



# Access to Justice Act 1999

## 1999 CHAPTER 22

### PART V

#### MAGISTRATES AND MAGISTRATES' COURTS

##### *Territorial organisation*

#### 74 Commission areas.

F1 .....

##### Textual Amendments

F1 S. 74 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

#### 75 Petty sessions areas.

F2 .....

##### Textual Amendments

F2 S. 75 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

#### 76 Areas: consequential provision.

- (1) The Lord Mayor and aldermen of the City of London shall not be justices of the peace unless appointed by the Lord Chancellor in accordance with the <sup>M1</sup>Justices of the Peace Act 1997.

*Status: Point in time view as at 01/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Part V. (See end of Document for details)*

(2) Schedule 10 (which contains other provisions consequential on sections 74 and 75) has effect.

**Marginal Citations**  
M1 1997 c.25.

**77 Youth courts.**

F3 .....

**Textual Amendments**  
F3 S. 77 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*Justices*

**78 Unification and renaming of stipendiary bench.**

(1) F4 .....

(2) Schedule 11 (which makes amendments consequential on this section) has effect.

**Textual Amendments**  
F4 S. 78(1) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

**79 Justices not to sit on committal for sentence.**

F5 .....

**Textual Amendments**  
F5 S. 79 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

**80 Jurisdiction over offences outside area.**

(1) F6 .....

(2) F7 .....

**Textual Amendments**  
F6 S. 80(1) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*Status: Point in time view as at 01/10/2005.*

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**F7** S. 80(2) repealed (1.9.2004) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2004/2066, **art. 2(d)(vi)(e)** (subject to art. 3)

### *Magistrates' courts committees*

#### **81 Areas outside Greater London.**

**F8** .....

##### **Textual Amendments**

**F8** S. 81 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

#### **82 Constitution of committees outside Greater London.**

**F9** .....

##### **Textual Amendments**

**F9** S. 82 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

#### **83 Greater London Magistrates' Courts Authority.**

**F10** .....

##### **Textual Amendments**

**F10** S. 83 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

#### **84 Standard goods and services.**

**F11** .....

##### **Textual Amendments**

**F11** S. 84 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

#### **85 Power to direct implementation of inspectors' recommendations.**

**F12** .....

*Status: Point in time view as at 01/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Part V. (See end of Document for details)*

**Textual Amendments**

**F12** S. 85 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

**86 Code of conduct.**

**F13** .....

**Textual Amendments**

**F13** S. 86 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

*Justices’ chief executives, justices’ clerks and staff*

**87 Qualification for appointment as chief executive.**

**F14** .....

**Textual Amendments**

**F14** S. 87 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

**88 Role of chief executives.**

**F15** .....

**Textual Amendments**

**F15** S. 88 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

**89 Independence of clerks and staff exercising legal functions.**

**F16** .....

**Textual Amendments**

**F16** S. 89 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

**90 Transfer of clerks’ functions to chief executives.**

(1) Schedule 13 (which makes amendments transferring administrative functions of justices’ clerks to justices’ chief executives) has effect.

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*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Part V. (See end of Document for details)*

- (2) <sup>F17</sup> .....
- (3) <sup>F17</sup> .....
- (4) <sup>F17</sup> .....
- (5) <sup>F17</sup> .....

**Textual Amendments**

**F17** S. 90(2)-(5) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

**91 Accounting etc. functions of chief executives.**

<sup>F18</sup> .....

**Textual Amendments**

**F18** S. 91 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*Execution of warrants*

**92 Civilian enforcement officers.**

In the <sup>M2</sup>Magistrates' Courts Act 1980, after section 125 insert—

**“125A Civilian enforcement officers.**

- (1) A warrant to which this subsection applies may be executed anywhere in England and Wales by a civilian enforcement officer.
- (2) In this section “civilian enforcement officer”, in relation to a warrant, means a person who—
  - (a) is employed by an authority of a prescribed class which performs functions in relation to any area specified in the warrant; and
  - (b) is authorised in the prescribed manner to execute warrants.
- (3) The warrants to which subsection (1) above applies are any warrant of arrest, commitment, detention or distress issued by a justice of the peace—
  - (a) under any provision specified for the purposes of this subsection by an order made by the Lord Chancellor and the Secretary of State, acting jointly; or
  - (b) for the enforcement of a court order of any description so specified.
- (4) Where a warrant has been executed by a civilian enforcement officer, a written statement indicating—
  - (a) the name of the officer;
  - (b) the authority by which he is employed; and

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*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Part V. (See end of Document for details)*

(c) that he is authorised in the prescribed manner to execute warrants, shall, on the demand of the person arrested, committed or detained or against whom distress is levied, be shown to him as soon as practicable.

(5) The power to make orders conferred by subsection (3) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

#### Marginal Citations

M2 1980 c.43.

### 93 Approved enforcement agencies.

(1)<sup>F19</sup> .....

(2) In the <sup>M3</sup>Magistrates' Courts Act 1980, after section 125A (inserted by section 92 above) insert—

#### “125B Execution by approved enforcement agency.

(1) A warrant to which section 125A(1) above applies may also be executed anywhere in England and Wales—

- (a) by an individual who is an approved enforcement agency;
- (b) by a director of a company which is an approved enforcement agency;
- (c) by a partner in a partnership which is an approved enforcement agency; or
- (d) by an employee of an approved enforcement agency who is authorised in writing by the agency to execute warrants.

(2) In this section “approved enforcement agency”, in relation to a warrant, means a person or body approved under section 31A of the <sup>M4</sup>Justices of the Peace Act 1997 by the magistrates' courts committee for the petty sessions area of the justice (or any of the justices) who issued the warrant.

(3) Failure by a magistrates' courts committee to comply with any provision of, or made under, section 31A(2) to (5) of the Justices of the Peace Act 1997 does not of itself render unlawful the execution of a warrant.

(4) Where a warrant has been executed by a person mentioned in subsection (1) above, a written statement indicating the matters specified in subsection (5) below shall, on the demand of the person arrested, committed or detained or against whom distress is levied, be shown to him as soon as practicable.

(5) The matters referred to in subsection (4) above are—

- (a) the name of the person by whom the warrant was executed;
- (b) if he is a director of, or partner in, an approved enforcement agency, the fact that he is a director of, or partner in, that agency;
- (c) if he is an employee of an approved enforcement agency, the fact that he is an employee authorised in writing by that agency to execute warrants; and

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- (d) the fact that his name, or (where paragraph (b) or (c) above applies) that of the agency indicated, is contained in the register maintained under section 31A(4) of the Justices of the <sup>M5</sup>Peace Act 1997 by the magistrates' courts committee concerned.”

#### Textual Amendments

**F19** S. 93(1) repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(3), 110, [Sch. 10](#); S.I. 2005/910, [art. 3\(aa\)\(bb\)](#)

#### Marginal Citations

**M3** 1980 c.43.  
**M4** 1997 c.25.  
**M5** 1997 c.25.

## 94 Disclosure of information for enforcing warrants.

In the <sup>M6</sup>Magistrates' Courts Act 1980, after section 125B (inserted by section 93(2) above) insert—

### “125C Disclosure of information for enforcing warrants.

- (1) Basic personal information held by a relevant public authority may, on the application of a justices' chief executive, be supplied by the authority to him (or to a justices' clerk appointed by, or member of the staff of, his magistrates' courts committee who is specified in the application) for the purpose of facilitating the enforcement of a section 125A(1) warrant which is so specified.
- (2) In this section—
- “basic personal information” means a person's name, date of birth or national insurance number or the address (or any of the addresses) of a person;
- “relevant public authority” means a Minister of the Crown, government department, local authority or chief officer of police specified in an order made by the Lord Chancellor; and
- “a section 125A(1) warrant” means a warrant to which section 125A(1) above applies and which has been issued by a justice of the peace to whom the justices' chief executive making the application is chief executive.
- (3) Information supplied to any person under subsection (1) above, or this subsection, for the purpose of facilitating the enforcement of a section 125A(1) warrant may be supplied by him for that purpose to—
- (a) any person entitled to execute the warrant;
- (b) any employee of a body or person who, for the purposes of section 125B above, is an approved enforcement agency in relation to the warrant; or
- (c) any person who is the justices' chief executive, a justices' clerk or a member of the staff of the magistrates' courts committee whose justices' chief executive made the application for the information.

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- (4) A person who intentionally or recklessly—
- (a) discloses information supplied to him under this section otherwise than as permitted by subsection (3) above; or
  - (b) uses information so supplied otherwise than for the purpose of facilitating the enforcement of the section 125A(1) warrant concerned, commits an offence.
- (5) But it is not an offence under subsection (4) above—
- (a) to disclose any information in accordance with any enactment or order of a court or for the purposes of any proceedings before a court; or
  - (b) to disclose any information which has previously been lawfully disclosed to the public.
- (6) A person guilty of an offence under subsection (4) above is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
  - (b) on conviction on indictment, to a fine.
- (7) The power to make orders conferred by subsection (2) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

**Marginal Citations**

**M6** 1980 c.43.

**95 Warrants of detention.**

- (1) In section 125(2) of the <sup>M7</sup>Magistrates' Courts Act 1980 (execution by person to whom warrant is directed or constable), after “warrant of commitment,” insert “warrant of detention,”.
- (2) In section 136(2) of that Act (warrants of detention), for the words from “, unless” to “functions” substitute “—
  - (a) shall authorise the person executing it”.

**Marginal Citations**

**M7** 1980 c.43.

**96 Execution by person not in possession of warrant.**

In the Magistrates' Courts Act 1980, after section 125C (inserted by section 94 above) insert—

**“125D Execution by person not in possession of warrant.**

- (1) A warrant to which section 125A(1) above applies may be executed by any person entitled to execute it even though it is not in his possession at the time.



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- (2) A warrant to which this subsection applies (and which is not a warrant to which section 125A(1) above applies) may be executed by a constable even though it is not in his possession at the time.
- (3) Subsection (2) above applies to—
- (a) a warrant to arrest a person in connection with an offence;
  - (b) a warrant under section 186(3) of the <sup>M8</sup>Army Act 1955, section 186(3) of the <sup>M9</sup>Air Force Act 1955, section 105(3) of the <sup>M10</sup>Naval Discipline Act 1957 or Schedule 2 to the <sup>M11</sup>Reserve Forces Act 1996 (desertion etc.);
  - (c) a warrant under section 102 or 104 of the <sup>M12</sup>General Rate Act 1967 (insufficiency of distress);
  - (d) a warrant under section 47(8) of the <sup>M13</sup>Family Law Act 1996 (failure to comply with occupation order or non-molestation order);
  - (e) a warrant under paragraph 4 of Schedule 3 to the <sup>M14</sup>Crime and Disorder Act 1998 (unwilling witnesses);
  - (f) a warrant under paragraph 3(2) of Schedule 1 to [<sup>F20</sup>the Powers of Criminal Courts (Sentencing) Act 2000] (offenders referred to court by youth offender panel); and
  - (g) a warrant under section 55, 76, 93, 97 or 97A above.
- (4) Where by virtue of this section a warrant is executed by a person not in possession of it, it shall, on the demand of the person arrested, committed or detained or against whom distress is levied, be shown to him as soon as practicable.”

#### Textual Amendments

**F20** Words in s. 96 substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 204**

#### Commencement Information

**I1** S. 96 wholly in force; s. 96 not in force at Royal Assent see s. 108; s. 96 in force at 19.2.2001 by S.I. 2001/168, **art. 2(a)** (subject to transitional provisions in art. 3)

#### Marginal Citations

**M8** 1955 c.18.

**M9** 1955 c.19.

**M10** 1957 c.53.

**M11** 1966 c.14.

**M12** 1967 c.9.

**M13** 1996 c.27.

**M14** 1998 c.37.

## 97 Cessation of warrants.

- (1) In the <sup>M15</sup>Maintenance Orders Act 1958, in—
- (a) section 2(4) (registration of orders), and
  - (b) section 5(4) (cancellation of registration),
- omit paragraph (b) (cessation of warrant of commitment on giving notice), apart from the word “and” at the end.

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- (2) In section 83 of the <sup>M16</sup>Magistrates' Courts Act 1980 (process for securing attendance of offender for purposes of section 82), omit subsection (4) (warrant to cease to have effect when sum in respect of which it is issued is paid to police officer holding the warrant).
- (3) In section 86(4) of that Act (which applies subsections (3) and (4) of section 83 to warrants issued under section 86), for "subsections (3) and (4)" substitute "subsection (3)".
- (4) In section 125(1) of that Act (warrants of arrest), insert at the end " or it ceases to have effect in accordance with the rules ".

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**Commencement Information**

**I2** S. 97 wholly in force; s. 97 not in force at Royal Assent see s. 108; s. 97 in force at 19.2.2001 by S.I. 2001/168, art. 2(a) (subject to transitional provisions in art. 3)

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**Marginal Citations**

**M15** 1958 c.39.

**M16** 1980 c.43.

**Status:**

Point in time view as at 01/10/2005.

**Changes to legislation:**

There are currently no known outstanding effects for the Access to Justice Act 1999, Part V.