



# Access to Justice Act 1999

## CHAPTER 22

### ACCESS TO JUSTICE ACT 1999

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*General Commissioners of income tax and their clerks*

- 101 General Commissioners: immunity from action.
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SCHEDULES

SCHEDULE 1 — Legal Services Commission

*Incorporation and status*

- 1 The Commission shall be a body corporate.
- 2 The Commission shall not be regarded— (a) as the servant...

*Tenure of members*

- 3 (1) Subject to paragraphs 4 and 5, any member of...
- 4 (1) A member of the Commission, or the person appointed...
- 5 The Secretary of State may terminate the appointment of a...

*Members' interests*

- 6 (1) Before appointing a person to be a member of...
- 7 (1) A member of the Commission who is in any...

*Remuneration of members*

- 8 (1) The Commission may— (a) pay to its members such...

*Staff*

- 9 (1) The Commission shall appoint a person to be the...
- 10 (1) The Commission shall make, in respect of such of...

*Funding of costs relating to administration etc.*

- 11 (1) The Secretary of State shall pay to the Commission...

*Proceedings*

- 12 (1) Subject to anything in any instrument made under this...

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*Provision of information*

- 13 (1) The Commission shall provide the Secretary of State with...

*Annual report*

- 14 (1) The Commission shall provide to the Secretary of State...

*Annual plan*

- 15 (1) The Commission shall, before the beginning of each financial...

*Accounts and audit*

- 16 (1) The Commission shall keep accounts and shall prepare in...

*Instruments*

- 17 (1) The fixing of the seal of the Commission shall...

SCHEDULE 2 — Community Legal Service: excluded services

- 1 Services consisting of the provision of help (beyond the provision...  
1A Services consisting of the provision of help to an individual...  
2 Advocacy in any proceedings except— (1) proceedings in—  
3 (1) These are the proceedings under the Proceeds of Crime...  
4 (1) This sub-paragraph applies to an inquest into the death...

SCHEDULE 3 — Criminal Defence Service: right to representation

*Individuals to whom right may be granted*

- 1 (1) A right to representation for the purposes of any...

*Individuals to whom right may be provisionally granted*

- 1A (1) Regulations may provide that, in prescribed circumstances, and subject...

*Grant of right by court*

- 2 (1) A court before which any criminal proceedings take place,...

*Grant of right by commission*

- 2A (1) Regulations may— (a) provide that the Commission shall have...  
3 (1) Regulations may provide that the Commission shall have power...  
3A (1) The form of the grant of a right to...

*Financial eligibility*

- 3B (1) Power under this Schedule to grant a right to...

*Appeals*

- 4 Except where regulations otherwise provide, an appeal shall lie to...

*Criteria for grant of right*

- 5 (1) Any question as to whether a right to representation...

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### *Information requests*

- 6 (1) The relevant authority may make an information request to—...

### *Restrictions on disclosure*

- 7 (1) A person to whom information is disclosed under paragraph...

### *Paragraphs 6 and 7: supplementary*

- 8 (1) This paragraph applies for the purposes of paragraphs 6...

## Schedule 3A — Motor vehicle orders

### *Introductory*

- 1 In this Schedule “ enforcement regulations ” means regulations under...

### *Further general powers to regulate motor vehicle orders*

- 2 Enforcement regulations may make provision about or in connection with—...

### *Applications*

- 3 Enforcement regulations must provide that a motor vehicle order may...

### *Matters of which court to be satisfied*

- 4 (1) Enforcement regulations must provide that, before a court makes...

### *Ownership of motor vehicles*

- 5 (1) Enforcement regulations must provide that a clamping order must...

### *Motor vehicles used by disabled persons*

- 6 Enforcement regulations must provide that an immobilisation device may not...

### *Restrictions on making vehicle sale orders*

- 7 Enforcement regulations must provide that, where a motor vehicle has...

### *Interpretation*

- 8 In this Schedule— “ disabled person's badge ” means a...

## SCHEDULE 4 — Amendments consequential on Part I

### *The Public Records Act 1958 (c.51)*

- 1 In the First Schedule to the Public Records Act 1958...

### *The Parliamentary Commissioner Act 1967 (c.13)*

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (which...

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*The Criminal Appeal Act 1968 (c.19)*

3 In section 50 of the Criminal Appeal Act 1968 (meaning...

*The Children and Young Persons Act 1969 (c.54)*

4 The Children and Young Persons Act 1969 has effect subject...

5 .....

6 In section 23 (remands and committals to local authority  
accommodation),...

7 In that section as it has effect pursuant to section...

*The Attachment of Earnings Act 1971 (c.32)*

8 In section 1(3)(c) of the Attachment of Earnings Act 1971...

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

9 .....

*The Solicitors Act 1974 (c.47)*

10 (1) Section 47 of the Solicitors Act 1974 (jurisdiction of...

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

11 In Part II of Schedule 1 to the House of...

*The Northern Ireland Assembly Disqualification Act 1975 (c.25)*

12 In Part II of Schedule 1 to the Northern Ireland...

*The Sex Discrimination Act 1975 (c.65)*

13 In section 75(4) of the Sex Discrimination Act 1975 (charges...

*The Race Relations Act 1976 (c.74)*

14 In section 66(6) of the Race Relations Act 1976 (charges...

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

15 The Magistrates' Courts Act 1980 has effect subject to the...

16 In section 8(4) (matters which may be contained in a...

17 In section 92(1)(b) (no restriction on power to impose imprisonment...

18 In section 130(3) (power of alternate court in remand hearings...

19 In section 145A(4) (rules about costs may include provision for...

20 In Part I of Schedule 6 (fees), in paragraph 1(a)...

*The Supreme Court Act 1981 (c.54)*

21 The Supreme Court Act 1981 has effect subject to the...

22 In section 28 (appeal by way of case stated from...

23 In section 29 (judicial review of decisions of Crown Court,...

24 .....

*The Criminal Justice Act 1982 (c.48)*

25 .....



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*The Telecommunications Act 1984 (c.12)*

- 26 In section 52(5) of the Telecommunications Act 1984 (charges to...

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

- 27 The Prosecution of Offences Act 1985 has effect subject to...  
28 In section 19(2)(b) (in making an order for costs account...  
29 In section 20(2) (recovery of sums paid by Legal Aid...  
30 (1) Section 21 (interpretation) is amended as follows.

*The Child Abduction and Custody Act 1985 (c.60)*

- 31 In section 11 of the Child Abduction and Custody Act...

*The Administration of Justice Act 1985 (c.61)*

- 32 The Administration of Justice Act 1985 has effect subject to...  
33 In section 40(1) (legal aid complaints), for “under the Legal...  
34 In section 41(2) (reduction of fees payable in connection with...  
35 In section 42 (exclusion of barristers from legal aid work),...  
36 In section 43(3) (reduction of costs payable in connection with...

*The Housing Act 1985 (c.68)*

- 37 In section 170(5) of the Housing Act 1985 (charges to...

*The Criminal Justice Act 1987 (c.38)*

- 38 The Criminal Justice Act 1987 has effect subject to the...  
39 In section 4(1) (functions of magistrates’ court to cease when...  
40 In section 11(12) (matters to which restrictions on reporting do...

*The Consumer Arbitration Agreements Act 1988 (c.21)*

- 41 In section 4(3) of the Consumer Arbitration Agreements Act 1988...

*The Housing Act 1988 (c.50)*

- 42 The Housing Act 1988 has effect subject to the following...  
43 In section 82(4) (charge to recover costs of assistance in...  
44 In section 107(4) (charge to recover costs of assistance in...

*The Children Act 1989 (c.41)*

- 45 In section 25(6) of the Children Act 1989 (child without...

*The Courts and Legal Services Act 1990 (c.41)*

- 46 In section 17(3)(c)(iii) of the Courts and Legal Services Act...

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

- 47 In section 53(3) of the Criminal Justice Act 1991 (functions...

*The Social Security Administration Act 1992 (c.5)*

- 48 (1) Section 108(7) of the Social Security Administration Act 1992...

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*The Criminal Procedure and Investigations Act 1996 (c.25)*

49 In section 37(9) of the Criminal Procedure and Investigations Act...

*The Family Law Act 1996 (c.27)*

50 The Family Law Act 1996 has effect subject to the...

51 (1) Section 8 (information meetings) is amended as follows.

52 (1) Section 23 (provision of marriage counselling) is amended as...

*The Crime and Disorder Act 1998 (c.37)*

53 The Crime and Disorder Act 1998 has effect subject to...

54 In section 50(2) (procedure at early administrative hearing), for paragraphs...

55 In paragraph 3(8) of Schedule 3 (matters which may be...

*The Disability Rights Commission Act 1999 (c. 17)*

56 In section 8(4)(a) of the Disability Rights Commission Act 1999...

SCHEDULE 5 — Authorised bodies: designation and regulations and rules

1 For sections 29 and 30 of the Courts and Legal...

2 For Schedule 4 to that Act substitute— SCHEDULE 4 Authorised...

SCHEDULE 6 — Rights of audience and rights to conduct litigation

*The Solicitors Act 1974 (c.47)*

1 The Solicitors Act 1974 has effect subject to the following...

2 In section 2(4) (Lord Chief Justice or Master of the...

3 In section 31(3) (Master of the Rolls deemed to concur...

*The Courts and Legal Services Act 1990 (c.41)*

4 The Courts and Legal Services Act 1990 has effect subject...

5 (1) Section 18 (duty to exercise functions as soon as...

6 (1) Section 27 (rights of audience) is amended as follows....

7 (1) Section 28 (rights to conduct litigation) is amended as...

8 In section 53(6)(a) (Council for Licensed Conveyancers), for “section 29”...

9 In section 71 (qualification for judicial appointments), for subsection (6)...

10 (1) Section 119(1) (interpretation) is amended as follows.

11 (1) Section 120 (subordinate legislation) is amended as follows.

SCHEDULE 7 — Powers of Law Society

*Monitoring of compliance with rules*

1 In section 31(1) of the Solicitors Act 1974 (power of...

*Bank and building society accounts*

2 In— (a) section 32(4) of that Act (power of Council...

3 In the Solicitors Act 1974, after section 33 insert— Inspection...

4 In section 87(1) of that Act (interpretation), in the definition...

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5 In Schedule 2 to the Administration of Justice Act 1985,...

*Intervention for breach of rules on practice, conduct and discipline*

6 In Schedule 1 to the Solicitors Act 1974 (intervention in...

*Solicitors' employees and consultants*

7 (1) Section 43 of that Act (control of employment of...

8 In section 44(2) of that Act (breach of order by...

9 (1) Section 49 of that Act (appeals from Tribunal) is...

10 In paragraph 11(1) of Schedule 2 to the Administration of...

*Power to examine files*

11 (1) Section 44B of the Solicitors Act 1974 (power of...

12 In paragraph 14(1) of Schedule 2 to the Administration of...

*Payment of costs by solicitor under investigation*

13 In the Solicitors Act 1974, after section 44B insert— Costs...

14 In Schedule 2 to the Administration of Justice Act 1985,...

*Registered foreign lawyers*

15 Subsections (5) to (7) of section 89 of the Courts...

SCHEDULE 8 — Legal Services Complaints Commissioner

*Provision for discharge of functions*

1 (1) The Secretary of State may give general directions concerning...

*Delegation of functions*

2 (1) The Commissioner may delegate any of his functions to...

*Remuneration*

3 (1) The Secretary of State shall pay to, or in...

*Staff*

4 (1) The Commissioner may appoint such staff as he thinks...

*Annual and other reports*

5 (1) The Commissioner shall make an annual report to the...

*Accounts and audit*

6 (1) The Commissioner shall keep accounts with respect to his...

*Financial provisions*

7 (1) The Secretary of State may require any professional body...

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*Parliamentary disqualification*

8 In Part III of Schedule 1 to—

*Parliamentary Commissioner*

9 In Schedule 2 to the Parliamentary Commissioner Act 1967 (which...

*Acting Commissioner*

10 (1) The Secretary of State may appoint a person to...

SCHEDULE 9 —

- 1 Schedule 2 to the Criminal Justice Act 1991 (enforcement of...
- 2 In paragraph 2(2) (issue by justice of the peace of...
- 3 In paragraph 3(1) (powers of magistrates' court), for "the magistrates'...
- 4 In paragraph 6(5) (community service orders)— (a) in paragraph (a),...
- 5 (1) Paragraph 7 (revocation of order by magistrates' court) is...
- 6 For paragraph 8(1) and (1A) (circumstances in which Crown Court...
- 7 (1) Paragraph 8A (replacement of probation order with conditional discharge)...
- 8 In paragraph 11A (application of paragraph 6A for purposes of...
- 9 (1) In each of the provisions specified in sub-paragraph (2)...

SCHEDULE 10 — Commission areas and petty sessions areas

*The Parochial Libraries Act 1708 (c.14)*

1 In section 10 of the Parochial Libraries Act 1708 (warrant...

*The Distress for Rent Act 1737 (c.19)*

2 In section 4 of the Distress for Rent Act 1737...

*The Inclosure Act 1773 (c.81)*

3 In section 4 of the Inclosure Act 1773 (expenses), for...

*The Burial Ground Act 1816 (c.141)*

4 In section 2 of the Burial Ground Act 1816 (valuation...

*The Inclosure and Drainage (Rates) Act 1833 (c.35)*

5 In section 1 of the Inclosure and Drainage (Rates) Act...

*The Ordnance Survey Act 1841 (c.30)*

6 In section 2 of the Ordnance Survey Act 1841 (powers...

*The Geological Survey Act 1845 (c.63)*

7 In section 1 of the Geological Survey Act 1845 (powers...

*The Inclosure Act 1845 (c.118)*

8 In section 159 of the Inclosure Act 1845 (recovery of...

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*The Hares Act 1848 (c.29)*

9 In section 2 of the Hares Act 1848 (authority to...

*The Fairs Act 1873 (c.37)*

10 In section 6 of the Fairs Act 1873 (alteration of...

*The Commons Act 1876 (c.56)*

11 In section 20 of the Commons Act 1876 (prohibition on...

*The Municipal Corporations Act 1882 (c.50)*

12 In section 153(3) of the Municipal Corporations Act 1882 (warrant...

*The Local Government Act 1888 (c.41)*

13 In section 28(2) of the Local Government Act 1888 (power...

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

14 The Children and Young Persons Act 1933 has effect subject...

15 In section 48(3) (power of youth court acting for same...

16 (1) The Second Schedule (constitution of youth courts) is amended...

*The Criminal Justice Act 1948 (c.58)*

17 .....

*The Prevention of Damage by Pests Act 1949 (c.55)*

18 In section 15(1) of the Prevention of Damage by Pests...

*The National Parks and Access to the Countryside Act 1949 (c.97)*

19 In section 68(3) of the National Parks and Access to...

*The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c.65)*

20 (1) Paragraph 4 of Part II of Schedule 2 to...

*The Prison Act 1952 (c.52)*

21 In section 19(1) of the Prison Act 1952 (right of...

*The Maintenance Orders Act 1958 (c.39)*

22 In section 21(1) of the Maintenance Orders Act 1958 (interpretation),...

*The Licensing Act 1964 (c.26)*

23 The Licensing Act 1964 has effect subject to the following...

24 In section 2 (licensing justices and districts), for subsection (2)...

25 In section 85(1) (search warrants for parties organised for gain),...

26 In section 187(1) (search warrants), for “county or borough” substitute...

27 In section 188(1) (closing of licensed premises in case of...

28 (1) Section 193 (disqualification of justices) is amended as follows...

29 In section 201(1) (interpretation), in the definition of “the metropolis”,...

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

30 (1) Section 19 of the Administration of Justice Act 1964...

*The Sunday Theatre Act 1972 (c.26)*

31 In section 2(2) of the Sunday Theatre Act 1972 (definition...

*The Solicitors Act 1974 (c.47)*

32 In section 38(2) of the Solicitors Act 1974 (disqualification of...

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

33 The Magistrates' Courts Act 1980 has effect subject to the...

34 In section 70 (jurisdiction in inner London for family proceedings),...

35 In section 146(5) (rules relating to youth courts), for "inner...

36 In section 150(1) (interpretation), in the definition of "petty sessional...

*The Public Passenger Vehicles Act 1981 (c.14)*

37 In section 82(1) of the Public Passenger Vehicles Act 1981...

*The Road Traffic Regulation Act 1984 (c.27)*

38 In section 142(1) of the Road Traffic Regulation Act 1984...

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

39 In section 76 of the Criminal Justice Act 1991 (provision...

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

40 (1) Section 46 of the Local Government Finance Act 1992...

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

41 .....

42 .....

43 .....

44 .....

45 .....

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

46 In section 55(3) of the Local Government (Wales) Act 1994...

*The Justices of the Peace Act 1997 (c.25)*

47 The Justices of the Peace Act 1997 has effect subject...

48 In section 6 (residence qualification for justices), after subsection (1)...

49 (1) Section 10 (allowances for justices) is amended as follows....

50 For section 26 (Greater Manchester, Merseyside and Lancashire)  
substitute— Greater...

51 In section 50(11) (pensions etc. of court staff in inner...

52 (1) Section 72(1) (definitions) is amended as follows.

53 In paragraph 11(4) of Schedule 4 (chief clerks in inner...

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## SCHEDULE 11 — Unification and renaming of stipendiary bench

### *The Metropolitan Police Act 1839 (c.47)*

- 1 The Metropolitan Police Act 1839 has effect subject to the...
- 2 In section 52 (prevention of obstruction in neighbourhood of public...
- 3 In section 75 (“magistrate” to mean every justice of the...
- 4 In section 76 (complaints to be heard and determined by...

### *The Metropolitan Police Courts Act 1840 (c.84)*

- 5 In section 13 of the Metropolitan Police Courts Act 1840...

### *The London Hackney Carriages Act 1843 (c.86)*

- 6 In section 24 of the London Hackney Carriages Act 1843...

### *The London Hackney Carriages Act 1850 (c.7)*

- 7 In section 4 of the London Hackney Carriages Act 1850...

### *The London Hackney Carriage Act 1853 (c.33)*

- 8 In section 18 of the London Hackney Carriage Act 1853...

### *The Regulation of Railways Act 1871 (c.78)*

- 9 In section 7(1) of the Regulation of Railways Act 1871...

### *The Metropolitan Police Courts Act 1897 (c.26)*

- 10 In section 4 of the Metropolitan Police Courts Act 1897...

### *The Law of Distress Amendment Act 1908 (c.53)*

- 11 In section 2 of the Law of Distress Amendment Act...

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

- 12 (1) The Second Schedule to the Children and Young Person...

### *The Local Government Act 1948 (c.26)*

- 13 (1) Section 121 of the Local Government Act 1948 (precept...

### *The Metropolitan Magistrates’ Courts Act 1959 (c.45)*

- 14 The Metropolitan Magistrates’ Courts Act 1959 (functions of Receiver)  
has...
- 15 .....
- 16 In section 4(2) (borrowing power of Receiver), for the words...

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

- 17 In section 29(2) of the Licensing Act 1964 (fees chargeable...

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

- 18 In paragraph 2A of the Schedule to the Backing of...

*Status: Point in time view as at 01/09/2004.*

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*The Courts Act 1971 (c.23)*

19 In Part IA of Schedule 2 to the Courts Act...

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

20 In section 67(2)(b) of the Local Government Act 1972 (which...

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

21 In section 9(1) of the Administration of Justice Act 1973...

*The Juries Act 1974 (c.23)*

22 In Part I of Schedule 1 to the Juries Act...

*The Solicitors Act 1974 (c.47)*

23 In section 38 of the Solicitors Act 1974 (disqualification of...

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

24 In Part I of Schedule 1 to the House of...

*The Northern Ireland Assembly Disqualification Act 1975 (c.25)*

25 In Part I of Schedule 1 to the Northern Ireland...

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

26 The Magistrates' Courts Act 1980 has effect subject to the...

27 For section 66 substitute— Composition of magistrates' courts for family...

28 (1) Section 67 (family courts and panels) is amended as...

29 In section 144(2) (rule committee for magistrates' courts to include...

30 In section 150(1) (interpretation), in the definition of "petty-sessional court-house",...

*The Extradition Act 1989 (c.33)*

31 The Extradition Act 1989 has effect subject to the following...

32 In section 8(1)(a) (issue of warrant for arrest on receipt...

33 (1) Section 9 (proceedings for committal) is amended as follows...

34 In section 10(7) (cases in which order by metropolitan magistrate...

35 In section 24(4) (suppression of terrorism), in the paragraph (c)...

36 (1) Schedule 1 (provisions deriving from the Extradition Act 1870...

*The Courts and Legal Services Act 1990 (c.41)*

37 In Schedule 11 to the Courts and Legal Services Act...

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

38 In section 19(2)(d) of the Local Government Act 1992 (which...

*The Judicial Pensions and Retirement Act 1993 (c. 8)*

39 The Judicial Pensions and Retirement Act 1993 has effect subject...

40 In Part I of Schedule 1 (qualifying offices), after "County...



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41 In Schedule 5 (retirement), for “Stipendiary magistrate in England and...

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

42 .....

*The Justices of the Peace Act 1997 (c.25)*

- 43 The Justices of the Peace Act 1997 has effect subject...
- 44 In subsection (2)(a) of section 5 (which specifies that the...
- 45 In section 7(7) (which provides that the provisions about the...
- 46 In section 10(4) (provisions about travelling, subsistence and financial loss...
- 47 In section 22(4)(c) (chairman or deputy chairman of justices not...
- 48 In section 69(4) (oaths required to be taken by acting...
- 49 In section 72(1) (interpretation), in the definition of “petty sessional...
- 50 In paragraph 7 of Schedule 4 (inner London), in sub-paragraph...

SCHEDULE 12 — Greater London Magistrates’ Courts Authority

*The Public Works Loans Act 1965 (c.63)*

1 In section 2(1)(a) of the Public Works Loans Act 1965...

*The National Loans Act 1968 (c.13)*

2 In paragraph 1(a) of Schedule 4 to the National Loans...

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

3 In section 82(2A) of the Road Traffic Offenders Act 1988...

*The Local Government and Housing Act 1989 (c.42)*

- 4 The Local Government and Housing Act 1989 has effect subject...
- 5 In section 39(1) (authorities to which provisions about revenue accounts...
- 6 In section 67(3) (authorities to which provisions about interests in...

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

7 (1) Section 76 of the Criminal Justice Act 1991 as...

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

8 In section 19(2) of the Local Government Finance Act 1992...

*The Justices of the Peace Act 1997 (c.25)*

- 9 The Justices of the Peace Act 1997 has effect subject...
- 10 In section 10(7) as amended by Schedule 10 to this...
- 11 In section 40(8) (regulations about appointment of justices’ chief executive),...
- 12 In section 44 (terms of employment), after subsection (1) insert—...
- 13 For section 50 substitute— Pensions of employees of GLMCA. (1) The Lord Chancellor may, with the consent of the...
- 14 (1) Section 54 (indemnification of justices’ and their clerks) is...

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- 15 Before section 55 insert the heading— “Magistrates’ courts committees outside...
- 16 (1) Section 55 (duties of local authorities) is amended as...
- 17 (1) Section 56 (provision supplementary to section 55) is amended...
- 18 In section 59(1) (regulations relating to accounts of magistrates’ courts...
- 19 After section 68 insert— Provision of accommodation for justices and...

#### SCHEDULE 13 — Functions transferred to justices’ chief executives

##### *The London Hackney Carriages Act 1843 (c.86)*

- 1 In section 24 of the London Hackney Carriages Act 1843...

##### *The Evidence Act 1851 (c.99)*

- 2 (1) Section 13 of the Evidence Act 1851 (proof of...

##### *The Criminal Procedure Act 1865 (c.18)*

- 3 (1) Section 6 of the Criminal Procedure Act 1865 (proof...

##### *The Prevention of Crimes Act 1871 (c.112)*

- 4 (1) Section 18 of the Prevention of Crimes Act 1871...

##### *The Fairs Act 1873 (c.37)*

- 5 In section 6 of the Fairs Act 1873 (alteration of...

##### *The Public Health Acts Amendment Act 1907 (c.53)*

- 6 In section 94(7) of the Public Health Acts Amendment Act...

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

- 7 (1) Section 4 of the Maintenance Orders (Facilities for Enforcement)...

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

- 8 The Children and Young Persons Act 1933 has effect subject...
- 9 In section 42(2)(b) (transmission of deposition of child), for “clerk”...
- 10 In section 45 (constitution of youth courts), number the existing...
- 11 In— (a) section 46(1A) (notification of guilty plea),

##### *The Maintenance Orders Act 1950 (c.37)*

- 12 Part II of the Maintenance Orders Act 1950 (enforcement of...
- 13 (1) Section 18 (enforcement of registered orders) is amended as...
- 14 (1) Section 22 (discharge and variation of registered orders) is...
- 15 In section 24(5A)(b) (order requiring payment to the clerk of...

##### *The Army Act 1955 (c.18)*

- 16 The Army Act 1955 has effect subject to the following...
- 17 (1) Section 189 (delivery into military custody of person dealt...
- 18 (1) Section 199 (proof of outcome of civil trial) is...

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*The Air Force Act 1955 (c.19)*

- 19 The Air Force Act 1955 has effect subject to the...
- 20 (1) Section 189 (delivery into air-force custody of person dealt...
- 21 (1) Section 199 (proof of outcome of civil trial) is...

*The Naval Discipline Act 1957 (c.53)*

- 22 The Naval Discipline Act 1957 has effect subject to the...
- 23 (1) Section 110 (delivery into naval custody of person dealt...
- 24 (1) Section 129B (proof of outcome of civil trial) is...

*The Maintenance Orders Act 1958 (c.39)*

- 25 The Maintenance Orders Act 1958 has effect subject to the...
- 26 (1) Section 2 (registration of orders) is amended as follows...
- 27 In section 3(3A) (requirement of person liable under order to...
- 28 (1) Section 4(5B) (application of section 60 of the Magistrates'...
- 29 (1) Section 5 (cancellation of registration) is amended as follows...
- 30 In section 18 (powers of magistrates to review committals), for...
- 31 In section 20(1) (clerk of magistrates' court entitled to receive...

*The Betting, Gaming and Lotteries Act 1963 (c.2)*

- 32 The Betting, Gaming and Lotteries Act 1963 has effect subject...
- 33 (1) Section 10A (cancellation of betting office licence) is amended...
- 34 (1) Section 11 (cancellation of and disqualification for bookmaker's permit...
- 35 (1) Schedule 1 (bookmaker's permits, betting agency permits and betting...

*The Licensing Act 1964 (c.26)*

- 36 The Licensing Act 1964 has effect subject to the following...
- 37 In— (a) section 8A(2) (approval of prospective licensee),
- 38 (1) Section 20 (consent for alteration of premises) is amended...
- 39 In section 20A(3) (revocation of justices' licences), for "clerk" substitute...
- 40 (1) Section 22 (procedural provisions as to appeals) is amended...
- 41 In section 27(4)(c)(ii) (notice for renewal of licence given to...
- 42 (1) Section 28 (clerk to licensing justices) is amended as...
- 43 In section 30 (register of licences), in—
- 44 (1) Section 31 (matters to be entered in register) is...
- 45 In section 32(1) and (2) (persons with interest in property...
- 46 In section 33 (notice of conviction of licence holder to...
- 47 In section 34(3) (refusal of inspection of register), for "clerk"...
- 48 In section 46(2) (notice to fire authority of application for...
- 49 (1) Section 51 (register of clubs) is amended as follows...
- 50 In— (a) section 62(3) (permitted hours in clubs),
- 51 In Schedule 2 (applications for justices' licences), in—
- 52 (1) Schedule 6 (applications and complaints relating to registration certificates)...
- 53 In Schedule 8A (procedure for making, varying or revoking restriction...
- 54 In paragraph 7 of Schedule 11 (clerk to licensing planning...
- 55 In Schedule 12 (canteen licences), in paragraphs 1(1)(a) and 3,...

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56 In Schedule 12A (children’s certificates), in— (a) paragraphs 1(1) and...

*The Gaming Act 1968 (c.65)*

57 The Gaming Act 1968 has effect subject to the following...  
58 (1) Schedule 2 (grant etc. of licences) is amended as...  
59 (1) Schedule 3 (registration of members’ clubs in England and...  
60 In Schedule 7 (registration for gaming by means of machines),...  
61 (1) Schedule 9 (permits under section 34) is amended as...

*The Late Night Refreshment Houses Act 1969 (c.53)*

62 In section 6(2) of the Late Night Refreshment Houses Act...

*The Children and Young Persons Act 1969 (c.54)*

63 .....

*The Attachment of Earnings Act 1971 (c.32)*

64 The Attachment of Earnings Act 1971 has effect subject to...  
65 In section 3(1)(c) (persons who may apply for an attachment...  
66 In section 6(7)(c) (clerk to be collecting officer in case...  
67 In section 17(3)(d) (power to require court officer to deal...  
68 (1) Section 18 (certain action not to be taken by...  
69 In section 21(2)(a)(ii) (costs due to clerk of magistrates’ court),...

*The Immigration Act 1971 (c.77)*

70 (1) Schedule 2 to the Immigration Act 1971 (administrative provisions)...

*The Maintenance Orders (Reciprocal Enforcement) Act 1972 (c.18)*

71 The Maintenance Orders (Reciprocal Enforcement) Act 1972 has effect subject...  
72 In section 7(5B) (powers of magistrates’ court on confirming provisional...  
73 (1) Section 8 (enforcement of maintenance order registered in United...  
74 (1) Section 9(1ZA) (application of section 60 of the Magistrates’...  
75 (1) Section 23 (maintenance orders registered in High Court under...  
76 In section 26 (application for recovery of maintenance in convention...  
77 In section 27B (sending application to the appropriate magistrates’ court),...  
78 (1) Section 27C (application for recovery of maintenance in England...  
79 (1) Section 32 (transfer of orders) is amended as follows...  
80 In section 34(3) (application from abroad to vary a registered...  
81 (1) Section 34A (variation of orders by magistrates’ courts) is...

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

82 (1) Section 38 of the Matrimonial Causes Act 1973 (orders...

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

83 .....

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- 85 .....
- The Salmon and Freshwater Fisheries Act 1975 (c.51)*
- 86 (1) Schedule 4 to the Salmon and Freshwater Fisheries Act...
- The Lotteries and Amusements Act 1976 (c.32)*
- 87 (1) Schedule 3 to the Lotteries and Amusements Act 1976...
- The Adoption Act 1976 (c.36)*
- 88 In section 58A(3) of the Adoption Act 1976 (duty of...
- The Bail Act 1976 (c.63)*
- 89 In section 6(9)(c)(i) of the Bail Act 1976 (certification of...
- The Domestic Proceedings and Magistrates' Courts Act 1978 (c.22)*
- 90 The Domestic Proceedings and Magistrates' Courts Act 1978 has effect...
- 91 In section 20ZA(3) (variation of orders for periodical payments to...
- 92 In section 32(2) (enforcement of orders for payment of money),...
- 93 (1) Section 35 (orders for repayment of sums paid after...
- The Licensed Premises (Exclusion of Certain Persons) Act 1980 (c.32)*
- 94 (1) Section 4 of the Licensed Premises (Exclusion of Certain...
- The Magistrates' Courts Act 1980 (c.43)*
- 95 The Magistrates' Courts Act 1980 has effect subject to the...
- 96 In section 6(5) (clerk to display details of cases committed...
- 97 In section 12 (non-appearance of accused: plea of guilty), in...
- 98 (1) Section 14 (avoidance of certain proceedings) is amended as...
- 99 (1) Section 59 (orders for periodical payment: means of payment)...
- 100 (1) Section 59A (orders for periodical payments: proceedings by clerk)...
- 101 In section 60(5) (variation of order to provide that payments...
- 102 In section 61(1)(b) (rules about apportionment of sums paid to...
- 103 In section 62(1)(ii) (proceedings by clerk for sums payable to...
- 104 In section 82(5A) (clerk to serve notice of hearing to...
- 105 (1) Section 87 (enforcement of payment of fines by High...
- 106 (1) Section 87A (fines imposed on companies) is amended as...
- 107 In section 89(2) (transfer of fine order: functions of clerk...
- 108 In section 90(3) (functions of clerk in relation to payment...
- 109 In section 91(1) (functions of clerk in relation to payment...
- 110 In section 95(3) (instalments: powers of the court in relation...
- 111 In section 97A(9), (10) and (11) (summons or warrant as...
- 112 In section 99 (proof of non-payment of sum adjudged)—
- 113 In section 114 (payment to clerk of fees and recognizances...
- 114 (1) Section 137 (fees) is amended as follows.
- 115 In section 139 (application by clerk of money received on...
- 116 In section 144(1) (rules about procedure and practice to be...
- 117 In Schedule 6 (fees), in the heading to Part I...

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*The Highways Act 1980 (c.66)*

118 In section 47(6) of the Highways Act 1980 (notification by...

*The Betting and Gaming Duties Act 1981 (c.63)*

119 The Betting and Gaming Duties Act 1981 has effect subject...  
120 (1) Paragraph 15 of Schedule 1 (enforcement of betting duty)...  
121 (1) Paragraph 15 of Schedule 4 (register of permits) is...

*The Civil Jurisdiction and Judgments Act 1982 (c.27)*

122 (1) Section 5 of the Civil Jurisdiction and Judgments Act...

*The Criminal Justice Act 1982 (c.48)*

123 .....

*The Licensing (Occasional Permissions) Act 1983 (c.24)*

124 In section 2(2), (3), (4) and (5) of the Licensing...

*The Police and Criminal Evidence Act 1984 (c.60)*

125 The Police and Criminal Evidence Act 1984 has effect subject...  
126 In section 16(10) and (11) (warrants to be returned to...  
127 In section 47(3A)(b) (date for appearance on granting of bail),...  
128 (1) Section 73 (proof of conviction) is amended as follows....

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

129 The Prosecution of Offences Act 1985 has effect subject to...  
130 In section 7(4) (justices' clerk to send to Director of...  
131 In section 23(3), (7) and (8) (discontinuance of proceedings by...

*The Sporting Events (Control of Alcohol etc.) Act 1985 (c.57)*

132 In section 4(6) of the Sporting Events (Control of Alcohol...

*The Insolvency Act 1986 (c.45)*

133 In sections 9(1) and 124(1) of the Insolvency Act 1986...

*The Public Order Act 1986 (c.64)*

134 In section 34(1) and (2) of the Public Order Act...

*The Coroners Act 1988 (c.13)*

135 In sections 16(1)(a) and 17(1) of the Coroners Act 1988...

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

136 The Criminal Justice Act 1988 has effect subject to the...  
137 In section 41(10) and (11)(a) (clerk of magistrates' court to...  
138 In section 67(1) (clerk to be notified of fine imposed...  
139 In section 81(3) to (9) (application of proceeds of realisation...

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

- 140 The Road Traffic Offenders Act 1988 has effect subject to...
- 141 (1) Section 7 (duty of accused to provide licence to...
- 142 In sections 8(a) and 25(2)(a) (notification to clerk of date...
- 143 (1) Section 26 (interim disqualification) is amended as follows.
- 144 (1) Section 27 (production of licence) is amended as follows....
- 145 (1) Section 34B (certificate of completion of course) is amended...
- 146 In section 34C(2) (interpretation), after the definition of “petty sessions...
- 147 In section 52(3)(c) (fixed penalty notice to specify justices’ clerk...
- 148 (1) Section 69 (payment of fixed penalty) is amended as...
- 149 In section 70(4)(a) (registration certificate to be sent to clerk...
- 150 (1) Section 71 (registration of sums payable in default) is...
- 151 In sections 72(1) and (6) and 73(1)(b) and (7) (invalidity...
- 152 (1) Section 74 (supplementary) is amended as follows.
- 153 In section 75(6) (definition of “fixed penalty clerk” for purposes...
- 154 In section 82(2) (accounting where one clerk acts for another),...
- 155 In section 83(1)(b) (powers where clerk of court deceived), after...
- 156 In section 84(c) (power to make regulations prescribing duties of...

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

- 157 (1) Schedule 4 to the Prevention of Terrorism (Temporary Provisions)...

*The Football Spectators Act 1989 (c.37)*

- 158 In sections 7(7)(b) and 18(1) of the Football Spectators Act...

*The Children Act 1989 (c.41)*

- 159 The Children Act 1989 has effect subject to the following...
- 160 In section 83(5) (clerk to provide particulars of proceedings), for...
- 161 In paragraph 6A(3) of Schedule 1 (variation of order to...
- 162 In paragraph 24(6) of Schedule 2 (signature of clerk as...

*The Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c.25)*

- 163 (1) Schedule 2 to the Criminal Procedure (Insanity and Unfitness...

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

- 164 The Criminal Justice Act 1991 has effect subject to the...
- 165 In section 20A(2) (official request is one made by clerk),...
- 166 .....

*The Social Security Administration Act 1992 (c.5)*

- 167 The Social Security Administration Act 1992 has effect subject to...
- 168 In section 107(5) and (11) (recovery of expenditure on income...
- 169 In section 121(1)(b) (receipt of statement by clerk), for “clerk...

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

- 170 In section 14(5)(b) of the Prisoners and Criminal Proceedings (Scotland)...

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*The Pension Schemes Act 1993 (c.48)*

171 In section 68(1)(b) of the Pension Schemes Act 1993 (receipt...

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

172 In section 30(4) to (8) of the Drug Trafficking Act...

*The Road Traffic (New Drivers) Act 1995 (c.13)*

173 (1) Paragraph 3 of Schedule 1 to the Road Traffic...

*The Merchant Shipping Act 1995 (c.21)*

174 (1) Section 68 of the Merchant Shipping Act 1995 (power...

*The Criminal Procedure (Scotland) Act 1995 (c.46)*

175 In section 234(9) of the Criminal Procedure (Scotland) Act 1995...

*The Reserve Forces Act 1996 (c.14)*

176 The Reserve Forces Act 1996 has effect subject to the...

177 (1) Paragraph 7 of Schedule 2 (delivery into military, air-force...

178 (1) Paragraph 9 of Schedule 3 (proof of outcome of...

*The Crime and Disorder Act 1998 (c.37)*

179 (1) Schedule 3 to the Crime and Disorder Act 1998...

SCHEDULE 14 — Transitional provisions and savings

Part I — GENERAL

1 (1) The Lord Chancellor or Secretary of State may by...

Part II — LEGAL SERVICES COMMISSION

*Replacement of Legal Aid Board by Legal Services Commission*

2 (1) When section 1 of this Act comes into force—...

3 (1) Anything which, immediately before section 1 of this Act...

4 Where rights and liabilities under a contract of employment are...

5 (1) Any arrangements made by the Legal Aid Board under...

*Winding-down of Legal Aid Board*

6 (1) The Legal Aid Board shall give to the Legal...

*Abolition of Legal Aid Board*

7 (1) The Legal Aid Board shall cease to exist when...

*Further provision for Legal Aid Board and Legal Services Commission*

8 (1) The Lord Chancellor may by order made by statutory...

*Funding of representation by Lord Chancellor*

9 (1) Until such date as the Lord Chancellor may by...

Part III — LEGAL SERVICES



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*Conditional fee agreements*

- 10 Any order made under section 58(4) or (5) of the...
- 11 Any regulations made under section 58(1)(c) of the Courts and...

*Legal aid in Scotland*

- 12 If section 33 of this Act comes into force before...

*Abolition of ACLEC*

- 13 The Lord Chancellor may by order made by statutory instrument...

*Regulations and rules for barristers and solicitors*

- 14 (1) For the purposes of section 27 of the Courts...
- 15 Where a person was called to the Bar or admitted...

*Existing rights of solicitors in certain Crown Court centres*

- 16 (1) If section 36 of this Act comes into force...

*Authorised bodies*

- 17 (1) An Order in Council made pursuant to a recommendation...  
Part IV — REPORTING OF PROCEEDINGS ABOUT CHILDREN
- 18 Section 97(2) of the Children Act 1989 (as amended by)...  
Part V — MAGISTRATES AND MAGISTRATES' COURTS

*Commission areas*

- 19 The first order under section 1 of the Justices of...

*Petty sessions areas*

- 20 The first order under section 4 of the Justices of...

*Lord Mayor and aldermen of City of London*

- 21 The person who is the Lord Mayor of London, and...

*District Judges (Magistrates' Courts): appointment*

- 22 Any person who is a stipendiary magistrate or a metropolitan...
- 23 Any person who, immediately before the time when section 78...

*District Judges (Magistrates' Courts): pensions*

- 24 (1) For the purposes specified in sub-paragraph (2), a person...

*District Judges (Magistrates' Courts): retirement*

- 25 For the purposes of section 26 of and Schedule 7...

*District Judges (Magistrates' Courts): legal aid*

- 26 If paragraph 36 of Schedule 11 to this Act comes...

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*Committals for sentence*

27 Section 79 of, and Part V(4) of Schedule 15 to,...

*Youth courts*

28 (1) Subject to any order under paragraph 6 of the...

*Magistrates' courts committee areas*

29 The first order under section 27A(2) of the Justices of...

*Magistrates' courts committees in Greater London*

30 (1) From the end of the period of two months...

31 (1) If section 78 of this Act has not come...

*The Greater London Magistrates' Courts Authority*

32 (1) The Lord Chancellor may by order made by statutory...

*Schemes for transfer of property etc. to GLMCA*

33 (1) The Lord Chancellor may make one or more schemes...

*Stamp duty on transfer schemes*

34 (1) Stamp duty shall not be chargeable—

*Transfer schemes: stamp duty land tax*

34A (1) For the purposes of stamp duty land tax, a...

*Continuing provision of court-houses, accommodation etc*

35 (1) The Lord Chancellor may by regulations provide that any...

*Pensions of inner London court staff*

36 (1) The Lord Chancellor may by order made by statutory...

*Justices' chief executives*

37 (1) If section 90 of this Act comes into force...

SCHEDULE 15 — Repeals and revocations

Part I — LEGAL SERVICES COMMISSION

Part II — PROVISION OF LEGAL SERVICES

Part III — APPEALS, COURTS, JUDGES AND COURT PROCEEDINGS

Part IV — ENFORCEMENT OF COMMUNITY ORDERS

Part V — MAGISTRATES AND MAGISTRATES' COURTS

Part VI — IMMUNITY AND INDEMNITY

**Status:**

Point in time view as at 01/09/2004.

**Changes to legislation:**

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