1)(b).
44(1)	1979 s.26A(1); 1994 s.77.
(2)	1979 s.27(6); 1994 Sch.8 para.11(3).
(3)	1979 s.27(8); Magistrates’ Courts Act 1980 (c.43) Sch.7 para.193; 1994 Sch.8 para.11(4).
45(1)	1979 s.28(1); Magistrates’ Courts Act 1980 (c.43) Sch.7 para.194; drafting.
(2)	1979 s.28(1A); Courts and Legal Services Act 1990 (c.41) s.117.
(3)	1979 s.28(2).
(4)	1979 s.28(3).
(5)	1979 s.28(3).
(6)	1979 s.28(3).
(7)(a)	1979 s.28(3).
(b)	1979 s.28(4).

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46	1979 s.29(1), (2)(b), (3); Magistrates' Courts Act 1980 (c.43) Sch.7 para.195; Maintenance Enforcement Act 1991 (c.17) Sch.2 para.4.
47(1)	1979 s.30(1), (2); Magistrates' Courts Act 1980 (c.43) Sch.7 para.196.
(2)	1979 s.30(3).
48	1979 s.30A; 1994 s.78.
49	1979 s.34B; 1994 Sch.8 para.15.
50	1994 s.82.
51	1979 s.44; Courts and Legal Services Act 1990 (c.41) s.108(2).
52	1979 s.45; Courts and Legal Services Act 1990 (c.41) s.108(3).
53	1979 s.50.
54(1)	1979 s.53(1), (1A); Criminal Procedure and Investigations Act 1996 (c.25) s.70(1); drafting.
(2)(a)	1979 s.53(1), (1A); Criminal Procedure and Investigations Act 1996 (c.25) s.70(1).
(b)	1979 s.53(1).
(3) to (5)	1979 s.53(2).
(6)	1979 s.53(3); 1994 Sch.8 para.18(2).
(7)	1979 s.53(3A); 1994 Sch.8 para.18(3).
(8)	1979 s.53(4); 1994 Sch.8 para.18(4).
(9)	1979 s.53(5); 1994 Sch.8 para.18(5).
55(1) to (5)	1979 s.55(1) to (5); 1994 s.83(1).
(6)	1979 s.55(6); 1994 s.83(1); Pensions Act 1995 (c.26) Sch.5 para.8.
(7) to (9)	1979 s.55(7) to (9); 1994 s.83(1).
(10)	1979 s.55(10); 1994 s.83(1); drafting.
56	1979 s.56; 1994 s.83(1).
57(1)	1979 s.59(1); Criminal Justice Act 1991 (c.53) s.93(3); 1994 Sch.8 para.19(2).
(2) to (7)	1979 s.59(2) to (7); Criminal Justice Act 1991 (c.53) s.93(3).
(8)	1979 s.59(8); 1994 Sch.8 para.19(3).
58(1)	1979 s.59A(1); 1994 s.84; Police and Magistrates' Courts Act 1994

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	(Commencement No. 8 and Transitional Provisions) Order 1995 (S.I. 1995/685) Art.4(j).
(2)	1979 s.59A(2); 1994 s.84.
59(1)	1979 s.62A(1); 1994 s.85.
(2)	1979 ss.62A(2), 69A; 1994 ss.85, 90.
60(1)	1979 s.61(1); Magistrates' Courts Act 1980 (c.43) Sch.7 para.197; Criminal Justice Act 1988 (c.33) Sch.15 para.63.
(2) to (5)	1979 s.61(2) to (5).
(6)	1979 s.61(7).
61	1979 s.62(1); 1994 Sch.8 para.20.
62	1994 s.86(1) to (5).
63	1994 s.87.
64(1)	1979 s.63(1).
(2)	1979 s.63(4).
(3)	1979 s.63(5); 1994 Sch.8 para.21.
65	1979 s.63A; Statute Law (Repeals) Act 1989 (c.43) Sch.2 para.3.
66(1), (2)	1979 s.64(1), (2).
(3), (4)	1979 s.64(3).
(5), (6)	1979 s.64(4), (5).
(7)	1979 s.64(2A), (6); Local Government Act 1985 (c.51) Sch.14 para.57(b); Norfolk and Suffolk Broads Act 1988 (c.4) Sch.6 para.20; Housing Act 1988 (c.50) Sch.17 para.27; 1994 Sch.4 para.54; Environment Act 1995 (c.25) Sch.10 para.19; Police Act 1996 (c.16) Sch.7 para.1(1), (2)(o).
67	1979 s.65; Justices of the Peace Act 1979 (Amendment) Order 1990 (S.I. 1990/531) Art.2(2); Local Government Finance Act 1992 (c.14) Sch.13 para.48; drafting.
68(1)	1979 s.66(1).
(2)	1979 s.66(2); drafting.
69	1979 s.67.
70(1)	1979 ss.24A(2A), 41(1); Local Government Finance Act 1988 (c.41) Sch.12 para.2; 1994 Sch.8 para.8(3); drafting.

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(2)	1979 s.41(2).
71	1979 s.69; drafting.
72(1)	<p>“capital expenditure”: 1979 s.70 (“capital expenditure”); Criminal Justice Act 1991 (c.53) s.93(4).</p> <p>“commission area”, “justices’ clerk”: 1979 s.70 (“commission area”, “justices’ clerk”).</p> <p>“London commission areas”, “inner London area” and “outer London area”: 1979 s.70 (“London commission areas”, “inner London area” and “outer London areas”).</p> <p>“magistrate”, “magistrates’ courts committee area”: 1979 s.70 (“magistrate”, “magistrates’ courts committee area”); 1994 Sch.8 para.22.</p> <p>“officer”, “petty sessional court-house”, “petty sessions area”: 1979 s.70 (“officer”, “petty sessional court-house”, “petty sessions area”).</p> <p>“preserved county”: 1979 s.70 (“preserved county”); Local Government (Wales) Act 1994 (c.19) Sch.2 para.10(4).</p> <p>“retained county”: 1979 s.70 (“relevant area”); 1996/674 Sch. para.1(7)(a); drafting.</p> <p>“stipendiary magistrate”, “the supplemental list”: 1979 s.70 (“stipendiary magistrate”, “the supplemental list”).</p> <p>“unitary district”: 1979 s.70 (“unitary district”); 1996/674 Sch. para.1(7)(b).</p>
(2)	Drafting.
73	
74	
75(1) to (4)	
(5)	1979 s.72(3); 1994 s.96(1).
Sch. 1	Commission Areas (Gwent, Mid Glamorgan and South Glamorgan) Order 1996 (S.I. 1996/676) Arts.4, 5.
Sch. 2 Part I	1979 s.2(1)(a).

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Part II	1979 s.2(1)(b) to (e).
Sch. 3, 1	1994 Sch.7 para.1; drafting.
2 to 6	1994 Sch.7 para.2 to 6.
Sch. 4, 1 to 5	
6	1979 Sch.1 para.9; drafting.
7(1)	
(2)(a)	
(b)	Police and Magistrates' Courts Act 1994 (Commencement No.8 and Transitional Provisions) Order 1995 (S.I. 1995/685) Art.6(2)(a).
(c)	
(d)	Police and Magistrates' Courts Act 1994 (Commencement No.8 and Transitional Provisions) Order 1995 (S.I. 1995/685) Art.6(2)(b), (c).
(e)	Police and Magistrates' Courts Act 1994 (Commencement No.8 and Transitional Provisions) Order 1995 (S.I. 1995/685) Art.6(2)(c).
(f)	
(3) to (8)	
8, 9	
10	1994 s.79(2), (3).
11(1), (2)	1994 s.80(2) to (4).
(3)	1994 s.80(5), (6); drafting.
(4)	1994 s.80(7); Police and Magistrates' Courts (Commencement No. 8 and Transitional Provisions) Order 1995 (S.I. 1995/685) Art.4(f).
12(1), (2)	
(3), (4)	1979 Sch.1 para.8; drafting.
(5)	
13, 14	
15	Police and Magistrates' Courts Act 1994 (Commencement No.8 and Transitional Provisions) Order 1995 (S.I. 1995/685) Art.5(4); drafting.
16	Police and Magistrates' Courts Act 1994 (Commencement No.8 and

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	Transitional Provisions) Order 1995 (S.I. 1995/685) Art.6(1); drafting.
17(1)	1979 s.26A(2); 1994 s.77; Police and Magistrates' Courts Act 1994 (Commencement No.8 and Transitional Provisions) Order 1995 (S.I. 1995/685) Art.4(e).
(2)	1979 s.26A(3); 1994 s.77.
(3) to (5)	1979 s.27(1), (2), (4); 1994 s.91(2).
18	1979 Sch.1 para.14; drafting.
19	1979 Sch.1 para.11, 12; drafting.
20(1), (2)	1979 Sch.1 para.13; drafting.
(3)	Police and Magistrates' Courts Act 1994 (Commencement No.6 and Transitional Provisions) Order 1995 (S.I. 1995/42) Art.3.
21, 22	
23	Criminal Procedure and Investigations Act 1996 (c.25) s.70(2); Criminal Procedure and Investigations Act 1996 (Appointed Day No. 1) Order 1996 (S.I. 1996/2343) Art.2.
24	
25	1979 s.71(3); drafting.
26	1979 Sch.1 para 15; drafting.
27	1979 Sch.1 para.17; 1994 Sch.8 para.23.
28, 29	
Sch. 5	
Sch. 6	

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