



Justices of the Peace Act 1997 (repealed)

1997 CHAPTER 25

PART I

COMMISSIONS OF THE PEACE AND PETTY SESSIONS AREAS

[^{F1}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.]

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)

C1 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.

Status: Point in time view as at 27/11/2003. 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Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed).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)

[^{F2}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)

C2 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 [^{F3}District Judges (Magistrates' Courts)]

Textual Amendments

F3 Words in heading substituted (31.8.2000) by 1999 c. 22, s. 78, Sch. 11 paras. 43, **44** (with Sch. 14 para. 7(2)); S.I. 2000/1920, **art. 3(a)**

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 [^{F4}District Judges (Magistrates' Courts)]; ^{F5} . . .
 - ^{F5}(b)

Textual Amendments

F4 Words in s. 5(2)(a) substituted (31.8.2000) by 1999 c. 22, s. 78, Sch. 11 paras. 43, **44** (with Sch. 14 para. 7(2)); S.I. 2000/1920, **art. 3(a)**

F5 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)

Status: Point in time view as at 27/11/2003. 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)

Modifications etc. (not altering text)

- C3** 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.

[^{F6}(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

- F6** 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)

- C4** 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)**

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—

Status: Point in time view as at 27/11/2003. 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)

- (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 ^{M1}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 ^{F7} . . . 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 [^{F8}District Judge (Magistrates’ Courts)].

Textual Amendments

- F7** 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)**
- F8** Words in s. 7(7) substituted (31.8.2000) by 1999 c. 22, s. 78, Sch. 11 paras. 43, **45** (with Sch. 14 para. 7(2)); S.I. 2000/1920, **art. 3(a)**

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.

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

Status: Point in time view as at 27/11/2003. 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)

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 [F9District Judge (Magistrates' Courts)] 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—
 - (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.

Status: Point in time view as at 27/11/2003. 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)

(7) In subsection (6)(b) above, “the appropriate authority”^{F10} means, in relation to a justice^{F11} for a commission area consisting wholly or partly of Greater London, the Greater London Magistrates’ Courts Authority, and in relation to any other 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.]

^{F12}(8) In subsection (7) above “local government area” means—

- (a) in relation to England,^{F13} . . . 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;
^{F13} . . .]

(9) Where by virtue of ^{F14}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

- F9** Words in s. 10(4) substituted (31.8.2000) by 1999 c. 22, s. 78, Sch. 11 paras. 43, **46** (with Sch. 14 para. 7(2)); S.I. 2000/1920, **art. 3(a)**
- F10** S. 10(7)(a)(b) and immediately preceding words substituted (27.9.1999) by 1999 c. 22, ss. 76, 108(3), Sch. 10 paras. 47, **49** (with Sch. 14 para. 7(2))
- F11** Words in s. 10(7) inserted (1.4.2001) by 1999 c. 22, s. 83, Sch. 12 paras. 9, **10** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(i)** (subject to transitional provisions in Sch. 2 para. 2)
- F12** 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))
- F13** Words in s. 10(8) repealed (1.4.2001) by 1999 c. 22, s. 76, **Sch. 15 Pt. V(6)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 2(c)(i)** (subject to transitional provisions in Sch. 2 para. 2)
- F14** 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))

Status: Point in time view as at 27/11/2003. 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)

[^{F15} District Judges (Magistrates' Courts)]

Textual Amendments

F15 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)

[^{F16} 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 ^{M2}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 ^{M3}Administration of Justice Act 1973) such allowances as he may, with the approval of the Treasury, determine.]

Textual Amendments

F16 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.

^{F17} 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.
- (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).

Status: Point in time view as at 27/11/2003. 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

F17 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)

^{F18}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

F18 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)

^{F19}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.
- (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.

Status: Point in time view as at 27/11/2003. 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) 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

F19 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)

F20 10E Disapplication of restrictions.

- (1) Nothing in the ^{M4}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

F20 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

Metropolitan stipendiary magistrates

F22 . . .

Textual Amendments

F22 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)

F23 21

Status: Point in time view as at 27/11/2003. 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

F23 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 [^{F24}District Judge (Magistrates’ Courts)] is engaged as such in administering justice.

^{F25}(5)

Textual Amendments

F24 Words in s. 22(4)(c) substituted (31.8.2000) by 1999 c. 22, s. 78, **Sch. 11 paras. 43, 47** (with Sch. 14 para. 7(2)); S.I. 2000/1920, **art. 3(a)**

F25 S. 22(5) repealed (31.8.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(3)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/1920, **art. 3(c)**

^{F26}**23**

Textual Amendments

F26 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)**

Status: Point in time view as at 27/11/2003. 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)

24 Rules as to chairmanship and size of bench.

- (1) The number of justices ^{F27} . . . 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 ^{M13}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.

Textual Amendments

F27 Words in s. 24(1) repealed (31.8.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(3)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/1920, **art. 3(e)**

Marginal Citations

M13 1980 c. 43.

25 Records of justices of the peace.

- (1) In each commission area ^{F28} . . . , 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,

Status: Point in time view as at 27/11/2003. 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)

and from time to time rectified, a record of those for the time being holding office by virtue of any such appointment.

^{F29}(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

F28 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)**

F29 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)**

[^{F30}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

F30 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))

Status: Point in time view as at 27/11/2003. 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)

PART III

MAGISTRATES' COURTS COMMITTEES

[^{F31} Introductory]

Textual Amendments

F31 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\(2\)](#))

^{F32} 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

F32 [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\(2\)](#))

^{F33} Magistrates' courts committees outside Greater London

Textual Amendments

F33 [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\(2\)](#))

^{F34} 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

F34 [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\(2\)](#))

Status: Point in time view as at 27/11/2003. 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)

Modifications etc. (not altering text)

C6 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)

^{F35}**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.

Status: Point in time view as at 27/11/2003. 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)

- (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

F35 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))

[^{F36}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

F36 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))

[^{F37}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.

Status: Point in time view as at 27/11/2003. 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)

- (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

F37 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))

[^{F38}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.

Status: Point in time view as at 27/11/2003. 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)

- (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

F38 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))

[^{F39} Greater London]

Textual Amendments

F39 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)

[^{F40} 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

F40 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)

^{F41} 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).
- (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.

Status: Point in time view as at 27/11/2003. 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

F41 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)

^{F42}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

F42 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)

[^{F43}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 ^{M14}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.
- (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.

Status: Point in time view as at 27/11/2003. 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) 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

F43 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)

C7 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.

^{F45}**32**

Textual Amendments

F45 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)

[^{F46}**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.

Status: Point in time view as at 27/11/2003. 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) 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

F46 S. 32A and sidenote inserted (27.9.1999) by 1999 c. 22, ss. 74(2), 108(3)(c) (with Sch. 14 para. 7(2))

[^{F47}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.]

Status: Point in time view as at 27/11/2003. 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

F47 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 [^{F48}petty sessions] area, a magistrates' courts committee—
 - (a) shall consult—
 - (i) every relevant council; and
 - (ii) the magistrates for ^{F49} . . . 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 [^{F50}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 ^{F51} . . . 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 [^{F52}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

Status: Point in time view as at 27/11/2003. 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)

- (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

- F48** 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))
- F49** 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)
- F50** 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))
- F51** 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)
- F52** 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))

^{F53}35

Textual Amendments

- F53** 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)

^{F54}36

Textual Amendments

- F54** 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.

Status: Point in time view as at 27/11/2003. 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)

- (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.

^{F55}(6)

Textual Amendments

F55 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)**

Status: Point in time view as at 27/11/2003. 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)

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.

[^{F56}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

F56 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)

C8 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)

[^{F57}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

Status: Point in time view as at 27/11/2003. 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)

- (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

F57 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)

C9 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.

- [^{F58}(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.

Status: Point in time view as at 27/11/2003. 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) 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.
- ^{F59}(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 [^{F60} 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

- F58** 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)
- F59** 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)
- F60** 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)

- C10** 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)

[^{F61}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.

Status: Point in time view as at 27/11/2003. 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) 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

F61 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)

[^{F62}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 ^{M15}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 ^{M16}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

F62 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)

Marginal Citations

M15 1914 c.58.

Status: Point in time view as at 27/11/2003. 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)

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

Status: Point in time view as at 27/11/2003. 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)

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 ^{M17}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.

[^{F63}(1A) The approval of the Lord Chancellor shall be required for any determination by a magistrates’ courts committee reducing the salary of a justices’ clerk or justices’ chief executive, unless the justices’ clerk or justices’ chief executive concerned consents to the reduction.]

- (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 ^{M18}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.

Textual Amendments

F63 S. 44(1A) inserted (1.3.2000) by 1999 c. 22, s. 83(3), Sch. 12 paras. 9, 12 (with Sch. 14 para. 7(2)); S.I. 1999/3344, art. 3(a)(ii) (with art. 4, Sch. 2)

Marginal Citations

M18 1980 c. 43.

Status: Point in time view as at 27/11/2003. 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)

45 General powers and duties of justices’ clerks.

- (1) Rules made in accordance with section 144 of the ^{M19}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.
- (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 [^{F64}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 [^{F65}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

F64 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)

F65 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.

Status: Point in time view as at 27/11/2003. 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

F66 S. 46 repealed (1.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(7)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(c)(ii)** (subject to transitional provisions in Sch. 2 para. 2)

47 Person acting as substitute clerk to justices.

- (1) Subject to any rules made under section 144 of the ^{M20}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

M20 1980 c. 43.

[^{F67}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

F67 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)**

^{F68}49

Textual Amendments

F68 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)

Status: Point in time view as at 27/11/2003. 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)

[^{F69}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 ^{M21}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 ^{M22}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

F69 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)

Marginal Citations

M21 1972 c.11.

M22 1972 c.11.

Status: Point in time view as at 27/11/2003. 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)

PART V

PROTECTION AND INDEMNIFICATION OF JUSTICES AND JUSTICES’ CLERKS

51 Immunity for acts within jurisdiction.

[^{F70}(1)] 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
 - (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.

[^{F71}(2)] In this section references to a justices’ clerk include any person appointed by a magistrates’ courts committee to assist a justices’ clerk.]

Textual Amendments

F70 S. 51 renumbered as s. 51(1) (1.4.2001) by 1999 c. 22, s. 100 (with Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(b)(i) (subject to transitional provisions in Sch. 2 para. 2)

F71 S. 51(2) inserted (1.4.2001) by 1999 c. 22, s. 100 (with Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(b)(i) (subject to transitional provisions in Sch. 2 para. 2)

52 Immunity for certain acts beyond jurisdiction.

[^{F72}(1)] 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.

[^{F73}(2)] In this section references to a justices’ clerk include any person appointed by a magistrates’ courts committee to assist a justices’ clerk.]

Textual Amendments

F72 S. 52 renumbered as s. 52(1) (1.4.2001) by 1999 c. 22, s. 100 (with Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(b)(i) (subject to transitional provisions in Sch. 2 para. 2)

F73 S. 52(2) inserted (1.4.2001) by 1999 c. 22, s. 100 (with Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(b)(i) (subject to transitional provisions in Sch. 2 para. 2)

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

Status: Point in time view as at 27/11/2003. 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 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.

[^{F74}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.
- (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

F74 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)

C11 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 ^{F75} . . . 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

Status: Point in time view as at 27/11/2003. 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)

- (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 [^{F76}by the appropriate authority] 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 [^{F76}by the appropriate authority][^{F77}unless it is proved, in respect of the matters giving rise to the proceedings or claim, that he acted in bad faith]; 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.
- [^{F78}(2A) In subsection (2) above the “appropriate authority” means—
 - (a) the Greater London Magistrates’ Courts Authority, where at the material time the justice or justices’ clerk was acting for an area consisting of or falling within Greater London; or
 - (b) the paying authority or authorities, where at the material time the justice or justices’ clerk was acting for an area outside Greater London.]
- (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.
- (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.

Status: Point in time view as at 27/11/2003. 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)

- (7) Where [^{F79}, in relation to any justice or justices’ clerk acting for an area outside Greater London, there are two or more paying authorities,] 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;
- ^{F80} . . . ; and
- “paying authority”
- (a) [^{F81} in relation to any justice or justices’ clerk who at the material time acted for an area outside Greater London, means any authority which is a paying authority for the purposes of section 55 below in relation to the magistrates’ courts committee for that area; and
- (b) in relation to a justice or justices’ clerk who at the material time acted for an area consisting of or falling within Greater London, means the council of any London borough or the Common Council of the City of London.]

Textual Amendments

- F75** Words in s. 54(1)(a)(i) repealed (1.4.2001) by 1999 c. 22, ss. 99(a), 106, **Sch. 15 Pt. VI** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 2(b)(i)(c)(iii)** (subject to transitional provisions in Sch. 2 para. 2)
- F76** Words in s. 54(2) substituted (1.4.2001) by 1999 c. 22, s. 83(3), Sch. 12 paras. 9, **14(1)(2)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(i)** (subject to transitional provisions in Sch. 2 para. 2)
- F77** Words in s. 54(2)(b)(i) inserted (1.4.2001) by 1999 c. 22, s. 99(b) (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(b)(i)** (subject to transitional provisions in Sch. 2 para. 2)
- F78** S. 54(2A) inserted (1.4.2001) by 1999 c. 22, s. 83(3), Sch. 12 paras. 9, **14(1)(3)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(i)** (subject to transitional provisions in Sch. 2 para. 2)
- F79** Words in s. 54(7) substituted (1.4.2001) by 1999 c. 22, s. 83(3), Sch. 12 paras. 9, **14(1)(4)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(i)** (subject to transitional provisions in Sch. 2 para. 2)
- F80** Definition of “local funds” in s. 54(9) repealed (1.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(6)** (with Sch. 14 para. 7(2), 36(9)); S.I. 2001/916, **art. 2(c)(i)** (subject to transitional provisions in Sch. 2 para. 2)
- F81** Paras. (a) and (b) substituted for words in definition of “paying authority” in s. 54(9) (1.4.2001) by 1999 c. 22, s. 83(3), Sch. 12 paras. 9, **14(1)(5)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(i)** (subject to transitional provisions in Sch. 2 para. 2)

Status: Point in time view as at 27/11/2003. 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)

PART VI

ADMINISTRATIVE AND FINANCIAL ARRANGEMENTS

[^{F82} “Magistrates’ courts committees outside Greater London”.]

Textual Amendments

F82 Heading inserted (1.4.2001) by 1999 c. 22, s. 83(3), Sch. 12 paras. 9, 15 (with Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(a)(i) (subject to transitional provisions in Sch. 2 para. 2)

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 [^{F83} for an area outside Greater London] 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;
 - (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 [^{F84}—
 - (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 [^{F85} for an area outside Greater London], 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 [^{F86} for an area outside Greater London], 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

Status: Point in time view as at 27/11/2003. 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 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 ^{M23}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 ^{M24}Social Security Contributions and Benefits Act 1992; and
- (ii) contributions equivalent premiums so payable under Chapter III of Part III of the ^{M25}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
- (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.

[^{F87}(7A) Subsection (7) above does not apply in relation to any expenditure or payments whose cost is, or is to be, met by payments under section 38 of the Vehicles (Crime) Act 2001 (unified power for Secretary of State to fund speed cameras etc.).]

^{F88}(8)

(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 [^{F89}for an area outside Greater London], 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) ^{F90}

Status: Point in time view as at 27/11/2003. 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

- F83** Words in s. 55 inserted (1.4.2001) by 1999 c. 22, s. 83(3), Sch. 12 paras. 9, **16(1)(2)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(i)** (subject to transitional provisions in Sch. 2 para. 2)
- F84** Words in s. 55 inserted (27.9.1999) by 1999 c. 22, s. **84(3)**, 108(3)(c) (with Sch. 14 para. 7(2))
- F85** Words in s. 55(4)(5) inserted (1.4.2001) by 1999 c. 22, s. 83(3), Sch. 12 paras. 9, **16(1)(3)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(i)** (subject to transitional provisions in Sch. 2 para. 2)
- F86** Words in s. 55(4)(5) inserted (1.4.2001) by 1999 c. 22, s. 83(3), Sch. 12 paras. 9, **16(1)(3)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(i)** (subject to transitional provisions in Sch. 2 para. 2)
- F87** S. 55(7A) inserted (2.1.2002) by 2000 c. 3, s. 43, **Sch. para. 7**; S.I. 2001/4059, **art. 2**
- F88** S. 55(8) repealed (1.4.2002) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(6)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 2(c)(i)** (subject to transitional provisions in Sch. 2 para. 2)
- F89** Words in s. 55(10) inserted (1.4.2001) by 1999 c. 22, s. 83(3), Sch. 12 paras. 9, **16(1)(4)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(i)** (subject to transitional provisions in Sch. 2 para. 2)
- F90** S. 55(10): para. (d) and words in the definition of "responsible authority" repealed (1.4.2001) by 1999 c. 22, ss. 106, 108(1), **Sch. 15 Pt. V(6)** (with Sch. 14 paras. 7(2)36(9)); S.I. 2001/916, **art. 2(c)(i)** (subject to transitional provisions in Sch. 2 para. 2)

Modifications etc. (not altering text)

- C12** S. 55(9): modified (temp.) (18.11.1998) by S.I. 1998/2664, **art. 5**, **Sch. para. 6(5)**

Marginal Citations

- M23** 1991 c. 53.
M24 1992 c. 4.
M25 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 [^{F91}for an area outside Greater London]; and
- (c) the nature and amount of the expenses which [^{F92}such]a magistrates' courts committee may incur in the discharge of any functions or may authorise to be incurred,

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

[^{F93}(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 [^{F94}for an area outside Greater London](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

Status: Point in time view as at 27/11/2003. 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)

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.

^{F95}(4)

- (5) In this section "paying authority" has the same meaning as in section 55 above.

Textual Amendments

- F91** Words in s. 56(1)(b) inserted (1.4.2001) by 1999 c. 22, s. 83(3), Sch. 12 paras. 9, **17(1)(2)(a)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(i)** (subject to transitional provisions in Sch. 2 para. 2)
- F92** Word in s. 56(1)(c) inserted (1.4.2001) by 1999 c. 22, s. 83(3), Sch. 12 paras. 9, **17(1)(2)(b)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(i)** (subject to transitional provisions in Sch. 2 para. 2)
- F93** S. 56(1A) inserted (27.9.1999) by 1999 c. 22, **ss. 84(4)**, 108(3) (with Sch. 14 para. 7(2))
- F94** Words in s. 56(2) inserted (1.4.2001) by 1999 c. 22, s. 83(3), Sch. 12 paras. 9, **17(1)(3)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(i)** (subject to transitional provisions in Sch. 2 para. 2)
- F95** S. 56(4) repealed (1.3.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(6)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/3344, **art. 3(b)**

Modifications etc. (not altering text)

- C13** 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 ^{M26}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 [^{F96}and any expenditure which is, or is to be, met by payments under section 38 of the Vehicles (Crime) Act 2001].

- (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 [^{F97}; and in determining any such expenditure for the purposes of this section there shall be disregarded any capital expenditure which is, or is to be, met by payments under section 38 of the Vehicles (Crime) Act 2001].

Status: Point in time view as at 27/11/2003. 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) 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.
- [^{F98}(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.

Status: Point in time view as at 27/11/2003. 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

- F96** Words in s. 57(1) inserted (2.1.2002) by 2000 c. 3, s. 43, **Sch. para. 8(2)**; S.I. 2001/4059, **art. 2**
F97 Words in s. 57(2) inserted (2.1.2002) by 2000 c. 3, s. 43, **Sch. para. 8(3)**; S.I. 2001/4059, **art. 2**
F98 S. 57(4A)(4B) inserted (27.11.1998) by 1998 c. 65, s.10

Modifications etc. (not altering text)

- C14** 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

- M26** 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 [F99 or section 38 of the Vehicles (Crime) Act 2001] 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.

Textual Amendments

- F99** Words in s. 58(1) inserted (2.1.2002) by 2000 c. 3, s. 43, **Sch. para. 9**; S.I. 2001/4059, **art. 2**

59 Regulations as to accounts and audit.

- (1) The Lord Chancellor may by regulations made by statutory instrument require magistrates' courts committees [F100 for areas outside Greater London]—

- (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.

Textual Amendments

- F100** Words in s. 59(1) inserted (1.4.2001) by 1999 c. 22, s. 83(3), **Sch. 12 paras. 9, 18** (with **Sch. 14 para. 7(2)**); S.I. 2001/916, **art. 2(a)(i)** (subject to transitional provisions in **Sch. 2 para. 2**)

Status: Point in time view as at 27/11/2003. 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)

[^{F101} Greater London Magistrates' Courts Authority]

Textual Amendments

F101 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)

[^{F102} 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

F102 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)

^{F103} 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 ^{M27}Local Government Finance Act 1992 (originally or by way of substitute).

Status: Point in time view as at 27/11/2003. 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)

- (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.
- [^{F104}(7A) References in this section to the Authority's expenditure do not include expenditure which is, or is to be, met by payments under section 38 of the Vehicles (Crime) Act 2001.]
- (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

F103 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)

F104 S. 59B(7A) inserted (2.1.2002) by 2000 c. 3, s. 43, Sch. para. 10; S.I. 2001/4059, art. 2

Marginal Citations

M27 1992 c. 14.

^{F105}**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

F105 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)

Status: Point in time view as at 27/11/2003. 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)

^{F106}**59D Accounting.**

- (1) The Greater London Magistrates' Courts Authority shall keep a fund to be known as the GLMCA fund.
- (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 ^{M28}Local Government Finance Act 1988 (financial administration); and
 - (b) Part II of the ^{M29}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

F106 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

M28 1988 c.41.

M29 1998 c.18.

[^{F107} Provisions applying to all magistrates' courts committees.]

Textual Amendments

F107 Heading inserted (27.9.1999) by 1999 c. 22, ss. 83(2), 108(3)(c) (with Sch. 14 para. 7(2))

^{F108}**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.

Status: Point in time view as at 27/11/2003. 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) 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;
 - (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

F108 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 [^{F109}receipts of justices' chief executive]

- (1) Subject to paragraphs (a) and (b) of section 139 of the ^{M30}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 [^{F110}justices' chief executive] 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; ^{F111} . . .
 - (ii)
- (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.

Status: Point in time view as at 27/11/2003. 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) Paragraph (b) of subsection (1) above does not apply to sums received by a ^{F112}justices' chief executive] 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.

^{F113}(4)

(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.

Textual Amendments

F109 Words in sidenote to s. 60 substituted (1.4.2001) by 1999 c. 22, s. 91(2)(d) (with Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(a)(iii) (subject to transitional provisions in Sch. 2 para. 2)

F110 Words in s. 60(1) substituted (1.4.2001) by 1999 c. 22, s. 91(2)(a) (with Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(a)(iii) (subject to transitional provisions in Sch. 2 para. 2)

F111 S. 60(1)(b)(ii) and the preceding "and" repealed (1.4.2001) by 1999 c. 22, ss. 91(2)(a), 106, Sch. 15 Pt. V(7) (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 2(c)(ii) (subject to transitional provisions in Sch. 2 para. 2)

F112 Words in s. 60(3) substituted (1.4.2001) by 1999 c. 22, s. 91(2)(b) (with Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(a)(iii) (subject to transitional provisions in Sch. 2 para. 2)

F113 S. 60(4) repealed and superseded (1.4.2001) by 1999 c. 22, ss. 91(2)(c)(3), 106, Sch. 15 Pt. V(7) (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 2(a)(iii)(c)(ii) (subject to transitional provisions in Sch. 2 para. 2)

Modifications etc. (not altering text)

C15 S. 60 modified (25.8.2000) by 2000 c. 6, ss. 140(6), 168(1)

S. 60 modified (prosp.) by Proceeds of Crime Act 2002 (c. 29), ss. 55(6), 458(1)(3)

Marginal Citations

M30 1980 c. 43.

^{F114}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

Status: Point in time view as at 27/11/2003. 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)

relation to sums received by them (apart from any received on account of their salaries or expenses as such).]

Textual Amendments

F114 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)

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 [^{F115}, of a justices’ chief executive] or of any staff of a magistrates’ courts committee.

Textual Amendments

F115 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.

[^{F116}(3A) It shall also be the duty of inspectors of the magistrates’ courts service—

- (a) to inspect and report to the Lord Chancellor on the performance by the Children and Family Court Advisory and Support Service (referred to in this and the next section as the Service), and the officers of the Service, of their functions; and
 - (b) to discharge, in connection with those functions or with related functions of any other person, such functions 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;

Status: Point in time view as at 27/11/2003. 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)

and the Lord Chancellor shall, within one month of receiving the report, lay a copy of it before each House of Parliament.

[^{F117}(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

F116 S. 62(3A) inserted (1.4.2001) by 2000 c. 43, s. 17(1); S.I. 2001/919, art. 2(a)

F117 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)

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.

[^{F118}(2A) An inspector of the magistrates’ courts service exercising his functions under section 62 above shall also have at all reasonable times—

- (a) a right of entry to any premises occupied by the Service; and
- (b) a right to inspect, and take copies of, any records kept by the Service, and any other documents containing information relating to the performance of the functions of the Service or its officers which he considers relevant to the discharge of his functions.]

(3) The records referred to in paragraph (b) of subsection (1) [^{F119}or (2A)] above include records kept by means of a computer; and an inspector exercising the power to inspect records conferred by [^{F120}subsection (1) or (2A) above]—

- (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.

Status: Point in time view as at 27/11/2003. 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

- F118** S. 63(2A) inserted (1.4.2001) by 2000 c. 43, s. 17(2)(a); S.I. 2001/919, art. 2(a)
F119 Words in s. 63(3) inserted (1.4.2001) by 2000 c. 43, s. 17(2)(b); S.I. 2001/919, art. 2(a)
F120 Words in s. 63(3) substituted (1.4.2001) by 2000 c. 43, s. 17(2)(b); S.I. 2001/919, art. 2(a)

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.

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 [^{F121}, any committee or officer of the authority or in the case of a local authority which are operating executive arrangements the executive of that authority or any person acting on behalf of that executive.]

Status: Point in time view as at 27/11/2003. 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) 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 ^{M31}Local Government Act 1972 or the ^{M32}Local Government (Scotland) Act 1973;
 - (b) a police authority established under section 3 of the ^{M33}Police Act 1996;
 - [^{F122}(bza) the Metropolitan Police Authority;]
 - [^{F123}(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 ^{M34}Local Government Act 1985;
 - [^{F124}(cc) the London Fire and Emergency Planning Authority;]
 - (d) a housing action trust established under Part III of the ^{M35}Housing Act 1988;
 - (e) the Broads Authority; and
 - (f) a National Park authority.
- [^{F125}(8) In this section “executive” and “executive arrangements” have the same meaning as in Part II of the Local Government Act 2000.]

Textual Amendments

F121 Words in s. 66(1) substituted (E.) (11.7.2001) and (W.) (1.4.2002) by S.I. 2001/2237, art. 33(a) and by The Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (Wales) Order 2002 (S.I. 2002/808), art. 32(a)

F122 S. 66(7)(bza) inserted (3.7.2000) by 1999 c. 29, s. 325, Sch. 27 para. 108 (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

F123 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)

F124 S. 66(7)(cc) inserted (3.7.2000) by 1999 c. 29, s. 328(8), Sch. 29 Pt. I para. 62 (with Sch. 12 para. 9(1)); S.I. 2000/1094, art. 4(a)(h)

Status: Point in time view as at 27/11/2003. 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)

F125 S. 66(8) inserted (E.) (11.7.2001) and (W.) (1.4.2002) by S.I. 2001/2237, art. 33(b) and by The Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (Wales) Order 2002 (S.I. 2002/808), art. 32(b)

Marginal Citations

- M31** 1972 c. 70.
- M32** 1973 c. 65.
- M33** 1996 c. 16.
- M34** 1985 c. 51.
- M35** 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;
- [^{F126}(aa) BID levy (within the meaning of Part 4 of the Local Government Act 2003),]
- (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 ^{M36}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 [^{F127}any levy, charge, tax or rate falling within paragraphs (aa)] to (d) above in the area affected by the act in question.

Textual Amendments

F126 S. 67(aa) inserted (18.11.2003 for E. and 27.11.2003 for W.) by Local Government Act 2003 (c. 26), ss. 127(1), 128(6), Sch. 7 para. 62(a); S.I. 2003/2938, art. 3(a) (with Sch.); S.I. 2003/3034, art. 2, Sch. Pt. 1

F127 Words in s. 67 substituted (18.11.2003 for E. and 27.11.2003 for W.) by Local Government Act 2003 (c. 26), ss. 127(1), 128(6), Sch. 7 para. 62(b); S.I. 2003/2938, art. 3(a) (with Sch.); S.I. 2003/3034, art. 2, Sch. Pt. 1

Marginal Citations

- M36** 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.

^{F128}(2)

Textual Amendments

F128 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 27/11/2003. 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)

[^{F129} 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

F129 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 [^{F130}a Deputy District Judge (Magistrates' Courts) may be taken before any District Judge (Magistrates' Courts).]
- (5) In this section “the Promissory Oaths Acts” means the ^{M37}Promissory Oaths Act 1868 and the ^{M38}Promissory Oaths Act 1871.

Textual Amendments

F130 Words in s. 69(4) substituted (31.8.2000) by 1999 c. 22, s. 78, Sch. 11 paras. 43, 48 (with Sch. 14 para. 7(2)); S.I. 2000/1920, art. 3(a)

Marginal Citations

M37 1868 c. 72.

M38 1871 c. 48.

70 Application of enactments to the City of London.

- (1) ^{F131} . . . 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 ^{F131} . . . shall be taken to include the City of London ^{F131} . . . ; and

Status: Point in time view as at 27/11/2003. 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)

- (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 ^{F132} . . . ; and
- (b) to the City ^{F132} . . . ,

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

Textual Amendments

F131 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)**

F132 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)**

^{F133}71

Textual Amendments

F133 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—

[^{F134}“capital expenditure” means expenditure which is capital expenditure for the purposes of Chapter 1 of Part 1 of the Local Government Act 2003 (capital finance);]

^{F135}
. . .

^{F136}
. . .

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

^{F135}
. . .

“magistrate”—

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

Status: Point in time view as at 27/11/2003. 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)

F137 . . .

“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 [F138 petty sessions area], any such court-house or place); or
- (b) a court-house or place at which a [F139 District Judge (Magistrates’ Courts)] is authorised by law to do alone any act authorised to be done by more than one justice of the peace:

F135 . . .

F135 . . .

F135 . . .

F140 . . .

. . .

“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.

F141(2)

Textual Amendments

F134 S. 72(1): definition of "capital expenditure" substituted (27.11.2003 for W. for specified purposes, and 1.4.2004 for E.) by **Local Government Act 2003** (c. 26), ss. 127(1), 128(6), **Sch. 7 para. 63**; S.I. 2003/2938, art. 7(a) (with Sch.); S.I. 2003/3034, art. 2(1), Sch. Pt. 1

F135 Definition 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)

F136 Definition in s. 72(1) repealed (1.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(6)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 2(c)(i) (subject to transitional provisions in Sch. 2 para. 2)

F137 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)

F138 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))

F139 Words in definition in s. 72(1) substituted (31.8.2000) by 1999 c. 22, s. 78, Sch. 11 paras. 43, **49** (with Sch. 14 para. 7(2)); S.I. 2000/1920, art. 3(a)

F140 Definition in s. 72(1) repealed (31.8.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(3)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/1920, art. 3(c)

F141 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)

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.

Status: Point in time view as at 27/11/2003. 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) 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 ^{M39}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

M39 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.

Status: Point in time view as at 27/11/2003. 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)

(4) In Schedule 6 to this Act, the repeal of section 70 of the ^{M40}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.

Marginal Citations

M40 1996 c. 25.

Status:

Point in time view as at 27/11/2003. 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).