

Status: Point in time view as at 21/12/2012.

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 21 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)

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F1 Sch. 13 para. 1 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)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 F17

Textual Amendments

F17 Sch. 13 paras. 32-35 repealed (1.9.2007) by Gambling Act 2005 (c. 19), ss. 356(4)(5), 358, **Sch. 17** (with ss. 352, 354); S.I. 2006/3272, **art. 2(4)** (with art. 6, Sch. 4)

33 F18

Textual Amendments

F18 Sch. 13 paras. 32-35 repealed (1.9.2007) by Gambling Act 2005 (c. 19), ss. 356(4)(5), 358, **Sch. 17** (with ss. 352, 354); S.I. 2006/3272, **art. 2(4)** (with art. 6, Sch. 4)

34 F19

Textual Amendments

F19 Sch. 13 paras. 32-35 repealed (1.9.2007) by Gambling Act 2005 (c. 19), ss. 356(4)(5), 358, **Sch. 17** (with ss. 352, 354); S.I. 2006/3272, **art. 2(4)** (with art. 6, Sch. 4)

35 F20

Textual Amendments

F20 Sch. 13 paras. 32-35 repealed (1.9.2007) by Gambling Act 2005 (c. 19), ss. 356(4)(5), 358, **Sch. 17** (with ss. 352, 354); S.I. 2006/3272, **art. 2(4)** (with art. 6, Sch. 4)

The Licensing Act 1964 (c.26)

36 F21

Textual Amendments

F21 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

37 F22

Textual Amendments

F22 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

38 F23

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Textual Amendments

F23 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

39 **F24**

Textual Amendments

F24 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

40 **F25**

Textual Amendments

F25 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

41 **F26**

Textual Amendments

F26 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

42 **F27**

Textual Amendments

F27 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

43 **F28**

Textual Amendments

F28 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

44 **F29**

Textual Amendments

F29 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

45 **F30**

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Textual Amendments

F30 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

46 **F31**

Textual Amendments

F31 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

47 **F32**

Textual Amendments

F32 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

48 **F33**

Textual Amendments

F33 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

49 **F34**

Textual Amendments

F34 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

50 **F35**

Textual Amendments

F35 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

51 **F36**

Textual Amendments

F36 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

52 **F37**

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Textual Amendments

F37 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), 2(2) (with art. 4)

53 **F38**

Textual Amendments

F38 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), 2(2) (with art. 4)

54 **F39**

Textual Amendments

F39 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), 2(2) (with art. 4)

55 **F40**

Textual Amendments

F40 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), 2(2) (with art. 4)

56 **F41**

Textual Amendments

F41 Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), 2(2) (with art. 4)

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 ”.

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- (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.”
 - (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) ^{F42}
 - (3) In paragraph 17 (cancellation pursuant to conviction)—

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- (a) ^{F43}
- (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) ^{F44}

Textual Amendments

- F42** 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)**
- F43** 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)**
- F44** 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 ^{F45}

Textual Amendments

- F45** 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 ^{F46}

Textual Amendments

- F46** Sch. 13 para. 61 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

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

62 ^{F47}

Textual Amendments

- F47** Sch. 13 para. 62 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

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

^{F48}63

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Textual Amendments

F48 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 **F49**

Textual Amendments

F49 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 **F50**

Textual Amendments

F50 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 **F51**

Textual Amendments

F51 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 **F52**

Textual Amendments

F52 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—

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- “(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 ^{F53}

Textual Amendments
F53 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)

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) ^{F54}

Textual Amendments
F54 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 ^{F55}

Status: Point in time view as at 21/12/2012.

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Textual Amendments

F55 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
 - (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 ^{F56}

Textual Amendments

F56 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 ^{F57}

Textual Amendments

F57 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)—

Status: Point in time view as at 21/12/2012.

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- (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 ^{F58}

Textual Amendments
F58 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 ^{F59}

Textual Amendments
F59 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)

^{F60}83

Textual Amendments
F60 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)

^{F61}84

Textual Amendments
F61 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)

^{F62}85

Status: Point in time view as at 21/12/2012.

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Textual Amendments

F62 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 **F63**

Textual Amendments

F63 Sch. 13 para. 87 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

The Adoption Act 1976 (c.36)

88 **F64**

Textual Amendments

F64 Sch. 13 para. 88 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), ss. 139(2)(3), 148, **Sch. 5** (with Sch. 4 paras. 6-8); S.I. 2005/2897, **art. 2(b)** (with arts. 3-16)

The Bail Act 1976 (c.63)

89 **F65**

Textual Amendments

F65 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)**

Status: Point in time view as at 21/12/2012.

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

90 F66

Textual Amendments

F66 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 F67

Textual Amendments

F67 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 F68

Textual Amendments

F68 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)**

93 F69

Textual Amendments

F69 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 [F70(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.”]

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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 21 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

F70 Sch. 13 para. 94 repealed (S.) (1.2.2008) by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), ss. 149, 150, [Sch. 7](#) (with s. 143); S.S.I. 2007/472, [art. 2](#), Schs. 1, 2; and this same provision otherwise repealed (prosp.) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. 65, 66(2), [Sch. 5](#)

The Magistrates’ Courts Act 1980 (c.43)

95 The Magistrates’ Courts Act 1980 has effect subject to the following amendments.
96 **F71**

Textual Amendments

F71 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 **F72**

Textual Amendments

F72 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 **F73**

Textual Amendments

F73 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 **F74**

Textual Amendments

F74 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 **F75**

Textual Amendments

F75 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\(aa\)\(bb\)](#)

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101 F76

Textual Amendments

F76 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 F77

Textual Amendments

F77 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 F78

Textual Amendments

F78 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 F79

Textual Amendments

F79 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 F80

Textual Amendments

F80 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 F81

Textual Amendments

F81 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 F82

Textual Amendments

F82 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)**

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108 F83

Textual Amendments

F83 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 F84

Textual Amendments

F84 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 F85

Textual Amendments

F85 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 F86

Textual Amendments

F86 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) 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 F87

Textual Amendments

F87 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 F88

Textual Amendments

F88 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)**

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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 21 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)

115 **F89**

Textual Amendments

F89 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 **F90**

Textual Amendments

F90 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 **F91**

Textual Amendments

F91 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 **F92**

Textual Amendments

F92 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 **F93**

Textual Amendments

F93 Sch. 13 para. 120 repealed (with effect in accordance with Sch. 25 of the amending Act) by Finance Act 2007 (c. 11), s. 114, {Sch. 27 Pt. 6(3) Note}

- 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—

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- (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.”

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

122 (1) Section 5 of the ^{M2}Civil Jurisdiction and Judgments Act 1982 (recognition and enforcement of maintenance orders) is amended as follows.

(2) ^{F94}

(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

F94 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

M2 1980 c.43.

The Criminal Justice Act 1982 (c.48)

^{F95}123

Textual Amendments

F95 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 ^{F96}

Textual Amendments

F96 Sch. 13 para. 124 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), 2(2) (with art. 4)

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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 F97

Textual Amendments
F97 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 F98

Textual Amendments
F98 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 F99

Textual Amendments
F99 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 F100

Textual Amendments
F100 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 F101

Status: Point in time view as at 21/12/2012.

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Textual Amendments

F101 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)

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

132 **F102**

Textual Amendments

F102 Sch. 13 para. 132 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

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 **F103**

Textual Amendments

F103 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 **F104**

Textual Amendments

F104 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 **F105**

Status: Point in time view as at 21/12/2012.

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 21 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

F105 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 **F106**

Textual Amendments

F106 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 **F107**

Textual Amendments

F107 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

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(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

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

145^{F108}(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”.]

Textual Amendments

F108 Sch. 13 para. 145 repealed (21.12.2012 for specified purposes) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 7(8); S.I. 2012/2938, art. 2(2)(a)

146 [^{F109}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;”.]

Textual Amendments

F109 Sch. 13 para. 146 repealed (21.12.2012 for specified purposes) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 7(8); S.I. 2012/2938, art. 2(2)(a)

147 ^{F110}

Textual Amendments

F110 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 ^{F111}

Status: Point in time view as at 21/12/2012.

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 21 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

F111 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 **F112**

Textual Amendments

F112 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,
- (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) **F113**

Textual Amendments

F113 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)

Status: Point in time view as at 21/12/2012.

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 21 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)

- 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) ^{F114}
- (b) for “that clerk” substitute “ he ”.

Textual Amendments

F114 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 ^{F115}

Textual Amendments

F115 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 ^{F116}

Textual Amendments

F116 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 ^{F117}

Textual Amendments

F117 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.

Status: Point in time view as at 21/12/2012.

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 21 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)

- (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 ^{F118} . . . 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”.

Textual Amendments
F118 Words in Sch. 13 para. 158 repealed (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 65, 66(2), Sch. 5; S.I. 2007/858, art. 2

The Children Act 1989 (c.41)

159 ^{F119}

Textual Amendments
F119 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 ^{F120}

Textual Amendments
F120 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 ^{F121}

Textual Amendments
F121 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 ^{F122}

Textual Amendments
F122 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)

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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)”.

The Criminal Justice Act 1991 (c.53)

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

165 ^{F123}

Textual Amendments
^{F123} 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)

^{F124} 166

Textual Amendments
^{F124} 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 ^{F125}

Textual Amendments
^{F125} 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 ^{F126}

Status: Point in time view as at 21/12/2012.

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 21 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

F126 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 **F127**

Textual Amendments

F127 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 **F128**

Textual Amendments

F128 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 **F129**

Textual Amendments

F129 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.”

Status: Point in time view as at 21/12/2012.

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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”.

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.

Status: Point in time view as at 21/12/2012.

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 21 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)

- (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 21/12/2012.

Changes to legislation:

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