

*Status: Point in time view as at 07/09/1999.*

*Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed).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

## SCHEDULES

### SCHEDULE 1

Section 1.

#### COMMISSION AREAS IN WALES

Name	Area
Gwent commission area (or, in Welsh, ardal comisiwn Gwent)	The preserved county of Gwent, together with so much of the preserved county of Mid Glamorgan as falls within the county borough of Caerphilly.
South Wales commission area (or, in Welsh, ardal comisiwn De Cymru)	The preserved counties of Mid Glamorgan and South Glamorgan, but excluding so much of the preserved county of Mid Glamorgan as falls within the county borough of Caerphilly.

### SCHEDULE 2

Section 2.

#### LONDON COMMISSION AREAS

##### PART I

##### INNER LONDON AREA

Name	Area
Inner London area	The inner London boroughs

##### PART II

##### OUTER LONDON AREAS

Name	Area
North-east London area	The London boroughs of Barking, Havering, Newham, Redbridge and Waltham Forest.
South-east London area	The London boroughs of Bexley, Bromley and Croydon.
South-west London area	The London boroughs of Kingston upon Thames, Merton, Richmond upon Thames and Sutton.

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Middlesex area

The London boroughs of Barnet, Brent, Ealing, Enfield, Haringey, Harrow, Hillingdon and Hounslow.

### SCHEDULE 3

Section 50.

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

1 In this Schedule—

“the committee of magistrates” means the committee which until 1st April 1995 existed for the inner London area under section 35 of the Justices of the <sup>M1</sup>Peace Act 1979;

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

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

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

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

#### Marginal Citations

**M1** 1979 c. 55.

2 The Receiver shall pay out of the metropolitan police fund any superannuation benefits payable in respect of justices’ clerks and other officers employed by the committee of magistrates or the inner London magistrates’ courts committee under any enactment or instrument applied to those clerks or other officers by regulations having effect in accordance with section 15(9) of the <sup>M2</sup>Superannuation (Miscellaneous Provisions) Act 1967, other than benefits payable by the London Residuary Body, and any superannuation contributions and other payments for which the inner London magistrates’ courts committee may be liable as their employer under any such enactment or instrument.

#### Marginal Citations

**M2** 1967 c. 28.

3 Nothing in paragraph 2 above shall require the Receiver to incur any expenditure or make any payment which would cause the net cost to him in any year of the matters mentioned in paragraph 4 below to exceed the amount which, in relation to that year, is for the time being determined by the Lord Chancellor under paragraph 5(b) below.

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- 4 The Lord Chancellor may out of money provided by Parliament pay to the Receiver grants towards the net cost to the Receiver in any year—
- (a) of the Receiver's functions under paragraph 2 above; and
  - (b) of the Receiver's functions corresponding to those of responsible authorities under regulations made, or having effect as if made, under section 7 of the <sup>M3</sup>Superannuation Act 1972 with respect to court staff.

**Marginal Citations**

**M3** 1972 c. 11.

- 5 The amount of any grant under paragraph 4 above towards the net cost to the Receiver in any year of the matters mentioned in that paragraph shall not exceed 80 per cent of whichever of the following is the less, namely—
- (a) that net cost; and
  - (b) the amount which, in relation to that year, is for the time being determined for the purposes of this paragraph by the Lord Chancellor.
- 6 In subsections (5), (6) and (7) of section 57 of this Act (grants by Lord Chancellor to responsible authorities)—
- (a) references to that section include references to this Schedule; and
  - (b) references to the matters mentioned in subsection (1) of that section include references to the matters mentioned in paragraph 4 above.

SCHEDULE 4

Section 73(1).

TRANSITIONAL PROVISIONS AND SAVINGS

**PART I**

GENERAL PROVISIONS

*Continuity of the law*

- 1 (1) The repeal (or revocation) and re-enactment of provisions by this Act does not affect the continuity of the law.
- (2) Any subordinate legislation made or other thing done, or having effect as if made or done, under or for the purposes of any provision repealed (or revoked) and re-enacted by this Act shall, if in force or effective immediately before the commencement of the corresponding provision of this Act, have effect thereafter as if made or done under or for the purposes of that corresponding provision.

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- (3) Any reference (express or implied) in this Act or any other enactment or in any instrument or document—
- (a) to any provision of this Act; or
  - (b) to things done or falling to be done under or for the purposes of any provision of this Act,
- shall (so far as the context permits) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision repealed (or revoked) by this Act had effect, a reference—
- (i) to that corresponding provision; or
  - (ii) to things done or falling to be done under or for the purposes of that corresponding provision,
- as the case may be.
- (4) Any reference (express or implied) in any enactment or in any instrument or document—
- (a) to any provision repealed (or revoked) and re-enacted by this Act; or
  - (b) to things done or falling to be done under or for the purposes of any such provision,
- shall (so far as the context permits) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision of this Act has effect, a reference—
- (i) to that corresponding provision; or
  - (ii) to things done or falling to be done under or for the purposes of that corresponding provision,
- as the case may be.
- (5) Without prejudice to the generality of sub-paragraph (4) above, where a power conferred by an Act is expressed to be exercisable in relation to enactments contained in Acts passed before or in the same Session as the Act conferring the power, the power is also exercisable in relation to provisions of this Act which reproduce such enactments.
- (6) Sub-paragraphs (1) to (5) above have effect instead of section 17(2) of the <sup>M4</sup>Interpretation Act 1978 (but are without prejudice to any other provision of that Act).

**Marginal Citations**

**M4** 1978 c. 30.

*General saving for old transitional provisions and savings*

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

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- 3 The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.

*Use of existing forms, etc.*

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

## PART II

### PROVISIONS RELATING TO PARTICULAR ENACTMENTS

#### *Interpretation*

- 5 In this Part of this Schedule—
- (a) the “1979 Act” means the Justices of the <sup>M5</sup>Peace Act 1979;
  - (b) the “1994 Act” means the <sup>M6</sup>Police and Magistrates’ Courts Act 1994; and
  - (c) any reference to the commencement of this Act shall be construed in accordance with section 74(1) of this Act.

#### **Marginal Citations**

- M5** 1979 c. 55.  
**M6** 1994 c. 29.

#### *Petty sessions areas*

- 6 The repeal by this Act of—
- (a) paragraph 9 of Schedule 1 to the 1979 Act (saving for petty sessional divisions); or
  - (b) section 91(3) of the 1994 Act (saving for petty sessional divisions of inner London area),
- does not affect the continued existence of any petty sessions area.

#### *Inner London area*

- 7 (1) If section 83(1) of the 1994 Act (administrative and financial arrangements for magistrates’ courts) has not come into force in relation to the inner London area before the commencement of this Act then, until the relevant commencement date, sections 55 and 56 of this Act shall not apply in relation to that area.

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- (2) If section 83(2) of the 1994 Act (repeal of sections 57 and 58 of 1979 Act), so far as it relates to section 58 of the 1979 Act (duties of Receiver in relation to inner London area), and the repeal of section 58 of the 1979 Act by Part II of Schedule 9 to the 1994 Act have not come into force before the commencement of this Act then, until the relevant commencement date—
- (a) notwithstanding the repeal of the 1979 Act by this Act—
    - (i) section 58 of the 1979 Act shall continue to have effect; and
    - (ii) section 70 of the 1979 Act (interpretation) shall continue to have effect for the purpose of interpreting section 58 of that Act;
  - (b) section 54 of this Act shall have effect as if the Receiver for the Metropolitan Police District were the paying authority for the purposes of that section in respect of a justice or justices' clerk acting for the inner London area;
  - (c) any reference in any enactment to Part VI of this Act (including the reference in section 57(1)(a) of this Act) shall have effect as if it included a reference to section 58 of the 1979 Act;
  - (d) the Receiver for the Metropolitan Police District shall be—
    - (i) the paying authority and the responsible authority for the purposes of section 82 of the <sup>M7</sup>Road Traffic Offenders Act 1988 (accounting for fixed penalties); and
    - (ii) the paying authority for the purposes of section 76 of the <sup>M8</sup>Criminal Justice Act 1991 (provision of court security officers) in relation to the magistrates' courts committee for the inner London area;
  - (e) the provisions of subsections (3) and (4) of section 76 of the Criminal Justice Act 1991 shall not apply in relation to the magistrates' courts committee for the inner London area; and
  - (f) the repeals by this Act of—
    - (i) section 60(6) of the <sup>M9</sup>Local Government Act 1985;
    - (ii) paragraph 7 of Schedule 11 to the <sup>M10</sup>Children Act 1989, so far as that repeal relates to paragraph (c) of that paragraph; and
    - (iii) paragraph 40(2)(k) of Schedule 11 to the Criminal Justice Act 1991, shall not come into force.
- (3) If paragraph 1 of Schedule 8 to the 1994 Act has not come into force before the commencement of this Act then, until the relevant commencement date, section 10 of this Act shall have effect—
- (a) as if in subsection (7), after paragraph (a), there were inserted—
    - “(aa) in relation to a justice for the inner London area, the Receiver for the Metropolitan Police District;”;
  - (b) with the omission of subsections (8)(a) and (9).
- (4) If paragraph 19(3) of Schedule 8 to the 1994 Act has not come into force in relation to the inner London area before the commencement of this Act then, until the relevant commencement date, section 57 of this Act shall have effect in relation to the inner London area as if the Receiver for the Metropolitan Police District were the responsible authority for the purposes of that section.
- (5) If paragraph 23 of Schedule 8 to the 1994 Act has not come into force before the commencement of this Act then, until the relevant commencement date, paragraph

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27(2) below shall have effect as if the reference to sections 55 and 56 of this Act included a reference to section 58 of the 1979 Act.

- (6) If the repeal by Part II of Schedule 9 to the 1994 Act of words in section 59(1)(b) of the 1979 Act has not come into force before the commencement of this Act then, until the relevant commencement date, section 57 of this Act shall have effect as if, at the end of subsection (1)(b), there were inserted the words “or, in the case of the Receiver for the Metropolitan Police District, his corresponding functions”.
- (7) “Relevant commencement date”, in relation to any of sub-paragraphs (1) to (6) above, means—
- (a) if before the commencement of this Act a date on or after the date of that commencement has been appointed by an order under section 94 of the 1994 Act (commencement and transitional provisions) as the date on which the provision (or provisions) of the 1994 Act mentioned in that sub-paragraph is (or are) to come into force (or is to come into force in relation to the area, or for the purpose, so mentioned), the date so appointed; and
  - (b) otherwise, such date as the Lord Chancellor may by order appoint.
- (8) Subsections (4), (5), (7) and (8) of section 94 of the 1994 Act shall apply to an order under sub-paragraph (7)(b) above as they would apply to an order under subsection (2) of that section.

#### Marginal Citations

- M7** 1988 c. 53.  
**M8** 1991 c. 53.  
**M9** 1985 c. 51.  
**M10** 1989 c. 41.

- 8 (1) If paragraph 24 of Schedule 8 to the 1994 Act has not come into force before the commencement of this Act, then paragraph 4 of Schedule 5 to this Act shall not come into force until immediately after that provision of the 1994 Act has come into force.
- (2) If paragraph 35 of Schedule 8 to the 1994 Act has not come into force before the commencement of this Act, then paragraph 30(a) of Schedule 5 to this Act shall not come into force until immediately after that provision of the 1994 Act has come into force.
- 9 The committee established for the purposes of section 34A of the 1979 Act (division of work in inner London area) shall after the commencement of this Act continue in existence as the committee established for the purposes of section 20 of this Act and each person who immediately before the commencement of this Act holds office as a member of the committee shall continue to hold office as a member until the expiry of the period for which he was appointed under section 34A(3) of the 1979 Act.
- 10 Subject to any order made under section 32 of this Act—

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- (a) any reference in any document to the committee of magistrates shall have effect, in relation to any time on or after 1 April 1995, as a reference to the magistrates' courts committee for the inner London area; and
  - (b) without prejudice to the generality of paragraph 1 above or 13 below, the body corporate formerly constituted under section 35 of the 1979 Act (committee of magistrates for inner London area) which, by virtue of section 79(2) of the 1994 Act (savings), is the magistrates' courts committee for that area shall continue to be that magistrates' courts committee.
- 11 (1) Sub-paragraph (2) below applies to any person who, immediately before the commencement of this Act is treated by virtue of section 80(2) or (3) of the 1994 Act (abolition of offices of principal chief clerk and chief clerk: savings) as having been appointed by the magistrates' courts committee for the inner London area—
- (a) under section 24D of the 1979 Act, as justices' chief executive; or
  - (b) as a justices' clerk—
    - (i) under section 25 of that Act, for any petty sessional division of the inner London area; or
    - (ii) under section 34B of that Act, for the youth courts or family proceedings courts for that area and the City of London.
- (2) Subject to section 42(5) to (7) of this Act, any person to whom this sub-paragraph applies shall hold and vacate office—
- (a) in accordance with the terms of his appointment; or
  - (b) if he has entered into a contract of service, in accordance with the terms of his contract of service.
- (3) Where, immediately before the commencement of this Act, a person is employed under a contract of service to which subsection (5) of section 80 of the 1994 Act (abolition of offices of senior deputy chief clerk and deputy chief clerk: savings for contract of service) applies—
- (a) the repeal by this Act of that subsection shall not affect the continuation of that person's contract of service;
  - (b) he shall not be dismissed from his employment without the approval of the Lord Chancellor; and
  - (c) before approving his dismissal the Lord Chancellor shall consider any representations made by him.
- (4) Any reference in any instrument or document to the chief clerk for any petty sessional division of the inner London area or for the youth courts or family proceedings courts for that area and the City of London shall have effect, in relation to any time on or after 1st April 1995, as a reference to the justices' clerk for that petty sessional division or, as the case may be, for those courts.

#### *Stipendiary magistrates*

- 12 (1) This paragraph applies where immediately before the commencement of this Act a stipendiary magistrate who holds office in any commission area or commission areas is treated by virtue of paragraph 7(b) of Schedule 1 to the 1979 Act (stipendiary



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magistrates appointed under section 29 of the Justices of the <sup>M11</sup>Peace Act 1949 who held office immediately before 1st April 1974) as having been appointed under section 13 of the 1979 Act.

- (2) The stipendiary magistrate shall continue to hold office in that commission area or those commission areas as if appointed under section 11 of this Act.
- (3) His salary shall not be less than that payable to him immediately before 1st April 1974.
- (4) For the purposes of section 12 of this Act he shall be treated as having been appointed on the date on which he was appointed to the office which he held immediately before 1st April 1974.
- (5) Sub-paragraph (2) above is without prejudice to the generality of paragraph 1(2) above.

#### Marginal Citations

M11 1949 c. 101.

#### *Magistrates' courts committees*

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

- 15 (1) If, before the commencement of this Act, section 75 of the 1994 Act has not come into force, so far as it inserts section 24D(5) in the 1979 Act, in relation to the appointment of a justices' chief executive by the magistrates' courts committee for Hampshire, Kent or Lincolnshire, then, until the relevant commencement date, section 40 of this Act shall have effect in relation to such an appointment with the omission of subsection (5).
- (2) In sub-paragraph (1) above, "relevant commencement date" means, in relation to such an appointment—
  - (a) if before the commencement of this Act a date on or after the date of that commencement has been appointed by an order under section 94 of the 1994 Act (commencement and transitional provisions) as the date on which section 75 of that Act, so far as it inserts section 24D(5) in the 1979 Act, is to come into force in relation to such an appointment, the date so appointed; and

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- (b) otherwise, such date as the Lord Chancellor may by order appoint.
- (3) Subsections (4), (5), (7) and (8) of section 94 of the 1994 Act shall apply to an order under sub-paragraph (2)(b) above as they would apply to an order under subsection (2) of that section.
- (4) The references to Hampshire, Kent and Lincolnshire in sub-paragraph (1) above are to those counties as they stood on 1st April 1995.
- 16 A person who, immediately before the commencement of this Act, continues to hold office as clerk to a magistrates' courts committee by virtue of Article 6(1) of the <sup>M12</sup>Police and Magistrates' Courts Act 1994 (Commencement No. 8 and Transitional Provisions) Order 1995 may continue in that appointment until the magistrates' courts committee have appointed a justices' chief executive in accordance with section 40(1) of this Act.

**Marginal Citations**

**M12** [S.I. 1995/685](#).

VALID FROM 01/04/2001

- [<sup>F1</sup>16A Any order made before 1st April 1953 under section 30 of the <sup>M13</sup>Criminal Justice Administration Act 1914 or section 1 of the <sup>M14</sup>Affiliation Orders Act 1914—
- (a) if it directs payments to be made to any officer of a court of summary jurisdiction, shall have effect as if it directed them to be made to the justices' chief executive who is the collecting officer of that court; and
- (b) if it directs payments to be made to any person who is not an officer of a court of summary jurisdiction, shall have effect as if it directed them to be made to the justices' chief executive who is the collecting officer of the court making the order.]

**Textual Amendments**

**F1** [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**

**M13** [1914 c.58](#).

**M14** [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—

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- (a) continues to hold office as a justices' clerk for that area or for any one or more petty sessions areas including any part of that area; and
  - (b) has not entered into a contract of service on or after that date.
- (2) Any justices' clerk in relation to whom, by virtue of sub-paragraph (1) above, section 44(1) of this Act does not have effect shall hold office during the pleasure of the magistrates' courts committee concerned.
- (3) Any such justices' clerk shall be paid a salary for his personal remuneration, and the salary shall be taken to be remuneration for all business which he may by reason of his office as justices' clerk be called upon to perform, other than any duties as secretary to a licensing planning committee under Part VII of the <sup>M15</sup>Licensing Act 1964.
- (4) Any such justices' clerk may be paid a single salary in respect of two or more clerkships.
- (5) Any such justices' clerk shall, in addition to his salary, be paid the amount of any expenses of a description specified when his salary is determined, being expenses incurred by him with the general or special authority of the magistrates' courts committee.

**Marginal Citations**

**M15** 1964 c. 26.

- 18 Any order made before 1st April 1953 under—
- (a) section 30 of the <sup>M16</sup>Criminal Justice Administration Act 1914; or
  - (b) section 1 of the <sup>M17</sup>Affiliation Orders Act 1914,
- which is in force immediately before the commencement of this Act and, by virtue of paragraph 14 of Schedule 1 to the 1979 Act, has effect as if it required payments under it to be made to a justices' clerk in his capacity as collecting officer of a magistrates' court shall, so long as the order remains in force, continue to have that effect by virtue of this paragraph.

**Marginal Citations**

**M16** 1914 c. 58.

**M17** 1914 c. 6 (4 & 5 Geo. 6).

- 19 So far as, immediately before the commencement of this Act—
- (a) section 23(7) of the Justices of the <sup>M18</sup>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 <sup>M19</sup>Peace Act 1968 (terms and conditions of employment of persons transferred to certain magistrates' courts committees on 10th November 1969),

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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**

**M18** 1949 c. 101.

**M19** 1968 c. 69.

- 20 (1) Any regulations made under—
- (a) section 42 of the Justices of the Peace Act 1949 (compensation in connection with Parts II and III of that Act); or
  - (b) paragraph 16 of Schedule 3 to the Justices of the Peace Act 1968 (compensation in connection with section 1 of that Act),
- which are in force immediately before the commencement of this Act by virtue of paragraph 13 of Schedule 1 to the 1979 Act shall continue to have effect and may be revoked or varied notwithstanding the repeal by the 1979 Act of the provisions under which they were made.
- (2) The reference in sub-paragraph (1)(a) above to section 42 of the Justices of the Peace Act 1949 includes a reference to that section as extended by section 32 of the <sup>M20</sup>Administration of Justice Act 1964 (extension for persons not qualified at date of enactment of the Justices of the Peace Act 1949).
  - (3) The functions of a responsible authority mentioned in paragraphs (b) and (c) of section 57(1) of this Act do not include their functions in respect of decisions made by a determining authority before 3rd February 1995 under the Justices of the <sup>M21</sup>Peace Act 1949 (Compensation) Regulations 1978.

**Marginal Citations**

**M20** 1964 c. 42.

**M21** S.I. 1978/1682.

*Immunity and indemnification of justices and justices' clerks*

- 21 Subject to paragraphs 22 and 23 below, the provisions of Part V of this Act shall have effect in relation to anything done, or omitted, before the commencement of this Act as they would have effect in relation to any corresponding thing done, or omitted, after the commencement of this Act.
- 22 The repeal by this Act of the 1979 Act is subject to paragraph 16(1) of Schedule 19 to the <sup>M22</sup>Courts and Legal Services Act 1990 (1979 Act to continue to apply in relation to matters arising before 1st January 1991 as if section 108 of that Act of 1990 (liability of magistrates for damages and costs) had not been enacted).

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**Marginal Citations**

**M22** 1990 c. 41.

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

*Pensions Act 1995*

- 24 (1) If before the commencement of this Act paragraph 8 of Schedule 5 to the <sup>M23</sup>Pensions Act 1995 has not come into force then, until the relevant commencement date, section 55(6)(b)(ii) of this Act shall have effect with the substitution, for the words “contributions equivalent premiums”, of the words “state scheme premiums”.
- (2) In sub-paragraph (1) above, “relevant commencement date” means—
- (a) if before the commencement of this Act the Secretary of State has made an order under section 180 of the <sup>M24</sup>Pensions Act 1995 (commencement) appointing a date on or after the date of that commencement as the date on which paragraph 8 of Schedule 5 to that Act is to come into force, the date so appointed; and
  - (b) otherwise, such date as the Secretary of State may by order appoint.
- (3) Sections 174 (orders and regulations) and 180(4) of the Pensions Act 1995 shall apply to an order under sub-paragraph (2)(b) above as they would apply to an order under section 180(1) of that Act.

**Marginal Citations**

**M23** 1995 c. 26.

**M24** 1995 c. 26.

*Enactments passed before 18th April 1973*

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

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- (2) After the commencement of this Act the enactment or instrument shall have effect as if—
- (a) any reference to a person appointed justice by a commission of the peace or to a person being removed from a commission of the peace were a reference to his being appointed or removed from office as a justice of the peace in accordance with section 5 of this Act; and
  - (b) any reference to a supplemental list kept by virtue of section 4 of the Justices of the <sup>M25</sup>Peace Act 1949 in connection with the commission of the peace for any area were a reference to the supplemental list for England and Wales kept under section 7 of this Act.

**Marginal Citations**

**M25** 1949 c.101.

*Justices of the Peace Act 1949, Schedule 2*

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

*Saving for superannuation provisions*

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

*Saving for amendment of Local Government Act 1974*

- 28 The repeal by this Act of the 1979 Act does not affect the amendment made by paragraph 28 of Schedule 2 to that Act to section 1(6)(a) of the <sup>M26</sup>Local Government Act 1974 (rate support grants).

**Marginal Citations**

**M26** 1974 c. 7.

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*Status: Point in time view as at 07/09/1999.*

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

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*Provision made by subordinate legislation*

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

SCHEDULE 5

Section 73(2).

CONSEQUENTIAL AMENDMENTS

**Extent Information**

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

*The Sheriffs Act 1887 (c. 55)*

- 1 In section 38 of the Sheriffs Act 1887 (definitions), for “(as defined in section 1 of the Justices of the Peace Act 1979)” there shall be substituted “(within the meaning of the Justices of the Peace Act 1997)”.

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

- 2 In section 3 of the Maintenance Orders (Facilities for Enforcement) Act 1920 (provisional orders against persons resident in dominions), in subsection (4), for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.

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

- 3 In Schedule 2 to the Children and Young Persons Act 1933 (constitution of youth courts), in paragraph 8A, for “section 2 of the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.

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

- 4 In section 151 of the London Building Acts (Amendment) Act 1939 (Crown exemptions), in subsection (1), in paragraph (bb), for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.

*Status: Point in time view as at 07/09/1999.*

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

#### Commencement Information

**II** Sch. 5 para. 4 not in force, see ss. 73(1), 74(1), Sch. 4 para.8(1)

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

- 5 In section 43 of the National Assistance Act 1948 (recovery of cost of assistance from persons liable to maintenance), in subsection (4), for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”.

#### *The Marriage Act 1949 (c. 76)*

- 6 In section 3 of the Marriage Act 1949 (marriage of a child), in subsection (5), for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”.

#### *The Licensing Act 1964 (c. 26)*

- 7 (1) The Licensing Act 1964 shall be amended as follows.
- (2) In section 2 (licensing justices and districts), in subsection (2A), for “section 2 of the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”.
- (3) In section 201 (interpretation), in subsection (1), in the definition of “the metropolis”, for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”.

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

- 8 In section 38 of the Administration of Justice Act 1964 (interpretation), in subsection (1), for the entry beginning “London commission areas” there shall be substituted—
- ““London commission areas”, “inner London area” and “outer London areas” have the same meanings as in the Justices of the Peace Act 1997;”.

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

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



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*Status: Point in time view as at 07/09/1999.*

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

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

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

*The Immigration Act 1971 (c. 77)*

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

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

- 11 In Schedule 12A to the Local Government Act 1972 (access to information: exempt information), in paragraph 2(a), for “section 19 of the Justices of the Peace Act 1979” there shall be substituted “ section 27 of the Justices of the Peace Act 1997 ”.

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

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

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

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

**“5 Consequential.**

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

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

*Status: Point in time view as at 07/09/1999.*

*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 1 (consequential provisions), in paragraph 7, for “section 10(2)(a) to (c) of the Justices of the Peace Act 1979” there shall be substituted “ section 9(2)(a) to (c) of the Justices of the Peace Act 1997 ”.

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

- 14 In section 35 of the Matrimonial Causes Act 1973 (alteration of maintenance agreements by courts), in subsection (3), for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”.

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

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

*The Solicitors Act 1974 (c. 47)*

- 16 In section 38 of the Solicitors Act 1974 (solicitor who is a justice of the peace not to act in certain proceedings)—
- (a) in subsection (3), for “section 8 of the Justices of the Peace Act 1979” there shall be substituted “ section 7 of the Justices of the Peace Act 1997 ”; and
  - (b) in subsection (4), for “the proviso to section 39(1) of the Justices of the Peace Act 1979” there shall be substituted “ section 21(1) of the Justices of the Peace Act 1997 ”.

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

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

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

- 18 In section 88 of the Domestic Proceedings and Magistrates’ Courts Act 1978 (interpretation), in subsection (1)—
- (a) in the definition of “commission area”, for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”; and
  - (b) for the definition of “petty sessions area” there shall be substituted—

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*Status: Point in time view as at 07/09/1999.*

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

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““petty sessions area” has the same meaning as in the Justices of the Peace Act 1997;”.

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

- 19 (1) The Magistrates’ Courts Act 1980 shall be amended as follows.
- (2) In each of the provisions of that Act specified in sub-paragraph (3) below, for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”.
- (3) The provisions mentioned in sub-paragraph (2) above are—
- (a) section 52 (jurisdiction to deal with complaints);
  - (b) in section 67 (family proceedings courts and panels), subsection (4);
  - (c) in section 87 (enforcement of payment of fines by High Court and county court), subsection (4); and
  - (d) in section 87A (fines imposed on companies), subsection (2).
- (4) In section 139 (disposal of sums adjudged to be paid by conviction), in paragraph (c), for “section 61 of the Justices of the Peace Act 1979” there shall be substituted “ section 60 of the Justices of the Peace Act 1997 ”.
- (5) In section 150 (interpretation), in subsection (1)—
- (a) in the definitions of—
    - (i) “commission area”; and
    - (ii) “London commission area”,for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”; and
  - (b) for the definition of “petty sessions area” there shall be substituted—

““petty sessions area” has the same meaning as in the Justices of the Peace Act 1997;”.

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

- 20 In the Schedule to the Child Abduction Act 1984 (abduction of child by parent: particular cases), in paragraph 5(b), for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”.

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

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

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*Status: Point in time view as at 07/09/1999.*

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

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

- 22 (1) The Local Government Act 1985 shall be amended as follows.
- (2) In section 99 (disqualification of justices), for “Section 64 of the Justices of the Peace Act 1979” there shall be substituted “ Section 66 of the Justices of the Peace Act 1997 ”.
- (3) In Schedule 13 (residuary bodies), in paragraph 13, for paragraph (i) there shall be substituted—
- “(i) section 66 of the Justices of the Peace Act 1997;”.

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

- 23 In section 81 of the Criminal Justice Act 1988 (confiscation orders: application of proceeds of realisation etc.)—
- (a) in subsections (8) and (9)(d), for “section 61 of the Justices of the Peace Act 1979” there shall be substituted “ section 60 of the Justices of the Peace Act 1997 ”; and
- (b) in subsection (10), for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”.

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

- 24 In Schedule 3 to the Legal Aid Act 1988 (criminal proceedings: enforcement of contribution orders), in paragraph 4—
- (a) in sub-paragraph (1), for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”; and
- (b) in sub-paragraph (2), for “section 61(4) of the Justices of the Peace Act 1979” there shall be substituted “ section 60(4) of the Justices of the Peace Act 1997 ”.

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

- 25 In section 82 of the Road Traffic Offenders Act 1988 (accounting for fixed penalties)—
- (a) in subsection (1), for “section 61 (application of fines and fees) of the Justices of the Peace Act 1979” there shall be substituted “ section 60 of the Justices of the Peace Act 1997 (application of fines and fees) ”;
- (b) in subsection (2)(b), for “section 59 of the Justices of the Peace Act 1979” there shall be substituted “ section 57 of the Justices of the Peace Act 1997 ”; and
- (c) in subsection (2A), for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”.

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*Status: Point in time view as at 07/09/1999.*

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

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

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

*The Children Act 1989 (c. 41)*

- 27 In Schedule 1 to the Children Act 1989 (financial provision for children), in paragraph 10(6), for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”.

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

- 28 In section 11 of the Computer Misuse Act 1990 (proceedings for offence of unauthorised access to computer material), in subsection (6), for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”.

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

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

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

- 30 In section 46 of the Local Government Finance Act 1992 (special items relating to part of area)—
- (a) in subsection (2)(d), for “Schedule 7 to the Police and Magistrates’ Courts Act 1994” there shall be substituted “ Schedule 3 to the Justices of the Peace Act 1997 ”; and
- (b) in subsection (4), in the definition of “inner London area”, for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”.

**Commencement Information**

**I2** Sch. 5 para. 30 partly in force, see ss. 73(1), 74(1)(3), Sch. 4 para. 8(2)

*Status: Point in time view as at 07/09/1999.*

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

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

- 31 In section 19 of the Local Government Act 1992 (regulations of general application), in subsection (2)(d)(i), for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”.

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

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

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

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

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

- 34 (1) The Probation Service Act 1993 shall be amended as follows.
- (2) In section 30 (interpretation), in subsection (1), in the definition of “inner London area”, for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”.
- (3) In Schedule 1 (probation committees and probation liaison committees), in paragraph 6, for sub-paragraph (4) there shall be substituted—
- “(4) In sub-paragraph (3) “commission area” has the same meaning as in the Justices of the Peace Act 1997.”

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

.....  
 F<sup>2</sup>35

**Textual Amendments**

**F2** Sch. 5 para. 35 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), Sch. 15 Pt. V(1) (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 2(d)(iii)

- 35 (1) The Local Government (Wales) Act 1994 shall be amended as follows.

*Status: Point in time view as at 07/09/1999.*

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

- (2) In section 55 (orders making provision about justices of the peace)—
- (a) in subsection (2)(a), for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”;
  - (b) in subsection (3)—
    - (i) in paragraph (a), for “section 1 of the Act of 1979” there shall be substituted “ section 1 of (or Schedule 1 to) the Act of 1997 ”; and
    - (ii) in paragraph (c), for “section 19 of” there shall be substituted “ section 27 of ”.
- (3) In Schedule 13 (the Residuary Body for Wales), in paragraph 20(h), for “section 64 of the Justices of the Peace Act 1979 (c. 55)” there shall be substituted “ section 66 of the Justices of the Peace Act 1997 (c. 25) ”.

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

- 36 In section 30 of the Drug Trafficking Act 1994 (confiscation orders: application of proceeds etc.)—
- (a) in subsection (8), for “section 61 of the Justices of the Peace Act 1979” there shall be substituted “ section 60 of the Justices of the Peace Act 1997 ”; and
  - (b) in subsection (9), for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”.

*The Police Act 1996 (c. 16)*

- 37 (1) The Police Act 1996 shall be amended as follows.
- (2) In section 5 (reductions in size of police authorities), in subsection (2)(c), for “section 21(1A) of the Justices of the Peace Act 1979” there shall be substituted “ section 29(2) of the Justices of the Peace Act 1997 ”.
- (3) In Schedule 2 (police authorities)—
- (a) in paragraph 7, for “section 21(1A) of the Justices of the Peace Act 1979” there shall be substituted “ section 29(2) of the Justices of the Peace Act 1997 ”; and
  - (b) in paragraph 27, for “the Justices of the Peace Act 1979” there shall be substituted “ the Justices of the Peace Act 1997 ”.

SCHEDULE 6

Section 73(3).

REPEALS AND REVOCATIONS

**Extent Information**

- E2** Any repeal or revocation contained in Sch. 6, except as mentioned in s. 75(4), has the same extent as the provision it repeals or revokes, see s. 75(2)

*Status: Point in time view as at 07/09/1999.**Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed). (See end of Document for details)***Commencement Information****I3** Sch. 6 partly in force: Sch. 6 in force at 19.6.1997 with certain exceptions, see *ss. 73(1), 74(1)(b)***PART I****REPEALS**

<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
1973 c. 15.	The Administration of Justice Act 1973.	In Schedule 1, paragraph 3.
1979 c. 55.	The Justices of the Peace Act 1979.	The whole Act.
1980 c. 43.	The Magistrates' Courts Act 1980.	In Schedule 7, paragraphs 55 and 191 to 197.
1982 c. 53.	The Administration of Justice Act 1982.	Section 65.
1985 c. 51.	The Local Government Act 1985.	Section 12.  Section 60(6). In Schedule 14, paragraph 57.
1988 c. 4.	The Norfolk and Suffolk Broads Act 1988.	In Schedule 6, paragraph 20.
1988 c. 33.	The Criminal Justice Act 1988.	Section 164.  In Schedule 15, paragraph 63.
1988 c. 41.	The Local Government Finance Act 1988.	In Schedule 12, paragraph 2.
1988 c. 50.	The Housing Act 1988.	In Schedule 17, paragraph 27.
1989 c. 41.	The Children Act 1989.	In Schedule 11, paragraph 7.
1989 c. 43.	The Statute Law (Repeals) Act 1989.	In Schedule 2, paragraph 3.
1990 c. 41.	The Courts and Legal Services Act 1990.	Section 108.  Section 117. In Schedule 10, paragraphs 44 and 45.
1991 c. 17.	The Maintenance Enforcement Act 1991.	In Schedule 2, paragraph 4.
1991 c. 53.	The Criminal Justice Act 1991.	Section 93(3) and (4).



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*Status: Point in time view as at 07/09/1999.*

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

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

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## PART II

### REVOCATIONS

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<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
S.I. 1985/1383.	The Local Government (Magistrates’ Courts etc.) Order 1985.	In the Schedule, paragraph 3.
S.I. 1990/531.	The Justices of the Peace Act 1979 (Amendment) Order 1990.	The whole order.
S.I. 1994/2594	The Police and Magistrates’ Courts Act 1994 (Commencement No. 3 and Transitional Provisions) Order 1994	The whole order.
S.I. 1995/42.	The Police and Magistrates’ Courts Act 1994 (Commencement No. 6 and Transitional Provisions) Order 1995.	The whole order.

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*Status: Point in time view as at 07/09/1999.*

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

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

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## TABLE OF DERIVATIONS

### Notes:

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

2 The following abbreviations are used in the Table:—

#### Acts of Parliament

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

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#### Subordinate legislation

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

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*Status: Point in time view as at 07/09/1999.*

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

<b>Provision</b>	<b>Derivation</b>
1(1)	1979 s.1(a), (b), (c); 1996/674 Sch. para.1(1)(c).
(2)(a)	Drafting.
(b)	1979 s.1(aa); Local Government (Wales) Act 1994 (c.19) Sch.2 para.10(1); drafting.
(3)	1979 s.1; 1996/674 Sch. para.1(1)(d).
2(1), (2)	1979 s.2(1).
(3) to (5)	1979 s.3.
3	1979 s.5(1).
4(1)(a)	1979 s.4(1)(a), (c), (1A), (2)(b), (d); Local Government Act 1985 (c.51) s.12(2); Local Government (Wales) Act 1994 (c.19) Sch.2 para.10(2); 1996/674 Sch. para.1(2).
(b)	1979 s.4(1)(b), (d), (1A), (2)(c), (e); Local Government Act 1985 (c.51) s.12(2); Local Government (Wales) Act 1994 (c.19) Sch.2 para.10(2); 1996/674 Sch. para.1(2).
(c)	1979 s.4(2)(f); Local Government Act 1985 (c.51) s.12(2).
(2)	1979 s.4(1), (1A), (2)(b) to (e), Local Government Act 1985 (c.51) s.12(2); Local Government (Wales) Act 1994 (c.19) Sch.2 para.10(2); 1996/674 Sch. para.1(2).
5(1)	1979 s.6(1); Administration of Justice Act 1982 (c.53) s.65.
(2)	1979 s.6(2).
6	1979 s.7.
7	1979 s.8.
8(1)(a)	1979 s.9(1).
(b)	1979 s.9(2).
(2)	1979 s.9(2).
9	1979 s.10.
10(1), (2)	1979 s.12(1), (2).

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*Status: Point in time view as at 07/09/1999.*

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

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|------------|---|
| (3)        | 1979 s.12(3).   |
| (4)        | 1979 s.12(3).   |
| (5)        | 1979 s.12(4); Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670).  |
| (6)        | 1979 s.12(5).   |
| (7)(a)     | 1979 s.12(5)(a).  |
| (b)        | 1979 s.12(5)(c); Local Government Act 1985 (c.51) s.12(3).  |
| (c)        | 1979 s.12(5)(e).  |
| (d)        | 1979 s.12(5)(b), (d), (f); 1994 Sch.8 para.1(2); 1996/674 Sch. para.1(3)(b); 1996/675 Sch. para.1(2).   |
| (8)        | 1979 s.12(5)(b), (d), (f); 1994 Sch.8 para.1(2); 1996/674 Sch. para.1(3)(b); 1996/675 Sch. para.1(2).   |
| (9)        | 1979 s.12(5A); 1994 Sch.8 para.1(3); 1996/674 Sch. para.1(3)(c).  |
| (10)       | 1979 s.12(6).   |
| (11)       | 1979 s.12(7).   |
| (12)       | 1979 s.69A; 1994 s.90.  |
| 11(1)      | 1979 s.13(1); Courts and Legal Services Act 1990 (c.41) Sch.10 para.44(1).  |
| (2), (3)   | 1979 s.13(2), (3).  |
| (4)        | 1979 s.13(4); Maximum Number of Stipendiary Magistrates Order 1996 (S.I. 1996/1924) Art.2.  |
| (5)        | 1979 s.13(5).   |
| 12(1)      | 1979 s.14(1A); Judicial Pensions and Retirement Act 1993 (c.8) Sch.6 para.19(2); Judicial Pensions and Retirement Act 1993 (Commencement) Order 1995 (S.I. 1995/631) Art.2.   |
| (2)        | 1979 s.14(1); Judicial Pensions and Retirement Act 1993 (c.8) Sch.6 para.19(3)(a); Judicial Pensions and Retirement Act 1993 (Commencement) Order 1995 (S.I. 1995/631) Art.2. |
| (3)        | 1979 s.14(3); Judicial Pensions and Retirement Act 1993 (c.8) s.26(10), Sch.6 para.19(5).   |
| 13(1), (2) | 1979 s.15(1), (2).  |

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(3)	1979 s.15(2A); Courts and Legal Services Act 1990 (c.41) s.108(4); drafting.
(4)	1979 s.15(3); Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670).
14(1)	1979 s.16(2).
(2)	1979 s.16(3), (4).
(3)	1979 s.16(3).
(4)	1979 s.16(3).
(5)	1979 s.16(5)
(6)	1979 s.16(4).
(7)	1979 s.16(5); Magistrates' Courts Act 1980 (c.43) Sch.7 para.191(b); Children Act 1989 (c.41) Sch.11 para.7(a).
15(1)	1979 s.16(1); Magistrates' Courts Act 1980 (c.43) Sch.7 para.191(a).
(2)	1979 s.16(5); Magistrates' Courts Act 1980 (c.43) Sch.7 para.191(b); Children Act 1989 (c.41) Sch.11 para.7(a).
16(1)	1979 s.31(1).
(2)	1979 s.31(2); Courts and Legal Services Act 1990 (c.41) Sch.10 para.44(2).
(3)	1979 s.31(3).
(4)	1979 s.31(4); drafting.
(5)	1979 s.31(6).
(6)	1979 s.31(7).
17(1)	1979 s.32(1); 1994 Sch.8 para.14.
(2), (3)	1979 s.32(2), (3).
18(1)	1979 s.33(2).
(2)	1979 s.33(1).
(3)(a)	1979 s.33(2).
(b)	1979 s.33(3).
(4)	1979 s.33(3); drafting.
(5)	1979 s.33(3).
(6)	1979 s.33(4).
(7)	Drafting.
19(1)	1979 s.34(1); Courts and Legal Services Act 1990 (c.41) Sch.10 para.44(2).

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(2)	1979 s.34(2).
(3)	1979 s.34(2A); Courts and Legal Services Act 1990 (c.41) s.108(5); drafting.
(4)	1979 s.34(3); Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670).
20(1)	1979 s.34A(1); 1994 s.81.
(2)	1979 s.34A(1); 1994 s.81.
(3) to (6)	1979 s.34A(2) to (5); 1994 s.81.
21(1), (2)	1979 s.39(1), (2).
(3)	1979 s.39(3).
22(1)	1979 s.17(1); 1994 Sch.8 para.2(2).
(2)	1979 s.17(2); 1994 Sch.8 para.2(3).
(3)	1979 s.17(2A); 1994 Sch.8 para.2(4).
(4)	1979 s.17(3); Children Act 1989 (c.41) Sch.11 para.7(b); Criminal Justice Act 1991 (c.53) s.70.
(5)	1979 s.31(5).
23	1979 s.40.
24(1)	1979 s.18(1).
(2)(a)	1979 s.18(2)(a).
(b)	1979 s.18(2)(b); 1994 Sch.8 para.3(a).
(c) to (e)	1979 s.18(2)(c) to (e); 1994 Sch.8 para.3(b).
(3)	1979 s.18(3).
(4)	1979 s.18(4); Magistrates' Courts Act 1980 (c.43) Sch.7 para.192.
(5)	1979 s.18(5).
25(1), (2)	1979 s.11(1), (2).
(3)	1979 s.43; drafting.
(4)	1979 s.11(3).
26	1979 s.68; drafting.
27(1)	1979 s.19(1); 1994 Sch.8 para.4(2).
(2)	1979 s.19(2); 1994 Sch.8 para.4(3); drafting.
(a)	1979 s.19(2)(a); Local Government (Wales) Act 1994 (c.19) Sch.2 para.10(3); 1996/674 Sch. para.1(4).

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(b)	1979 s.19(2)(b).
(c)	1979 s.19(2)(c); Local Government Act 1985 (c.51) s.12(4)(b).
(d)	1979 s.19(2)(cc); 1994 s.79(4).
(e)	1979 s.19(2)(d).
(3)	1979 s.19(2)(bb); Local Government (Wales) Act 1994 (c.19) Sch.2 para.10(3); 1994 Sch.8 para.4(3); drafting.
28	1979 s.20; 1994 s.70.
29(1)	1979 s.21(1).
(2)	1979 s.21(1A); 1994 s.71(2).
(3), (4)	1979 s.21(2), (2A); 1994 s.71(3).
(5)	1979 s.21(3).
(6)	1979 s.69A; 1994 s.90.
(7)	1979 s.21(4).
30(1), (2)	1979 s.22(1), (1A); 1994 s.72(2).
(3)	1979 s.22(3); 1994 Sch.8 para.5.
(4)	1979 s.22(4); 1994 s.72(4).
(5)	1979 s.22(4A); 1994 s.72(5).
(6) to (8)	1979 s.22(5) to (7).
(9) to (12)	1979 s.22(8) to (11); 1994 s.72(6).
31	1979 s.22A; 1994 s.73.
32(1) to (9)	1994 s.69(1) to (9).
(10)	1994 s.69(10); drafting.
33(1)	1979 s.23(1); 1994 Sch.8 para.6(2).
(2)	1979 s.23(2); 1994 Sch.8 para.6(3).
(3)	1979 s.23(3).
(4)	1979 s.23(4); 1994 Sch.8 para.6(4).
(5)	1979 s.42; 1994 Sch.8 para.17; drafting.
(6)	1979 s.23(5).
34(1)(a)	1979 s.24(1)(a); Local Government Act 1985 (c.51) s.12(8)(a)(i); 1994 Sch.8 para.7(2)(a), (c); 1996/674 Sch. para.1(5)(a); 1996/675 Sch. para.1(3).
(b)	1979 s.24(1)(b); Local Government Act 1985 (c.51) s.12(8)(a)(ii); 1996/675 Sch. para.1(3); drafting.

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



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(d)	1979 s.24B(4)(b); Criminal Justice Act 1988 (c.33) s.164(2).
37(1) to (3)	1979 s.24C; 1994 s.74.
(4)	1979 ss.69A, 70 (“prescribed”); 1994 s.90.
38	1994 s.88.
39	1994 s.89.
40(1) to (7)	1979 s.24D(1) to (7); 1994 s.75.
(8)	1979 ss.24D(8), 69A; 1994 ss.75, 90.
41	1979 s.24E; 1994 s.75.
42(1) to (8)	1979 s.25(1) to (8); 1994 s.76.
(9)	1979 ss.25(9), 69A; 1994 ss.76, 90.
43(a)	1979 s.26(1)(a), (3); Courts and Legal Services Act 1990 (c.41) Sch.10 para.45; 1994 Sch.8 para.10(3).
(b)	1979 s.26(1)(b).
44(1)	1979 s.26A(1); 1994 s.77.
(2)	1979 s.27(6); 1994 Sch.8 para.11(3).
(3)	1979 s.27(8); Magistrates’ Courts Act 1980 (c.43) Sch.7 para.193; 1994 Sch.8 para.11(4).
45(1)	1979 s.28(1); Magistrates’ Courts Act 1980 (c.43) Sch.7 para.194; drafting.
(2)	1979 s.28(1A); Courts and Legal Services Act 1990 (c.41) s.117.
(3)	1979 s.28(2).
(4)	1979 s.28(3).
(5)	1979 s.28(3).
(6)	1979 s.28(3).
(7)(a)	1979 s.28(3).
(b)	1979 s.28(4).
46	1979 s.29(1), (2)(b), (3); Magistrates’ Courts Act 1980 (c.43) Sch.7 para.195; Maintenance Enforcement Act 1991 (c.17) Sch.2 para.4.
47(1)	1979 s.30(1), (2); Magistrates’ Courts Act 1980 (c.43) Sch.7 para.196.
(2)	1979 s.30(3).
48	1979 s.30A; 1994 s.78.

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49	1979 s.34B; 1994 Sch.8 para.15.
50	1994 s.82.
51	1979 s.44; Courts and Legal Services Act 1990 (c.41) s.108(2).
52	1979 s.45; Courts and Legal Services Act 1990 (c.41) s.108(3).
53	1979 s.50.
54(1)	1979 s.53(1), (1A); Criminal Procedure and Investigations Act 1996 (c.25) s.70(1); drafting.
(2)(a)	1979 s.53(1), (1A); Criminal Procedure and Investigations Act 1996 (c.25) s.70(1).
(b)	1979 s.53(1).
(3) to (5)	1979 s.53(2).
(6)	1979 s.53(3); 1994 Sch.8 para.18(2).
(7)	1979 s.53(3A); 1994 Sch.8 para.18(3).
(8)	1979 s.53(4); 1994 Sch.8 para.18(4).
(9)	1979 s.53(5); 1994 Sch.8 para.18(5).
55(1) to (5)	1979 s.55(1) to (5); 1994 s.83(1).
(6)	1979 s.55(6); 1994 s.83(1); Pensions Act 1995 (c.26) Sch.5 para.8.
(7) to (9)	1979 s.55(7) to (9); 1994 s.83(1).
(10)	1979 s.55(10); 1994 s.83(1); drafting.
56	1979 s.56; 1994 s.83(1).
57(1)	1979 s.59(1); Criminal Justice Act 1991 (c.53) s.93(3); 1994 Sch.8 para.19(2).
(2) to (7)	1979 s.59(2) to (7); Criminal Justice Act 1991 (c.53) s.93(3).
(8)	1979 s.59(8); 1994 Sch.8 para.19(3).
58(1)	1979 s.59A(1); 1994 s.84; Police and Magistrates' Courts Act 1994 (Commencement No. 8 and Transitional Provisions) Order 1995 (S.I. 1995/685) Art.4(j).
(2)	1979 s.59A(2); 1994 s.84.
59(1)	1979 s.62A(1); 1994 s.85.
(2)	1979 ss.62A(2), 69A; 1994 ss.85, 90.

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60(1)	1979 s.61(1); Magistrates' Courts Act 1980 (c.43) Sch.7 para.197; Criminal Justice Act 1988 (c.33) Sch.15 para.63.
(2) to (5)	1979 s.61(2) to (5).
(6)	1979 s.61(7).
61	1979 s.62(1); 1994 Sch.8 para.20.
62	1994 s.86(1) to (5).
63	1994 s.87.
64(1)	1979 s.63(1).
(2)	1979 s.63(4).
(3)	1979 s.63(5); 1994 Sch.8 para.21.
65	1979 s.63A; Statute Law (Repeals) Act 1989 (c.43) Sch.2 para.3.
66(1), (2)	1979 s.64(1), (2).
(3), (4)	1979 s.64(3).
(5), (6)	1979 s.64(4), (5).
(7)	1979 s.64(2A), (6); Local Government Act 1985 (c.51) Sch.14 para.57(b); Norfolk and Suffolk Broads Act 1988 (c.4) Sch.6 para.20; Housing Act 1988 (c.50) Sch.17 para.27; 1994 Sch.4 para.54; Environment Act 1995 (c.25) Sch.10 para.19; Police Act 1996 (c.16) Sch.7 para.1(1), (2)(o).
67	1979 s.65; Justices of the Peace Act 1979 (Amendment) Order 1990 (S.I. 1990/531) Art.2(2); Local Government Finance Act 1992 (c.14) Sch.13 para.48; drafting.
68(1)	1979 s.66(1).
(2)	1979 s.66(2); drafting.
69	1979 s.67.
70(1)	1979 ss.24A(2A), 41(1); Local Government Finance Act 1988 (c.41) Sch.12 para.2; 1994 Sch.8 para.8(3); drafting.
(2)	1979 s.41(2).
71	1979 s.69; drafting.
72(1)	“capital expenditure”: 1979 s.70 (“capital expenditure”); Criminal Justice Act 1991 (c.53) s.93(4).

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	“commission area”, “justices’ clerk”: 1979 s.70 (“commission area”, “justices’ clerk”).
	“London commission areas”, “inner London area” and “outer London area”: 1979 s.70 (“London commission areas”, “inner London area” and “outer London areas”).
	“magistrate”, “magistrates’ courts committee area”: 1979 s.70 (“magistrate”, “magistrates’ courts committee area”); 1994 Sch.8 para.22.
	“officer”, “petty sessional court- house”, “petty sessions area”: 1979 s.70 (“officer”, “petty sessional court- house”, “petty sessions area”).
	“preserved county”: 1979 s.70 (“preserved county”); Local Government (Wales) Act 1994 (c.19) Sch.2 para.10(4).
	“retained county”: 1979 s.70 (“relevant area”); 1996/674 Sch. para.1(7)(a); drafting.
	“stipendiary magistrate”, “the supplemental list”: 1979 s.70 (“stipendiary magistrate”, “the supplemental list”).
	“unitary district”: 1979 s.70 (“unitary district”); 1996/674 Sch. para.1(7)(b).
(2)	Drafting.
73	
74	
75(1) to (4)	
(5)	1979 s.72(3); 1994 s.96(1).
Sch. 1	Commission Areas (Gwent, Mid Glamorgan and South Glamorgan) Order 1996 (S.I. 1996/676) Arts.4, 5.
Sch. 2 Part I	1979 s.2(1)(a).
Part II	1979 s.2(1)(b) to (e).
Sch. 3, 1	1994 Sch.7 para.1; drafting.
2 to 6	1994 Sch.7 para.2 to 6.
Sch. 4, 1 to 5	
6	1979 Sch.1 para.9; drafting.

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7(1)	
(2)(a)	
(b)	Police and Magistrates' Courts Act 1994 (Commencement No.8 and Transitional Provisions) Order 1995 (S.I. 1995/685) Art.6(2)(a).
(c)	
(d)	Police and Magistrates' Courts Act 1994 (Commencement No.8 and Transitional Provisions) Order 1995 (S.I. 1995/685) Art.6(2)(b), (c).
(e)	Police and Magistrates' Courts Act 1994 (Commencement No.8 and Transitional Provisions) Order 1995 (S.I. 1995/685) Art.6(2)(c).
(f)	
(3) to (8)	
8, 9	
10	1994 s.79(2), (3).
11(1), (2)	1994 s.80(2) to (4).
(3)	1994 s.80(5), (6); drafting.
(4)	1994 s.80(7); Police and Magistrates' Courts (Commencement No. 8 and Transitional Provisions) Order 1995 (S.I. 1995/685) Art.4(f).
12(1), (2)	
(3), (4)	1979 Sch.1 para.8; drafting.
(5)	
13, 14	
15	Police and Magistrates' Courts Act 1994 (Commencement No.8 and Transitional Provisions) Order 1995 (S.I. 1995/685) Art.5(4); drafting.
16	Police and Magistrates' Courts Act 1994 (Commencement No.8 and Transitional Provisions) Order 1995 (S.I. 1995/685) Art.6(1); drafting.
17(1)	1979 s.26A(2); 1994 s.77; Police and Magistrates' Courts Act 1994 (Commencement No.8 and Transitional Provisions) Order 1995 (S.I. 1995/685) Art.4(e).

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

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