

Status: Point in time view as at 01/04/2001.

Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed), Part II.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

SCHEDULES

SCHEDULE 4

TRANSITIONAL PROVISIONS AND SAVINGS

PART II

PROVISIONS RELATING TO PARTICULAR ENACTMENTS

Interpretation

- 5 In this Part of this Schedule—
- (a) the “1979 Act” means the Justices of the ^{M1}Peace Act 1979;
 - (b) the “1994 Act” means the ^{M2}Police and Magistrates’ Courts Act 1994; and
 - (c) any reference to the commencement of this Act shall be construed in accordance with section 74(1) of this Act.

Marginal Citations

- M1** 1979 c. 55.
M2 1994 c. 29.

Petty sessions areas

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F16

Textual Amendments

- F1** Sch. 4 para. 6 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

Inner London area

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F27

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Textual Amendments

F2 Sch. 4 para. 7 repealed (1.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt.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)

F38

Textual Amendments

F3 Sch. 4 para. 8 repealed (1.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt.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)

F49

Textual Amendments

F4 Sch. 4 para. 9 repealed (31.8.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt.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)**

F510

Textual Amendments

F5 Sch. 4 para. 10 repealed (1.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt.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)

F611

Textual Amendments

F6 Sch. 4 para. 11 repealed (1.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt.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)

Stipendiary magistrates

F712

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Textual Amendments

- F7** Sch. 4 para. 12 repealed (31.8.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt.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)**

Magistrates' courts committees

- 13 Any magistrates' courts committee which was set up in accordance with the provisions of Part II of the 1979 Act for any area and is in existence immediately before the commencement of this Act shall after that commencement be treated as having been set up in accordance with the provisions of Part III of this Act as the magistrates' courts committee for that area.
- 14 Without prejudice to the generality of paragraph 1(2) above, the repeal by this Act of section 69 of the 1994 Act does not affect the continued operation of any order made under that section before the commencement of this Act.

Justices' chief executives

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F8¹⁵

Textual Amendments

- F8** Sch. 4 Pt. II para. 15 repealed (27.9.1999) by 1999 c. 22, ss. 106, **Sch. 15 Pt. V(7)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(ii)(c)**

- 16 A person who, immediately before the commencement of this Act, continues to hold office as clerk to a magistrates' courts committee by virtue of Article 6(1) of the ^{M3}Police and Magistrates' Courts Act 1994 (Commencement No. 8 and Transitional Provisions) Order 1995 may continue in that appointment until the magistrates' courts committee have appointed a justices' chief executive in accordance with section 40(1) of this Act.

Marginal Citations

- M3** S.I. 1995/685.

- [^{F9}16A Any order made before 1st April 1953 under section 30 of the ^{M4}Criminal Justice Administration Act 1914 or section 1 of the ^{M5}Affiliation Orders Act 1914—
- (a) if it directs payments to be made to any officer of a court of summary jurisdiction, shall have effect as if it directed them to be made to the justices' chief executive who is the collecting officer of that court; and

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- (b) if it directs payments to be made to any person who is not an officer of a court of summary jurisdiction, shall have effect as if it directed them to be made to the justices’ chief executive who is the collecting officer of the court making the order.]

Textual Amendments

F9 Sch. 4 Pt. II para. 16A inserted (1.4.2001) by 1999 c. 22, s. 91(4) (with Sch. 14 paras. 7(2)); S.I. 2001/916, art. 2(a)(iii) (subject to transitional provisions in Sch. 2 para. 2)

Marginal Citations

M4 1914 c.58.
M5 1914 c.6 (4 & 5 Geo.5).

Justices’ clerks etc.

- 17 (1) Section 44(1) of this Act shall not have effect in relation to any person appointed by a magistrates’ courts committee before 1st April 1995 as justices’ clerk for a petty sessions area so long as he—
 - (a) continues to hold office as a justices’ clerk for that area or for any one or more petty sessions areas including any part of that area; and
 - (b) has not entered into a contract of service on or after that date.
- (2) Any justices’ clerk in relation to whom, by virtue of sub-paragraph (1) above, section 44(1) of this Act does not have effect shall hold office during the pleasure of the magistrates’ courts committee concerned.
- (3) Any such justices’ clerk shall be paid a salary for his personal remuneration, and the salary shall be taken to be remuneration for all business which he may by reason of his office as justices’ clerk be called upon to perform, other than any duties as secretary to a licensing planning committee under Part VII of the ^{M6}Licensing Act 1964.
- (4) Any such justices’ clerk may be paid a single salary in respect of two or more clerkships.
- (5) Any such justices’ clerk shall, in addition to his salary, be paid the amount of any expenses of a description specified when his salary is determined, being expenses incurred by him with the general or special authority of the magistrates’ courts committee.

Marginal Citations

M6 1964 c. 26.

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Textual Amendments

F10 Sch. 4 para. 18 repealed (1.4.2001) by 1999 c. 22, s. 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)

- 19 So far as, immediately before the commencement of this Act—
- (a) section 23(7) of the Justices of the ^{M7}Peace Act 1949 (terms and conditions of employment of persons transferred to magistrates' courts committee on 1st April 1953); or
 - (b) paragraph 15 of Schedule 3 to the Justices of the ^{M8}Peace Act 1968 (terms and conditions of employment of persons transferred to certain magistrates' courts committees on 10th November 1969),
- has effect in relation to any person by virtue of paragraph 11 or 12 of Schedule 1 to the 1979 Act, it shall continue to have effect in relation to him.

Marginal Citations

M7 1949 c. 101.

M8 1968 c. 69.

- 20 (1) Any regulations made under—
- (a) section 42 of the Justices of the Peace Act 1949 (compensation in connection with Parts II and III of that Act); or
 - (b) paragraph 16 of Schedule 3 to the Justices of the Peace Act 1968 (compensation in connection with section 1 of that Act),
- which are in force immediately before the commencement of this Act by virtue of paragraph 13 of Schedule 1 to the 1979 Act shall continue to have effect and may be revoked or varied notwithstanding the repeal by the 1979 Act of the provisions under which they were made.
- (2) The reference in sub-paragraph (1)(a) above to section 42 of the Justices of the Peace Act 1949 includes a reference to that section as extended by section 32 of the ^{M9}Administration of Justice Act 1964 (extension for persons not qualified at date of enactment of the Justices of the Peace Act 1949).
 - (3) The functions of a responsible authority mentioned in paragraphs (b) and (c) of section 57(1) of this Act do not include their functions in respect of decisions made by a determining authority before 3rd February 1995 under the Justices of the ^{M10}Peace Act 1949 (Compensation) Regulations 1978.

Marginal Citations

M9 1964 c. 42.

M10 S.I. 1978/1682.

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Immunity and indemnification of justices and justices' clerks

- 21 Subject to paragraphs 22 and 23 below, the provisions of Part V of this Act shall have effect in relation to anything done, or omitted, before the commencement of this Act as they would have effect in relation to any corresponding thing done, or omitted, after the commencement of this Act.
- 22 The repeal by this Act of the 1979 Act is subject to paragraph 16(1) of Schedule 19 to the ^{M11}Courts and Legal Services Act 1990 (1979 Act to continue to apply in relation to matters arising before 1st January 1991 as if section 108 of that Act of 1990 (liability of magistrates for damages and costs) had not been enacted).

Marginal Citations

M11 1990 c. 41.

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

Pensions Act 1995

- 24 (1) If before the commencement of this Act paragraph 8 of Schedule 5 to the ^{M12}Pensions Act 1995 has not come into force then, until the relevant commencement date, section 55(6)(b)(ii) of this Act shall have effect with the substitution, for the words “contributions equivalent premiums”, of the words “state scheme premiums”.
- (2) In sub-paragraph (1) above, “relevant commencement date” means—
- (a) if before the commencement of this Act the Secretary of State has made an order under section 180 of the ^{M13}Pensions Act 1995 (commencement) appointing a date on or after the date of that commencement as the date on which paragraph 8 of Schedule 5 to that Act is to come into force, the date so appointed; and
 - (b) otherwise, such date as the Secretary of State may by order appoint.
- (3) Sections 174 (orders and regulations) and 180(4) of the Pensions Act 1995 shall apply to an order under sub-paragraph (2)(b) above as they would apply to an order under section 180(1) of that Act.

Marginal Citations

M12 1995 c. 26.

M13 1995 c. 26.

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Enactments passed before 18th April 1973

- 25 (1) This paragraph applies where, immediately before the commencement of this Act, any enactment passed or instrument made before the 18th April 1973 has effect by virtue of section 71(3) of the 1979 Act (modifications of certain enactments and instruments) as if it referred to—
- (a) a person being appointed or removed from office as a justice of the peace in accordance with section 6 of the 1979 Act; or
 - (b) the supplemental list for England and Wales kept under section 8 of the 1979 Act.
- (2) After the commencement of this Act the enactment or instrument shall have effect as if—
- (a) any reference to a person appointed justice by a commission of the peace or to a person being removed from a commission of the peace were a reference to his being appointed or removed from office as a justice of the peace in accordance with section 5 of this Act; and
 - (b) any reference to a supplemental list kept by virtue of section 4 of the Justices of the ^{M14}Peace Act 1949 in connection with the commission of the peace for any area were a reference to the supplemental list for England and Wales kept under section 7 of this Act.

Marginal Citations

M14 1949 c.101.

Justices of the Peace Act 1949, Schedule 2

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

Saving for superannuation provisions

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

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Saving for amendment of Local Government Act 1974

- 28 The repeal by this Act of the 1979 Act does not affect the amendment made by paragraph 28 of Schedule 2 to that Act to section 1(6)(a) of the ^{M15}Local Government Act 1974 (rate support grants).

Marginal Citations

M15 1974 c. 7.

Provision made by subordinate legislation

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

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