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SCHEDULES

SCHEDULE 13

Section 90.

FUNCTIONS TRANSFERRED TO JUSTICES’ CHIEF EXECUTIVES

The London Hackney Carriages Act 1843 (c.86)

1 F1

Textual Amendments

F1 Sch. 13 para. 1 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

The Evidence Act 1851 (c.99)

- 2 (1) Section 13 of the Evidence Act 1851 (proof of previous conviction by copy of record certified by clerk) is amended as follows.
- (2) Number the existing provision as subsection (1) and for the words from “under the hand” to “such clerk or other officer,” substitute “ by the proper officer of the court where such conviction or acquittal took place ”.
- (3) After that subsection insert—
- “(2) In subsection (1) “proper officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
 - (b) in relation to any other court, the clerk of the court or other officer having the custody of the records of the court, or the deputy of such clerk or other officer.”

The Criminal Procedure Act 1865 (c.18)

- 3 (1) Section 6 of the Criminal Procedure Act 1865 (proof of previous conviction of witness by certificate signed by clerk) is amended as follows.
- (2) Number the existing provision as subsection (1) and for the words from “the clerk” to “such clerk or officer,” substitute “ the proper officer of the court where the offender was convicted ”.
- (3) After that subsection insert—
- “(2) In subsection (1) “proper officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and

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- (b) in relation to any other court, the clerk of the court or other officer having the custody of the records of the court, or the deputy of such clerk or other officer.”

The Prevention of Crimes Act 1871 (c.112)

- 4 (1) Section 18 of the Prevention of Crimes Act 1871 (evidence of previous conviction by record signed by clerk) is amended as follows.
- (2) For the words from “clerk of the court” to “such clerk or officer;” substitute “ proper officer of the court by which such conviction was made; ”.
- (3) For “clerk or other officer” substitute “ proper officer ”.
- (4) At the end of that section insert—

“In this section “proper officer” means—

- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to any other court, the clerk of the court or other officer having the custody of the records of the court, or the deputy of such clerk or other officer.”

The Fairs Act 1873 (c.37)

5 F2

Textual Amendments
F2 Sch. 13 para. 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)

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

6 F3

Textual Amendments
F3 Sch. 13 para. 6 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

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

7 F4

Textual Amendments
F4 Sch. 13 para. 7 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

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

8 The Children and Young Persons Act 1933 has effect subject to the following amendments.

9 In section 42(2)(b) (transmission of deposition of child), for “clerk” substitute “proper officer”.

10 F5

Textual Amendments

F5 Sch. 13 para. 10 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

11 F6

Textual Amendments

F6 Sch. 13 para. 11 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

The Maintenance Orders Act 1950 (c.37)

12 Part II of the Maintenance Orders Act 1950 (enforcement of certain maintenance orders made in another part of the United Kingdom) has effect subject to the following amendments.

13 (1) Section 18 (enforcement of registered orders) is amended as follows.

(2) F7

(3) In subsection (2A) (requirement of person liable under order to notify change of address to clerk of the court), for “clerk” substitute “proper officer”.

(4) After that subsection insert—

“(2B) In subsection (2A) of this section “proper officer” means—

- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to a court of summary jurisdiction in Northern Ireland, the clerk of the court.”

Textual Amendments

F7 Sch. 13 para. 13(2) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

14 F8

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Textual Amendments
F8 Sch. 13 para. 14 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

15 F9

Textual Amendments
F9 Sch. 13 para. 15 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

The Army Act 1955 (c.18)

16 The Army Act 1955 has effect subject to the following amendments.

17 (1) Section 189 (delivery into military custody of person dealt with by court of summary jurisdiction as illegally absent) is amended as follows.

(2) In subsection (1) (fee payable to clerk of the court), for “clerk” substitute “ proper officer ”.

(3) After subsection (3) insert—

“(3A) In subsection (1) of this section “proper officer” means—

- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to a court of summary jurisdiction elsewhere, the clerk of the court.”

18 (1) Section 199 (proof of outcome of civil trial) is amended as follows.

(2) In subsections (1), (2) and (3) (certificate signed by clerk is proof of outcome), for “clerk” substitute “ proper officer ”.

(3) For subsection (4) substitute—

“(4) In this section “proper officer” means—

- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to any other court, the clerk of the court, his deputy or any other person having the custody of the records of the court.”

The Air Force Act 1955 (c.19)

19 The Air Force Act 1955 has effect subject to the following amendments.

20 (1) Section 189 (delivery into air-force custody of person dealt with by court of summary jurisdiction as illegally absent) is amended as follows.

(2) In subsection (1) (fee payable to clerk of the court), for “clerk” substitute “ proper officer ”.

(3) After subsection (3) insert—

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- “(3A) In subsection (1) of this section “proper officer” means—
- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
 - (b) in relation to a court of summary jurisdiction elsewhere, the clerk of the court.”

- 21 (1) Section 199 (proof of outcome of civil trial) is amended as follows.
- (2) In subsections (1), (2) and (3) (certificate signed by clerk is proof of outcome), for “clerk” substitute “proper officer”.
- (3) For subsection (4) substitute—

- “(4) In this section “proper officer” means—
- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
 - (b) in relation to any other court, the clerk of the court, his deputy or any other person having the custody of the records of the court.”

The Naval Discipline Act 1957 (c.53)

- 22 The Naval Discipline Act 1957 has effect subject to the following amendments.
- 23 (1) Section 110 (delivery into naval custody of person dealt with by court of summary jurisdiction as illegally absent) is amended as follows.
- (2) In subsection (2) (fee payable to clerk of the court), for “clerk” substitute “proper officer”.
- (3) After subsection (2) insert—

- “(2A) In subsection (2) of this section “proper officer” means—
- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
 - (b) in relation to a court of summary jurisdiction elsewhere, the clerk of the court.”

- 24 (1) Section 129B (proof of outcome of civil trial) is amended as follows.
- (2) In subsections (1), (2) and (3) (certificate signed by clerk is proof of outcome), for “clerk” substitute “proper officer”.
- (3) For subsection (4) substitute—

- “(4) In this section “proper officer” means—
- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
 - (b) in relation to any other court, the clerk of the court, his deputy or any other person having the custody of the records of the court.”

The Maintenance Orders Act 1958 (c.39)

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Textual Amendments

F10 Sch. 13 para. 25 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

26 F11

Textual Amendments

F11 Sch. 13 para. 26 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

27 F12

Textual Amendments

F12 Sch. 13 para. 27 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

28 F13

Textual Amendments

F13 Sch. 13 para. 28 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

29 F14

Textual Amendments

F14 Sch. 13 para. 29 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

30 F15

Textual Amendments

F15 Sch. 13 para. 30 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

31 F16

Textual Amendments

F16 Sch. 13 para. 31 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

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

- 32 The Betting, Gaming and Lotteries Act 1963 has effect subject to the following amendments.
- 33 (1) Section 10A (cancellation of betting office licence) is amended as follows.
- (2) In subsection (4) (notification of cancellation)—
- (a) for “clerk of” substitute “ proper officer of ”, and
- (b) for “clerk to” (in both places) substitute “ proper officer of ”.
- (3) After that subsection insert—
- “(5) In subsection (4)—
- “the proper officer of the authority” has the same meaning as in Schedule 1; and
- “the proper officer of the court” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to a court of summary jurisdiction in Scotland, the clerk of the court.”
- 34 (1) Section 11 (cancellation of and disqualification for bookmaker’s permit or betting agency permit) is amended as follows.
- (2) In subsection (5) (notification of cancellation)—
- (a) for “clerk of” substitute “ proper officer of ”, and
- (b) for “clerk to” (in both places) substitute “ proper officer of ”.
- (3) After that subsection insert—
- “(6) In subsection (5)—
- “the proper officer of the authority” has the same meaning as in Schedule 1; and
- “the proper officer of the court” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to any other court, the clerk of the court.”
- 35 (1) Schedule 1 (bookmaker’s permits, betting agency permits and betting offices licences) is amended as follows.
- (2) In paragraph 2 (interpretation), for the definition of “clerk to the appropriate authority” substitute—
- ““the proper officer of the appropriate authority” means—
- (a) in England, the chief executive to the justices comprising the committee referred to in paragraph 1 of this Schedule; and
- (b) in Scotland, the clerk to the licensing court;”.

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- (3) In paragraphs 5 and 6 (applications for grant of permit or licence), for “clerk to” substitute “proper officer of”.
- (4) In paragraph 7 (notification of meeting to consider application)—
- (a) for “clerk to”, in both places, substitute “proper officer of”, and
 - (b) for “clerk”, in the remaining four places, substitute “proper officer”.
- (5) In paragraph 8 (applications for renewal of permit or licence), for “clerk to” (in each place) substitute “proper officer of”.
- (6) In paragraph 9 (person to whom application to be made)—
- (a) for “clerk to” (in both places) substitute “proper officer of”, and
 - (b) in paragraph (a), for “clerk” substitute “proper officer”.
- (7) In paragraph 11(b) (receipt of objections), for “clerk to” substitute “proper officer of”.
- (8) In paragraph 12 (procedure where objection received), for “clerk” substitute “proper officer”.
- (9) In paragraph 20 (grant or renewal of permit or licence)—
- (a) in sub-paragraph (1), for “clerk to” substitute “proper officer of”, and
 - (b) in sub-paragraph (2), for “clerk to” substitute “proper officer of”.
- (10) In paragraph 20A (clerk to act on unopposed applications for renewal)—
- (a) in sub-paragraph (1), for “clerk to” substitute “proper officer of” and for “clerk may” substitute “clerk to the authority may”, and
 - (b) after sub-paragraph (4) insert—
 - (5) For the purposes of this paragraph, the clerk to the appropriate authority, where the authority is a committee of the justices acting for a petty sessions area, is the clerk to those justices or, if there are two or more clerks to those justices—
 - (a) such one of those clerks as the magistrates’ courts committee having power over the appointment of clerks to justices for that area may direct; or
 - (b) in default of any such direction, any of those clerks.”
- (11) In—
- (a) paragraph 21(1), (2) and (4)(b) (appeals),
 - (b) paragraph 25 (notification of change in directors),
 - (c) paragraphs 26 (in both places) and 27(1) (cancellation of bookmaker’s permit),
 - (d) paragraphs 28A(1)(a) and (2), 28B(2) and (3) and 28C(1) and (2) (cancellation of betting office licence),
 - (e) paragraph 34 (registers), and
 - (f) paragraphs 36 and 37(1) (provision of information),
- for “clerk to” substitute “proper officer of”.

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The Licensing Act 1964 (c.26)

- 36 The Licensing Act 1964 has effect subject to the following amendments.
- 37 In—
- (a) section 8A(2) (approval of prospective licensee),
 - (b) section 9A(2) (grant of interim authority), and
 - (c) section 19(1) and (2) (requirement for structural alterations),
- for “clerk” substitute “ chief executive ”.
- 38 (1) Section 20 (consent for alteration of premises) is amended as follows.
- (2) In subsection (2) (plans to be deposited with clerk), for “clerk” substitute “ chief executive ”.
 - (3) In subsection (4) (notice of order forfeiting licence or directing restoration of premises)—
 - (a) for “clerk of” substitute “ justices’ chief executive for ”, and
 - (b) for “clerk to” (in each place) substitute “ chief executive to ”.
- 39 In section 20A(3) (revocation of justices’ licences), for “clerk” substitute “ chief executive ”.
- 40 (1) Section 22 (procedural provisions as to appeals) is amended as follows.
- (2) In subsections (1) and (2) (notice to be given to clerk), for “clerk” substitute “ chief executive ”.
 - (3) In subsection (4) (clerk to send notice of appeal to Crown Court), for “clerk to” substitute “ chief executive to ”.
 - (4) In subsection (5) (recording by clerk of persons opposing grant), for “clerk” substitute “ chief executive ”.
- 41 In section 27(4)(c)(ii) (notice for renewal of licence given to clerk), for “clerk” substitute “ chief executive ”.
- 42 (1) Section 28 (clerk to licensing justices) is amended as follows.
- (2) In the heading and in the sidenote, after “clerk” insert “ and chief executive ”.
 - (3) After subsection (4) insert—
 - “(5) The justices’ chief executive for a petty sessions area shall be chief executive to the licensing justices for the licensing district consisting of that area.”

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- 43 In section 30 (register of licences), in—
(a) subsection (1) (clerk to keep register), and
(b) subsection (4) (certification of entry by clerk),
for “clerk” substitute “ chief executive ”.
- 44 (1) Section 31 (matters to be entered in register) is amended as follows.
(2) In subsection (1) (notice of conviction to be entered in register)—
(a) for “clerk”, in the first place, substitute “ chief executive ”,
(b) for “clerk of” substitute “ justices’ chief executive for ”,
(c) for “clerk”, in the third place, substitute “ chief executive ”, and
(d) for “that clerk” substitute “ him ”.
(3) In subsection (2), for “clerk” substitute “ chief executive ”.
- 45 In section 32(1) and (2) (persons with interest in property to be registered), for
“clerk” substitute “ chief executive ”.
- 46 In section 33 (notice of conviction of licence holder to be served on registered
owner), in—
(a) subsection (1) (clerk to serve notice), and
(b) subsection (2) (provisions about service) (in both places),
for “clerk” substitute “ chief executive ”.
- 47 In section 34(3) (refusal of inspection of register), for “clerk” substitute “ chief
executive ”.
- 48 In section 46(2) (notice to fire authority of application for registration certificate),
for “clerk” substitute “ chief executive ”.
- 49 (1) Section 51 (register of clubs) is amended as follows.
(2) In subsection (1) (clerk to keep register), for “clerk” substitute “ chief executive ”.
(3) In subsection (2) (particulars to be registered), for “clerk” substitute “ chief executive
”.
(4) In subsection (4) (notice of change of particulars), for “clerk” substitute “ chief
executive ”.
- 50 In—
(a) section 62(3) (permitted hours in clubs),
(b) section 75(2) and (3) (application for exemption order) (in each place),
(c) section 87A(5) (permitted hours in vineyard premises),

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- (d) sections 133(1) and 142(1) (restoration of suspended licence),
 - (e) sections 150(3) and (4)(a), 151(6), 153A(3) and 154(1)(b) (canteen licences),
 - (f) section 180(3) and (4) (occasional licences) (in each place), and
 - (g) section 199(c) (saving relating to theatres),
- for “clerk” substitute “ chief executive ”.
- 51 In Schedule 2 (applications for justices’ licences), in—
- (a) paragraph 1(a) (notice to clerk),
 - (b) paragraph 3 (deposition of plan), and
 - (c) paragraph 6 (list of applicants),
- for “clerk” substitute “ chief executive ”.
- 52 (1) Schedule 6 (applications and complaints relating to registration certificates) is amended as follows.
- (2) In paragraphs 1(1) and (3) and 2 (procedure on making of application), for “clerk” substitute “ chief executive ”.
- (3) In paragraph 4 (copies of application)—
- (a) for “clerk to” substitute “ chief executive to ”,
 - (b) for “clerk is” substitute “ chief executive is ”, and
 - (c) for “clerk needs” substitute “ chief executive needs ”.
- (4) In paragraphs 6(1) and 7 (objections), for “clerk” substitute “ chief executive ”.
- 53 In Schedule 8A (procedure for making, varying or revoking restriction orders), in—
- (a) paragraph 1(1) (notice of application to licensing justices), and
 - (b) paragraph 4(2) (notice of application to magistrates’ court),
- for “clerk” substitute “ chief executive ”.
- 54 In paragraph 7 of Schedule 11 (clerk to licensing planning committee)—
- (a) for “clerk”, in the first place, substitute “ chief executive ”, and
 - (b) for “districts, the clerk to the licensing justices”, substitute “ districts for which there are different chief executives, the chief executive ”.
- 55 In Schedule 12 (canteen licences), in paragraphs 1(1)(a) and 3, for “clerk” substitute “ chief executive ”.
- 56 In Schedule 12A (children’s certificates), in—
- (a) paragraphs 1(1) and 2(1) (applications), and
 - (b) paragraphs 7(3)(a) and 8(a) (duration),
- for “clerk” substitute “ chief executive ”.

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The Gaming Act 1968 (c.65)

- 57 The Gaming Act 1968 has effect subject to the following amendments.
- 58 (1) Schedule 2 (grant etc. of licences) is amended as follows.
- (2) In paragraph 1(1) (licensing authority), at the end insert “ and references to the proper officer of a licensing authority shall be construed accordingly ”.
- (3) In paragraphs 5(2) and 6(2) (procedure for application), for “clerk to” substitute “ proper officer of ”.
- (4) In paragraph 7 (public notice of application)—
- (a) in sub-paragraph (1), for “clerk to” substitute “ proper officer of ”,
- (b) in sub-paragraph (2), for “clerk to” substitute “ proper officer of ” and for “if the clerk” substitute “ if the proper officer ”, and
- (c) in sub-paragraphs (3) and (4), for “clerk to” substitute “ proper officer of ”.
- (5) In paragraph 12(1) (making of application for renewal), for “clerk to” substitute “ proper officer of ”.
- (6) In paragraph 13 (notification of application for renewal)—
- (a) in sub-paragraphs (2) and (3), for “clerk to” substitute “ proper officer of ”,
- (b) in sub-paragraph (4), for “clerk to” substitute “ proper officer of ” and for “clerk”, in the other two places, substitute “ proper officer ”, and
- (c) in sub-paragraph (5), for “clerk to” substitute “ proper officer of ”.
- (7) In paragraph 14(2)(a) (proceedings on application for grant or renewal), for “clerk to” substitute “ proper officer of ”.
- (8) In paragraph 15 (objections)—
- (a) for “clerk to” substitute “ proper officer of ”, and
- (b) in paragraph (b), for “clerk” substitute “ proper officer ”.
- (9) In—
- (a) paragraph 28 (notification of Board’s advice),
- (b) paragraph 29(1) (in both places) and (2) (appeal by applicant),
- (c) paragraph 31(1) and (2) (appeal by Board),
- (d) paragraph 33(1) (appeal in Scotland),
- (e) paragraph 35(5) (revocation of certificate of consent), and
- (f) paragraphs 36(1) and (3) and 37 (cancellation),
- for “clerk to” substitute “ proper officer of ”.
- (10) In paragraph 46(1) (notice of appeal), for “clerk” substitute “ proper officer ”.
- (11) In paragraph 48 (cancellation of licence where holder convicted of offence)—
- (a) in sub-paragraph (4), for “clerk of” and for “clerk to” (in both places) substitute “ proper officer of ”, and
- (b) after that sub-paragraph insert—
- “(5) In sub-paragraph (4) of this paragraph, “the proper officer of the court” means—
- (a) in relation to a magistrates’ court, the justices’ chief executive for the court, and
- (b) in relation to any other court, the clerk of the court.”

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- (12) In paragraphs 57(4) and 58(1) (transfer of licence), for “clerk to” substitute “ proper officer of”.
 - (13) In paragraph 63 (fees)—
 - (a) in sub-paragraph (1), for “clerk to” substitute “ proper officer of”, and
 - (b) in sub-paragraph (2), for “clerk to” substitute “ proper officer of”.
 - (14) In paragraphs 64(1) and 65(1) and (2) (notification of corporate changes), for “clerk to” substitute “ proper officer of”.
- 59 (1) Schedule 3 (registration of members’ clubs in England and Wales) is amended as follows.
- (2) ^{F17}
 - (3) In paragraph 17 (cancellation pursuant to conviction)—
 - (a) ^{F18}
 - (b) after that sub-paragraph insert—
 - “(4) In sub-paragraph (3) of this paragraph the “proper officer of the court” means—
 - (a) in relation to a magistrates’ court, the justices’ chief executive for the court, and
 - (b) in relation to the Crown Court, the appropriate officer of the court.”
 - (4) ^{F19}

Textual Amendments

- F17** Sch. 13 para. 59(2) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)
- F18** Sch. 13 para. 59(3)(a) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)
- F19** Sch. 13 para. 59(4) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

- 60 ^{F20}

Textual Amendments

- F20** Sch. 13 para. 60 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

- 61 (1) Schedule 9 (permits under section 34) is amended as follows.
- (2) In paragraph 11(2) and (3) (appeals), for “clerk to” substitute “ proper officer of”.
 - (3) In paragraph 21 (fees), for “clerk” substitute “ proper officer ”.
 - (4) After paragraph 23 insert—

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

Changes to legislation: Access to Justice Act 1999, SCHEDULE 13 is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- “24 For the purposes of this Schedule the proper officer of an appropriate authority is—
 - (a) where the appropriate authority is the licensing justices for a licensing district in England and Wales, the chief executive to the justices, and
 - (b) in any other case, the clerk to the authority.”

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

- 62 In section 6(2) of the Late Night Refreshment Houses Act 1969 (licensing authority to give to clerk to justices a copy of register of late night refreshment houses in the area), for the words from “to the clerk” to the end substitute “ a copy of or extract from the list or register to the justices’ chief executive for any petty sessions area falling wholly or partly within their area. ”

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

- F21 63

Textual Amendments
F21 Sch. 13 para. 63 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

The Attachment of Earnings Act 1971 (c.32)

- 64 The Attachment of Earnings Act 1971 has effect subject to the following amendments.
- 65 F22

Textual Amendments
F22 Sch. 13 para. 65 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

- 66 F23

Textual Amendments
F23 Sch. 13 para. 66 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

- 67 In section 17(3)(d) (power to require court officer to deal with payments under consolidated attachment order as directed by court or rules), for “clerk or registrar” substitute “ officer ”.
- 68 F24

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

Changes to legislation: Access to Justice Act 1999, SCHEDULE 13 is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F24 Sch. 13 para. 68 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

69 F25

Textual Amendments

F25 Sch. 13 para. 69 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

The Immigration Act 1971 (c. 77)

70 (1) Schedule 2 to the Immigration Act 1971 (administrative provisions) is amended as follows.

(2) In sub-paragraph (1) of paragraph 23, in paragraph (b) (particulars of recognizance to be given to clerk), for “clerk” substitute “ proper officer ”.

(3) After that sub-paragraph insert—

“(1A) In sub-paragraph (1) “proper officer” means—

- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to a court of summary jurisdiction in Northern Ireland, the clerk of the court.”

(4) In sub-paragraph (3) of paragraph 31 (particulars of forfeited recognizance to be given to clerk), for “clerk” substitute “ proper officer ”.

(5) After that sub-paragraph insert—

“(3A) In sub-paragraph (3) “proper officer” means—

- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to a court of summary jurisdiction in Northern Ireland, the clerk of the court.”

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

71 The Maintenance Orders (Reciprocal Enforcement) Act 1972 has effect subject to the following amendments.

72 F26

Textual Amendments

F26 Sch. 13 para. 72 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.

Changes to legislation: Access to Justice Act 1999, SCHEDULE 13 is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 73 (1) Section 8 (enforcement of maintenance order registered in United Kingdom court) is amended as follows.
- (2) In subsection (3) (requirement of person liable under order to notify change of address to clerk of the court), for “clerk” substitute “ appropriate officer ”.
- (3) After that subsection insert—
- “(3A) In subsection (3) above “appropriate officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to a court elsewhere, the clerk of the court.”
- (4) ^{F27}

Textual Amendments

F27 Sch. 13 para. 73(4) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

- 74 ^{F28}

Textual Amendments

F28 Sch. 13 para. 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 (1) Section 23 (maintenance orders registered in High Court under Maintenance Orders (Facilities for ^{M1}Enforcement) Act 1920) is amended as follows.
- (2) In subsections (2), (3) and (4) (procedure), for “clerk” substitute “ appropriate officer ”.
- (3) After subsection (5) insert—
- “(6) In this section “appropriate officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to a magistrates’ court in Northern Ireland, the clerk of the court.”

Marginal Citations

M1 1920 c.33.

- 76 In section 26 (application for recovery of maintenance in convention country), for subsections (6) and (7) substitute—
- “(6) The appropriate officer for the purposes of this section is—
- (a) where the applicant is residing in England and Wales, the justices’ chief executive for the petty sessions area;
- (b) where the applicant is residing in Northern Ireland, the clerk of the court for the petty sessions district; and

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

Changes to legislation: Access to Justice Act 1999, SCHEDULE 13 is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) where the applicant is residing in Scotland, the sheriff clerk or sheriff clerk depute of the sheriff court within the jurisdiction of which the applicant is residing.”

77 F29

Textual Amendments

F29 Sch. 13 para. 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)

78 F30

Textual Amendments

F30 Sch. 13 para. 78 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 (1) Section 32 (transfer of orders) is amended as follows.
- (2) In subsection (2) (transmission of copy of order)—
 - (a) for “the clerk” (in both places) substitute “ the appropriate officer ”, and
 - (b) for “that clerk” substitute “ the appropriate officer ”.
 - (3) After that subsection insert—
 - “(2A) In subsection (2) above the “appropriate officer” means—
 - (a) in relation to a court in England and Wales, the justices’ chief executive for the court; and
 - (b) in relation to a court in Northern Ireland, the clerk of the court.”
- 80 In section 34(3) (application from abroad to vary a registered order), for “the clerk of that court” substitute “—
 - (a) the justices’ chief executive for the court, if the court is in England and Wales; or
 - (b) the clerk of the court, if the court is in Northern Ireland.”

81 F31

Textual Amendments

F31 Sch. 13 para. 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)

The Matrimonial Causes Act 1973 (c.18)

82 F32

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

Changes to legislation: Access to Justice Act 1999, SCHEDULE 13 is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F32 Sch. 13 para. 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)

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

F3383

Textual Amendments

F33 Sch. 13 para. 83 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F3484

Textual Amendments

F34 Sch. 13 para. 84 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F3585

Textual Amendments

F35 Sch. 13 para. 85 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

The Salmon and Freshwater Fisheries Act 1975 (c.51)

- 86 (1) Schedule 4 to the Salmon and Freshwater Fisheries Act 1975 (procedure relating to offences) is amended as follows.
- (2) In paragraphs 10 and 12 (delivery of licence and certificate of conviction), for “clerk” substitute “proper officer”.
- (3) After paragraph 13 insert—
- “14 In paragraphs 10 and 12 above “proper officer” means—
- (a) in relation to a magistrates’ court, the justices’ chief executive for the court; and
- (b) in relation to the Crown Court, the appropriate officer.”

The Lotteries and Amusements Act 1976 (c.32)

- 87 (1) Schedule 3 to the Lotteries and Amusements Act 1976 (permits for commercial provision of amusements with prizes) is amended as follows.
- (2) In paragraph 1(2) (interpretation), at the end insert “and

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

Changes to legislation: Access to Justice Act 1999, SCHEDULE 13 is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“the proper officer of the appropriate authority” means—

- (a) where the appropriate authority is the licensing justices for a licensing district in England and Wales, the chief executive to the justices; and
- (b) in any other case, the clerk to the authority.”

(3) In paragraph 8(2) and (3) (appeals), for “clerk to” substitute “ proper officer of ”.

(4) In paragraph 18 (fees), for “clerk” substitute “ proper officer ”.

The Adoption Act 1976 (c.36)

88 In section 58A(3) of the Adoption Act 1976 (duty of clerk of a magistrates’ court to send to Secretary of State particulars about proceedings relating to children), for “clerk of” substitute “ justices’ chief executive for ”.

The Bail Act 1976 (c.63)

89 F36

Textual Amendments

F36 Sch. 13 para. 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)

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

90 F37

Textual Amendments

F37 Sch. 13 para. 90 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 F38

Textual Amendments

F38 Sch. 13 para. 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)

92 F39

Textual Amendments

F39 Sch. 13 para. 92 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.

Changes to legislation: Access to Justice Act 1999, SCHEDULE 13 is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

93 F40

Textual Amendments

F40 Sch. 13 para. 93 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

The Licensed Premises (Exclusion of Certain Persons) Act 1980 (c.32)

- 94 (1) Section 4 of the Licensed Premises (Exclusion of Certain Persons) Act 1980 (supplemental) is amended as follows.
- (2) In subsection (3) (copy of exclusion order to be sent to licensee of relevant premises), for the words from “clerk” to “may be,” substitute “proper officer of the court”.
- (3) After that subsection insert—
- “(4) For the purposes of subsection (3) above—
- (a) the proper officer of a magistrates’ court in England and Wales is the justices’ chief executive for the court;
- (b) the proper officer of the Crown Court is the appropriate officer; and
- (c) the proper officer of a court in Scotland is the clerk of the court.”

The Magistrates’ Courts Act 1980 (c.43)

95 The Magistrates’ Courts Act 1980 has effect subject to the following amendments.

96 F41

Textual Amendments

F41 Sch. 13 para. 96 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb); and this same provision expressed to be repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 4; S.I. 2012/1320, art. 4(1)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(d)(2)(3) (with arts. 3, 4)

97 F42

Textual Amendments

F42 Sch. 13 para. 97 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

98 F43

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

Changes to legislation: Access to Justice Act 1999, SCHEDULE 13 is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F43 Sch. 13 para. 98 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

99 **F44**

Textual Amendments

F44 Sch. 13 para. 99 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

100 **F45**

Textual Amendments

F45 Sch. 13 para. 100 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

101 **F46**

Textual Amendments

F46 Sch. 13 para. 101 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

102 **F47**

Textual Amendments

F47 Sch. 13 para. 102 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

103 **F48**

Textual Amendments

F48 Sch. 13 para. 103 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

104 **F49**

Textual Amendments

F49 Sch. 13 para. 104 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

105 **F50**

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

Changes to legislation: Access to Justice Act 1999, SCHEDULE 13 is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F50 Sch. 13 para. 105 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

106 **F51**

Textual Amendments

F51 Sch. 13 para. 106 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

107 **F52**

Textual Amendments

F52 Sch. 13 para. 107 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

108 **F53**

Textual Amendments

F53 Sch. 13 para. 108 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

109 **F54**

Textual Amendments

F54 Sch. 13 para. 109 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

110 **F55**

Textual Amendments

F55 Sch. 13 para. 110 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

111 **F56**

Textual Amendments

F56 Sch. 13 para. 111 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**; and this same provision expressed to be repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2))

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

Changes to legislation: Access to Justice Act 1999, SCHEDULE 13 is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(d)(2)(3) (with arts 3, 4)

112 F57

Textual Amendments

F57 Sch. 13 para. 112 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

113 In section 114 (payment to clerk of fees and recognizances on case stated), for “him the fees payable for the case and for the recognizances” substitute “ the fees payable for the case and for the recognizances to the justices’ chief executive for the court ”.

114 F58

Textual Amendments

F58 Sch. 13 para. 114 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

115 F59

Textual Amendments

F59 Sch. 13 para. 115 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

116 F60

Textual Amendments

F60 Sch. 13 para. 116 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

117 F61

Textual Amendments

F61 Sch. 13 para. 117 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

The Highways Act 1980 (c.66)

118 F62

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

Changes to legislation: Access to Justice Act 1999, SCHEDULE 13 is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F62 Sch. 13 para. 118 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

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

119 The Betting and Gaming Duties Act 1981 has effect subject to the following amendments.

120 (1) Paragraph 15 of Schedule 1 (enforcement of betting duty) is amended as follows.

(2) In sub-paragraph (4) (notification of forfeiture and cancellation of betting office licence)—

- (a) for “clerk of” substitute “ proper officer of”, and
- (b) for the words from “clerk to”, in the first place, to “clerk to”, in the second place, substitute “ proper officer of the appropriate authority who last either granted or renewed the licence, send a copy of the order to the proper officer of”.

(3) After that sub-paragraph insert—

“(4A) In sub-paragraph (4) above—

“proper officer of the court” means—

- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to any other court, the clerk of the court, and “appropriate authority” and “proper officer of the appropriate authority” have the same meaning as in Schedule 1 to the ^{M2}Betting, Gaming and Lotteries Act 1963.”

Marginal Citations

M2 1963 c.2.

121 (1) Paragraph 15 of Schedule 4 (register of permits) is amended as follows.

(2) In sub-paragraph (1) (registers of permits etc.), for “clerk to” substitute “ proper officer of”.

(3) After sub-paragraph (2) insert—

“(3) In sub-paragraph (1) above “proper officer of the appropriate authority” means—

- (a) where the appropriate authority is a committee of the justices acting for a petty sessions area, the chief executive to the justices; and
- (b) in any other case, the clerk to the authority.”

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

Changes to legislation: Access to Justice Act 1999, SCHEDULE 13 is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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

122 (1) Section 5 of the ^{M3}Civil Jurisdiction and Judgments Act 1982 (recognition and enforcement of maintenance orders) is amended as follows.

(2) ^{F63}

(3) In subsection (7) (requirement of payer to notify change of address to clerk of the court), for “clerk” substitute “proper officer”.

(4) After that subsection insert—

“(8) In subsection (7) “proper officer” means—

- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to a magistrates’ court in Northern Ireland, the clerk of the court.”

Textual Amendments

F63 Sch. 13 para. 122(2) 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.

The Criminal Justice Act 1982 (c.48)

^{F64}123

Textual Amendments

F64 Sch. 13 para. 123 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

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

124 In section 2(2), (3), (4) and (5) of the Licensing (Occasional Permissions) Act 1983 (applications for occasional permissions), for “clerk” substitute “chief executive”.

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

125 The Police and Criminal Evidence Act 1984 has effect subject to the following amendments.

126 ^{F65}

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

Changes to legislation: Access to Justice Act 1999, SCHEDULE 13 is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F65 Sch. 13 para. 126 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

127 **F66**

Textual Amendments

F66 Sch. 13 para. 127 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

- 128 (1) Section 73 (proof of conviction) is amended as follows.
- (2) In subsection (2) (certificate of conviction to be signed by clerk), for “clerk” (in each place) substitute “proper officer”.
- (3) For subsection (3) substitute—
 - “(3) In subsection (2) above “proper officer” means—
 - (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
 - (b) in relation to any other court, the clerk of the court, his deputy or any other person having custody of the court record.”

The Prosecution of Offences Act 1985 (c.23)

129 **F67**

Textual Amendments

F67 Sch. 13 para. 129 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

130 **F68**

Textual Amendments

F68 Sch. 13 para. 130 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

131 **F69**

Textual Amendments

F69 Sch. 13 para. 131 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.

Changes to legislation: Access to Justice Act 1999, SCHEDULE 13 is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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

- 132 In section 4(6) of the Sporting Events (Control of Alcohol etc.) Act 1985 (power of justices’ clerks to charge fees), for “clerks” substitute “ chief executives ”.

The Insolvency Act 1986 (c.45)

- 133 In sections 9(1) and 124(1) of the Insolvency Act 1986 (applications for administration order and winding up), for “the clerk of a magistrates’ court” substitute “ a justices’ chief executive ”.

The Public Order Act 1986 (c.64)

- 134 In section 34(1) and (2) of the Public Order Act 1986 (notification by clerk of making or termination of exclusion order), for “clerk of” substitute “ justices’ chief executive for ”.

The Coroners Act 1988 (c.13)

- 135 F70

Textual Amendments

F70 Sch. 13 para. 135 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

The Criminal Justice Act 1988 (c.33)

- 136 F71

Textual Amendments

F71 Sch. 13 para. 136 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

- 137 F72

Textual Amendments

F72 Sch. 13 para. 137 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb); and this same provision expressed to be repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 4; S.I. 2012/1320, art. 4(1)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(d)(2)(3) (with arts 3, 4)

- 138 F73

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

Changes to legislation: Access to Justice Act 1999, SCHEDULE 13 is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F73 Sch. 13 para. 138 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

139 **F74**

Textual Amendments

F74 Sch. 13 para. 139 repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), ss. 457, 458, **Sch. 12**; S.I. 2003/333, art. 2, Sch. (subject to arts. 3-14 (as amended by S.I. 2003/531, arts. 3, 4))

The Road Traffic Offenders Act 1988 (c.53)

140 The Road Traffic Offenders Act 1988 has effect subject to the following amendments.

141 (1) Section 7 (duty of accused to provide licence to clerk of court) is amended as follows.

(2) Number the existing provision as subsection (1) and, in paragraph (a) of that provision, for “clerk” substitute “ proper officer ”.

(3) After that provision insert—

“(2) In subsection (1) above “proper officer” means—

(a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court, and

(b) in relation to any other court, the clerk of the court.”

142 In sections 8(a) and 25(2)(a) (notification to clerk of date of birth and sex), for “to the clerk of a court in pursuance of section 12(2)” substitute “ to a justices’ chief executive in pursuance of section 12(4) ”.

143 (1) Section 26 (interim disqualification) is amended as follows.

(2) In subsection (7), in paragraph (b) (licence of person subject to interim disqualification to be sent to clerk), for “clerk” substitute “ proper officer ”.

(3) After that subsection insert—

“(2) In subsection (7) above “proper officer” means—

(a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court, and

(b) in relation to any other court, the clerk of the court.”

144 (1) Section 27 (production of licence) is amended as follows.

(2) In subsection (4) (exceptions), for “clerk” (in both places) substitute “ proper officer ”.

(3) After that subsection insert—

“(5) In subsection (4) above “proper officer” means—

(a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court, and

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(b) in relation to any other court, the clerk of the court.”

145 (1) Section 34B (certificate of completion of course) is amended as follows.

(2) In subsections (1), (2) (in both places), (6) and (7), for “clerk” substitute “ proper officer ”.

(3) In subsection (9)—

(a) for “clerk of a court” substitute “ proper officer of a court ”, and

(b) for “clerk or” substitute “ officer or ”.

146 In section 34C(2) (interpretation), after the definition of “petty sessions area” insert—

““proper officer” means—

(a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court, and

(b) in relation to a sheriff court in Scotland, the clerk of the court;”.

147 F75

Textual Amendments

F75 Sch. 13 para. 147 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

148 F76

Textual Amendments

F76 Sch. 13 para. 148 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

149 F77

Textual Amendments

F77 Sch. 13 para. 149 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

150 (1) Section 71 (registration of sums payable in default) is amended as follows.

(2) For subsections (1) and (2) substitute—

“(1) Where, in England and Wales, a justices’ chief executive receives a registration certificate issued under section 70 of this Act in respect of any sum payable in default—

(a) if it appears to him that the defaulter resides in a petty sessions area for which he is the justices’ chief executive, he must register that sum for enforcement as a fine in that area by entering it in the register of a magistrates’ court acting for that area,

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- (b) if it appears to him that the defaulter resides in any other petty sessions area in England and Wales, he must send the certificate to the justices’ chief executive for that area, or
 - (c) if it appears to him that the defaulter resides in Scotland, he must send the certificate to the clerk of the court of summary jurisdiction for the area in which the defaulter appears to him to reside.
- (2) Where, in Scotland, the clerk of a court receives a registration certificate issued under section 70 of this Act in respect of any sum payable in default—
- (a) if it appears to him that the defaulter resides in the area of the court, he must register that sum for enforcement as a fine by that court,
 - (b) if it appears to him that the defaulter resides in the area of any other court of summary jurisdiction in Scotland, he must send the certificate to the clerk of that court, or
 - (c) if it appears to him that the defaulter resides in England and Wales, he must send the certificate to the justices’ chief executive for the petty sessions area in which the defaulter appears to him to reside.
- (2A) Subsections (1) and (2) apply to executives and clerks who receive certificates pursuant to the provision they contain as they apply to the original recipients.”
- (3) ^{F78}

Textual Amendments

F78 Sch. 13 para. 150(3) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

- 151 In sections 72(1) and (6) and 73(1)(b) and (7) (invalidity of registration notice), for “clerk” substitute “ proper officer ”.
- 152 (1) Section 74 (supplementary) is amended as follows.
- (2) In subsection (4) (service of statutory declaration), for “clerk” substitute “ proper officer ”.
- (3) In subsection (5) (interpretation), for paragraph (b) substitute—
- “(b) references to the proper officer of the relevant court are—
 - (i) in the case of a magistrates’ court, references to the justices’ chief executive for that court, and
 - (ii) in the case of a court of summary jurisdiction in Scotland, references to the clerk of the court, and”.
- 153 In section 75(6) (definition of “fixed penalty clerk” for purposes of conditional offers)—
- (a) ^{F79}
 - (b) for “that clerk” substitute “ he ”.

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

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Textual Amendments

F79 Sch. 13 para. 153(a) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

154 **F80**

Textual Amendments

F80 Sch. 13 para. 154 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

155 **F81**

Textual Amendments

F81 Sch. 13 para. 155 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

156 **F82**

Textual Amendments

F82 Sch. 13 para. 156 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

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

- 157 (1) Schedule 4 to the Prevention of Terrorism (Temporary Provisions) Act 1989 (forfeiture orders) is amended as follows.
- (2) In paragraph 1(5) (meaning of “proper officer”), for “clerk of”, in the first three places, substitute “justices’ chief executive for”.
- (3) In paragraph 9(4) (functions of clerk to be exercised by appropriate officer of High Court in case of order made elsewhere in British Islands), for “the clerk of a magistrates’ court” substitute “a justices’ chief executive”.

The Football Spectators Act 1989 (c.37)

158 In sections 7(7)(b) and 18(1) of the Football Spectators Act 1989 (duties of clerk in relation to notices of conviction and restriction orders), for “clerk of” substitute “justices’ chief executive for”.

The Children Act 1989 (c.41)

159 **F83**

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

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Textual Amendments
F83 Sch. 13 para. 159 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

160 **F84**

Textual Amendments
F84 Sch. 13 para. 160 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

161 **F85**

Textual Amendments
F85 Sch. 13 para. 161 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

162 **F86**

Textual Amendments
F86 Sch. 13 para. 162 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

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

- 163 (1) Schedule 2 to the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (supervision and treatment orders) is amended as follows.
- (2) In paragraph 3(4) (clerk to receive copy of supervision and treatment order), for “clerk to the justices” substitute “ justices’ chief executive ”.
- (3) In paragraph 10(1) (clerk to send copy of revocation of supervision and treatment order to supervising officer), for “clerk to” substitute “ justices’ chief executive for ”.
- (4) In paragraph 11 (amendment of orders), in sub-paragraph (1), for “clerk to the justices” (in both places) substitute “ justices’ chief executive ” and after that sub-paragraph insert—
- “(1A) Where the justices’ chief executive for the court making the order is also the justices’ chief executive for the new petty sessions area—
- (a) sub-paragraph (1)(b) above does not apply; but
- (b) the justices’ chief executive shall give copies of the amending order to the supervising officer.”
- (5) In that paragraph, in sub-paragraph (2), after “(1)” insert “ or (1A) ”.

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The Criminal Justice Act 1991 (c.53)

164 The Criminal Justice Act 1991 has effect subject to the following amendments.

165 ^{F87}

Textual Amendments

F87 Sch. 13 para. 165 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

^{F88}166

Textual Amendments

F88 Sch. 13 para. 166 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

The Social Security Administration Act 1992 (c.5)

167 ^{F89}

Textual Amendments

F89 Sch. 13 para. 167 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

168 ^{F90}

Textual Amendments

F90 Sch. 13 para. 168 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

169 ^{F91}

Textual Amendments

F91 Sch. 13 para. 169 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

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

170 In section 14(5)(b) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (Secretary of State to send supervised release order to clerk to the justices), for “clerk” substitute “ chief executive ”.

The Pension Schemes Act 1993 (c.48)

171 ^{F92}

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

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Textual Amendments

F92 Sch. 13 para. 171 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

The Drug Trafficking Act 1994 (c.37)

172 **F93**

Textual Amendments

F93 Sch. 13 para. 172 repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), ss. 457, 458, **Sch. 12**; S.I. 2003/333, **art. 2**, **Sch.** (subject to arts. 3-14 (as amended by S.I. 2003/531, arts. 3, 4))

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

- 173 (1) Paragraph 3 of Schedule 1 to the Road Traffic (New Drivers) Act 1995 (duty to provide test certificate) is amended as follows.
- (2) In sub-paragraph (3), in paragraph (b) (certificate not previously supplied to clerk), for “clerk” substitute “ proper officer ”.
- (3) After that sub-paragraph insert—
- “(3A) In sub-paragraph (3) “proper officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court, and
- (b) in relation to any other court, the clerk of the court.”

The Merchant Shipping Act 1995 (c.21)

- 174 (1) Section 68 of the Merchant Shipping Act 1995 (power to summon witness) is amended as follows.
- (2) In subsection (4) (particulars of fine to be given to clerk), for “clerk” substitute “ proper officer ”.
- (3) After that subsection insert—
- “(4A) In subsection (1) above “proper officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court, and
- (b) in relation to a magistrates’ court in Northern Ireland, the clerk of the court.”

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

- 175 In section 234(9) of the Criminal Procedure (Scotland) Act 1995 (copies of probation order relating to person resident in England and Wales to be sent to clerk of relevant area), for “clerk to the justices” substitute “ justices’ chief executive ”.

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

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The Reserve Forces Act 1996 (c.14)

- 176 The Reserve Forces Act 1996 has effect subject to the following amendments.
- 177 (1) Paragraph 7 of Schedule 2 (delivery into military, air-force or naval custody of person dealt with by court of summary jurisdiction as illegally absent) is amended as follows.
- (2) In sub-paragraph (3) (fee payable to clerk of the court), for “clerk” substitute “proper officer”.
- (3) After that sub-paragraph insert—
- “(3A) In sub-paragraph (3) “proper officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to any other court, the clerk of the court.”
- 178 (1) Paragraph 9 of Schedule 3 (proof of outcome of civil trial) is amended as follows.
- (2) In sub-paragraphs (1), (2) and (3) (certificate signed by clerk is proof of outcome), for “clerk” substitute “proper officer”.
- (3) For sub-paragraph (4) substitute—
- “(4) In this paragraph “proper officer” means—
- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to any other court, the clerk of the court, his deputy or any other person having the custody of the records of the court.”

The Crime and Disorder Act 1998 (c.37)

- 179 (1) Schedule 3 to the Crime and Disorder Act 1998 (procedure where no committal proceedings for indictable-only offence) is amended as follows.
- (2) In paragraph 4(9), (10) and (11) (power of justice to take depositions etc), for “clerk of” substitute “chief executive to”.
- (3) In paragraph 6(7) (Crown Court to inform clerk of magistrates’ court of outcome of trial), for “clerk of” substitute “justices’ chief executive for”.

Status:

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

Changes to legislation:

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