



# Justices of the Peace Act 1997

## CHAPTER 25

### JUSTICES OF THE PEACE ACT 1997

#### PART I

##### COMMISSIONS OF THE PEACE AND PETTY SESSIONS AREAS

- 1 Commission areas.
- 2 London commission areas.
- 3 General form of commissions of the peace.
- 4 Petty sessions areas.

#### PART II

##### JUSTICES OF THE PEACE

##### *Justices other than District Judges (Magistrates' Courts)*

- 5 Appointment and removal of justices of the peace.
- 6 Residence qualification.
- 7 Supplemental list for England and Wales.
- 8 Removal of name from supplemental list.
- 9 Effect of entry of name in supplemental list.
- 10 Travelling, subsistence and financial loss allowances.

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- 10A Appointment and tenure.
- 10B Deputies.
- 10C Status.
- 10D Power to discharge functions exercisable by two justices.
- 10E Disapplication of restrictions.

*Status: Point in time view as at 24/03/2003.*

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- 11 Appointment and removal of stipendiary magistrates.
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- 13 Acting stipendiary magistrate.
- 14 Place of sitting and powers of stipendiary magistrates.
- 15 Certain restrictions on magistrates' courts not to apply to stipendiary magistrates.

### *Metropolitan stipendiary magistrates*

- 16 Appointment, removal and retirement of metropolitan stipendiary magistrates.
- 17 Metropolitan stipendiary magistrates: allocation and sittings etc.
- 18 Jurisdiction of metropolitan stipendiary magistrates and lay justices for inner London area.
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- 20 Division of work in inner London area.

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- 23 Chairman and deputy chairmen of justices in the City of London.
- 24 Rules as to chairmanship and size of bench.
- 25 Records of justices of the peace.
- 26 Greater Manchester, Merseyside and Lancashire.

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- 27A Committees.
- 27B Alteration of committee areas.
- 28 Constitution of committees.
- 29 Regulations about committees.
- 30 Supplementary provisions about committees.

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- 30A Greater London Magistrates' Courts Authority.
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  - 32 Alteration of magistrates' courts committee areas.
- 32A Alteration of commission areas.
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- 34 Procedure relating to s. 33.
- 35 Alteration of names of petty sessions areas outside the City of London.
- 36 Procedure relating to s. 35.
- 37 Reports and plans.
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- 39 Studies by Audit Commission.
- 39A Code of conduct for members etc.
- 39B Non-compliance with code.

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- 41 Role of justices' chief executive.
- 41A Justices' chief executive as collecting officer.
- 42 Appointment and removal of justices' clerks.
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- 44 Terms of employment of justices' chief executives, justices' clerks and staff.
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- 46 Functions of justices' clerk as collecting officer.
- 47 Person acting as substitute clerk to justices.
- 48 Independence of justices' clerks and staff exercising legal functions.
- 49 Appointment of justices' clerks for youth courts and family proceedings courts.
- 50 Pensions of employees of GLMCA.

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- 51 Immunity for acts within jurisdiction.
- 52 Immunity for certain acts beyond jurisdiction.
- 53 Where action prohibited, proceedings may be set aside.
- 53A Costs in legal proceedings.
- 54 Indemnification of justices and justices' clerks.

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- 56 Provisions supplementary to s. 55.
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- 58 Local authority land appropriated to magistrates' courts purposes.
- 59 Regulations as to accounts and audit.

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- 59A Functions.
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- 59C Consultation.
- 59D Accounting.

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*Provisions applying to all magistrates' courts committees.*

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- 66 Disqualification in certain cases of justices who are members of local authorities.
- 67 Justices not disqualified by reason of liability to local taxation.
- 68 Acts done by justices outside their commission area.
- 68A Provision of accommodation for justices and staff.
- 69 Promissory oaths of certain justices.
- 70 Application of enactments to the City of London.
- 71 Isles of Scilly.
- 72 Interpretation.
- 73 Transitional provisions, consequential amendments and repeals.
- 74 Commencement.
- 75 Short title and extent.

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**SCHEDULES**

SCHEDULE 1 —

SCHEDULE 2 —

Part I — INNER LONDON AREA

Part II — OUTER LONDON AREAS

SCHEDULE 3 —

SCHEDULE 4 — Transitional provisions and savings

Part I — GENERAL PROVISIONS

*Continuity of the law*

- 1 (1) The repeal (or revocation) and re-enactment of provisions by...

*General saving for old transitional provisions and savings*

- 2 The repeal (or revocation) by this Act of any transitional...
- 3 The repeal by this Act of an enactment previously repealed...

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*Use of existing forms, etc.*

- 4 Any reference to an enactment repealed (or revoked) by this...  
Part II — PROVISIONS RELATING TO PARTICULAR ENACTMENTS

*Interpretation*

- 5 In this Part of this Schedule— (a) the “1979 Act”...

*Petty sessions areas*

- 6 .....

*Inner London area*

- 7 .....  
8 .....  
9 .....  
10 .....  
11 .....

*Stipendiary magistrates*

- 12 .....

*Magistrates’ courts committees*

- 13 Any magistrates’ courts committee which was set up in accordance...  
14 Without prejudice to the generality of paragraph 1(2) above, the...

*Justices’ chief executives*

- 15 .....  
16 A person who, immediately before the commencement of this Act,...  
16A Any order made before 1st April 1953 under section 30...

*Justices’ clerks etc.*

- 17 (1) Section 44(1) of this Act shall not have effect...  
18 .....  
19 So far as, immediately before the commencement of this Act—...  
20 (1) Any regulations made under— (a) section 42 of the...

*Immunity and indemnification of justices and justices’ clerks*

- 21 Subject to paragraphs 22 and 23 below, the provisions of...  
22 The repeal by this Act of the 1979 Act is...  
23 In section 54(2) of this Act— (a) paragraph (a) shall...

*Pensions Act 1995*

- 24 (1) If before the commencement of this Act paragraph 8...

*Enactments passed before 18th April 1973*

- 25 (1) This paragraph applies where, immediately before the commencement of...

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*Justices of the Peace Act 1949, Schedule 2*

26 (1) This paragraph applies where, immediately before the commencement of...

*Saving for superannuation provisions*

27 (1) Nothing in this Act shall affect any pension rights...

*Saving for amendment of Local Government Act 1974*

28 The repeal by this Act of the 1979 Act does...

*Provision made by subordinate legislation*

29 Any power which, immediately before the commencement of this Act,...

SCHEDULE 5 — Consequential amendments

*The Sheriffs Act 1887 (c. 55)*

1 .....

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

2 .....

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

3 .....

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

4 .....

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

5 .....

*The Marriage Act 1949 (c. 76)*

6 .....

*The Licensing Act 1964 (c. 26)*

7 .....

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

8 .....

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

9 In the Schedule to the Backing of Warrants (Republic of...

*The Immigration Act 1971 (c. 77)*

10 In Schedule 2 to the Immigration Act 1971 (control on...

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

11 .....

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

12 In section 51 of the Criminal Justice Act 1972 (execution...

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

13 (1) The Administration of Justice Act 1973 shall be amended...

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

14 .....

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

15 .....

*The Solicitors Act 1974 (c. 47)*

16 In section 38 of the Solicitors Act 1974 (solicitor who...

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

17 .....

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

18 .....

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

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

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

20 .....

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

21 In section 20 of the Prosecution of Offences Act 1985...

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

22 (1) The Local Government Act 1985 shall be amended as...

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

23 In section 81 of the Criminal Justice Act 1988 (confiscation...

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

24 In Schedule 3 to the Legal Aid Act 1988 (criminal...

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

25 In section 82 of the Road Traffic Offenders Act 1988...

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- 26 *The Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4)*  
In Schedule 4 to the Prevention of Terrorism (Temporary Provisions)...
- 27 *The Children Act 1989 (c. 41)*  
.....
- 28 *The Computer Misuse Act 1990 (c. 18)*  
.....
- 29 *The Criminal Justice Act 1991 (c. 53)*  
(1) The Criminal Justice Act 1991 shall be amended as...
- 30 *The Local Government Finance Act 1992 (c. 14)*  
.....
- 31 *The Local Government Act 1992 (c. 19)*  
.....
- 32 *The Tribunals and Inquiries Act 1992 (c. 53)*  
In Part I of Schedule 1 to the Tribunals and...
- 33 *The Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)*  
In section 27 of the Prisoners and Criminal Proceedings (Scotland)...
- 34 *The Probation Service Act 1993 (c. 47)*  
.....
- 35 *The Local Government (Wales) Act 1994 (c. 19)*  
.....
- 36 *The Drug Trafficking Act 1994 (c. 37)*  
In section 30 of the Drug Trafficking Act 1994 (confiscation...)
- 37 *The Police Act 1996 (c. 16)*  
(1) The Police Act 1996 shall be amended as follows....

SCHEDULE 6 — Repeals and revocations

Part I — REPEALS

Part II — REVOCATIONS

— TABLE OF DERIVATIONS

- 1 This Table shows the derivation of the provisions of the...
- 2 The following abbreviations are used in the Table:— Acts of...
- 3 The functions of the Secretary of State under 1979 were...



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