



Justices of the Peace Act 1997 (repealed)

1997 CHAPTER 25

PART III

MAGISTRATES' COURTS COMMITTEES

[^{F1} Greater London]

38 Default powers.

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

Status: Point in time view as at 27/09/1999. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1997 (repealed), Section 38. (See end of Document for details)

- (i) that all the members of the committee are to vacate their office on the making of the order; and
 - (ii) that for a specified period, not exceeding three months, beginning with the making of the order the committee is to consist of persons nominated by the Lord Chancellor (who need not be justices of the peace).
- (5) An order under subsection (4) above shall provide for new members of the committee to be chosen, in accordance with regulations under section 29 above, to take office at the end of the specified period.

^{F1}(6)

Textual Amendments

F1 S. 38(6) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(5)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

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