



Justices of the Peace Act 1949

1949 CHAPTER 101 12 13 and 14 Geo 6

F1

An Act to amend the law relating to justices of the peace (including stipendiary magistrates), justices' clerks and the administrative and financial arrangements for magistrates' courts, to provide for paying travelling and lodging allowances to members of probation committees and case committees and for enabling probation committees to hold land, to authorise the appointment of interim clerks of the peace in Scotland, and for purposes connected therewith. [16th December 1949]

Textual Amendments

F1 Act repealed (S.) by [District Courts \(Scotland\) Act 1975 \(c. 20\)](#), [Sch. 2](#)

PART I

PROVISIONS AS TO INDIVIDUAL JUSTICES

F2₁

Textual Amendments

F2 [Ss. 1, 3, 5, 13](#) repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, [Sch. 3](#)

F3₂

Textual Amendments

F3 [Ss. 2, 11\(1\)–\(4\), 15\(10\), 30, 31\(1\), 31\(4\)](#), [Sch. 1](#) and [Sch. 6](#) repealed by [Justices of the Peace Act 1968 \(c. 69\)](#), [Sch. 5 Pt. II](#)

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1949 (repealed). (See end of Document for details)

F4³

Textual Amendments
F4 Ss. 1, 3, 5, 13 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, **Sch. 3**

F5⁴

Textual Amendments
F5 Ss. 4, 8, 10, 29, and 32–34 repealed by Administration of Justice Act 1973 (c. 15), ss. 19(1), 20(6), **Sch. 5 Pt. II**

F6⁵

Textual Amendments
F6 Ss. 1, 3, 5, 13 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, **Sch. 3**

F7⁶

Textual Amendments
F7 S. 6, **Sch. 2** repealed by Administration of Justice Act 1973 (c. 15), ss. 19(1), 20(6), **Sch. 5 Pt. I**

F8⁷

Textual Amendments
F8 S. 7 repealed by Solicitors Act 1957 (c. 27), **Sch. 3**

F9⁸

Textual Amendments
F9 Ss. 4, 8, 10, 29, and 32–34 repealed by Administration of Justice Act 1973 (c. 15), ss. 19(1), 20(6), **Sch. 5 Pt. II**

F10⁹

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1949 (repealed). (See end of Document for details)

Textual Amendments

F10 Ss. 9, 40 repealed (S.) by virtue of [District Courts \(Scotland\) Act 1975 \(c. 20\)](#), **Sch. 2**

PART II

F11 **10**

Textual Amendments

F11 Ss. 4, 8, 10, 29, and 32–34 repealed by [Administration of Justice Act 1973 \(c. 15\)](#), ss. 19(1), 20(6), **Sch. 5 Pt. II**

11 **F12**(1)
F13(5)
F14(9)

Textual Amendments

F12 Ss. 2, 11(1)–(4), 15(10), 30, 31(1), 31(4), Sch. 1 and Sch. 6 repealed by [Justices of the Peace Act 1968 \(c. 69\)](#), **Sch. 5 Pt. II**
F13 S. 11(5)–(8) repealed by [Children and Young Persons Act 1963 \(c. 37\)](#), **Sch. 5**
F14 Ss. 11(9)–(11), 24, 31(2) and 39(4) repealed by [Administration of Justice Act 1964 \(c. 42\)](#), **Sch. 5**

F15 **12**

Textual Amendments

F15 S. 12 repealed by [Licensing Act 1953 \(c. 46\)](#), **Sch. 10**

13 **F16**

Textual Amendments

F16 Ss. 1, 3, 5, 13 repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, **Sch. 3**

F17 **14**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1949 (repealed). (See end of Document for details)

Textual Amendments

F17 S. 14 repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), **Sch. 6**

- 15** ^{F18}(1)
- ^{F19}(4)
- (5) ^{F20} ^{F21} ^{F22}
- ^{F23}(7)
- ^{F24}(10)

Textual Amendments

- F18** S. 15(1)–(3) repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(3), **Sch. 9**
- F19** S. 15(4)(6) repealed by [Magistrates' Courts Act 1952 \(c. 55\)](#), **Sch. 6**
- F20** Words repealed by [Administration of Justice Act 1973 \(c. 15\)](#), ss. 19(1), 20(6), **Sch. 5 Pt. I**
- F21** Words repealed by [Children and Young Persons Act 1963 \(c. 37\)](#), **Sch. 5**
- F22** Words repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, **Sch. 3**
- F23** S. 15(7)–(9) repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(3), **Sch. 9**
- F24** Ss. 2, 11(1)–(4), 15(10), 30, 31(1), 31(4), Sch. 1 and Sch. 6 repealed by [Justices of the Peace Act 1968 \(c. 69\)](#), **Sch. 5 Pt. II**

PART III

MAGISTRATES’ COURTS COMMITTEES AND JUSTICES’ CLERKS

- ^{F25}**16**—
- 19.**

Textual Amendments

F25 Ss. 16–19 repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, **Sch. 3**

- 20** ^{F26}(1)

- (3) A person who has not been bound by and served under articles as required by [^{F27}regulations made under [^{F28}the ^{M1}Solicitors Act 1974]], but has served as assistant to a justices’ clerk, may be admitted a solicitor of the [^{F29}Senior Courts]^{F29}, subject to the following provisions—
 - (a) the person to be admitted shall have had not less than ten years’ service as such an assistant and, out of that service, not less than five years shall have been before the first day of January, nineteen hundred and sixty, and not less than the required number of years shall have been approved service;

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- (b) for the purpose of the foregoing paragraph “approved service” means service either—
 - (i) as an articulated clerk; or
 - (ii) with respect to which the person to be admitted has obtained from the Law Society a certificate under this section on an application made after he has had five years’ service as such an assistant and before the said first day of January,
and the required number of years of approved service is the number which that person would, apart from this subsection, be required^{F30} . . . to serve under articles entered into at the date of that application;
- (c) the Law Society may grant a person a certificate with respect to service in any employment as assistant to a justices’ clerk if they are satisfied that at the time of granting the certificate it is not practicable for him to serve as an articulated clerk in that employment, and the certificate shall relate to any service by him in that employment after that time;
- (d) subject to the foregoing paragraphs [^{F28}the^{M2}Solicitors Act 1974], shall apply, with any necessary modifications, in relation to a person’s certificate under this section and a person applying for or obtaining such a certificate as if the certificate were articles of clerkship and the service to which it relates were service under those articles.

^{F26}(4)

^{F31}(6)

^{X1}(7) Subsection (2) of section one hundred and fifty-nine of the Municipal Corporations Act, 1882 (which relates to the qualification for being clerk to a borough justices), shall cease to have effect.

Editorial Information

X1 The text of s. 20(7) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Textual Amendments

- F26** S. 20(1)(2)(4)(5) repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, **Sch. 3**
- F27** Words substituted by [Solicitors \(Amendment\) Act 1956 \(c. 41\)](#), **Sch. 1 para. 5(a)**
- F28** Words substituted by [Solicitors Act 1974 \(c. 47\)](#), **Sch. 3 para. 4**
- F29** Words in s. 20 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59(5), 148(1), **Sch. 11 para. 4**; S.I. 2009/1604, **art. 2(b)(d)**
- F30** Words repealed by [Solicitors \(Amendment\) Act 1974 \(c. 26\)](#), **Sch. 3**
- F31** S. 20(6) and Sch. 3 repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

Marginal Citations

- M1** [1974 c. 47](#).
- M2** [1974 c. 47](#).

^{F32}21

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1949 (repealed). (See end of Document for details)

Textual Amendments

F32 Ss. 21, 23 and 25–27 repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, **Sch. 3**

^{F33}**22**

Textual Amendments

F33 S. 22 and Sch. 5 repealed by [Local Government Superannuation Act 1953 \(c. 25\)](#), **Sch. 3 Pt. I para. 8**

^{F34}**23**

Textual Amendments

F34 Ss. 21, 23 and 25–27 repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, **Sch. 3**

^{F35}**24**

Textual Amendments

F35 Ss. 11(9)–(11), 24, 31(2) and 39(4) repealed by [Administration of Justice Act 1964 \(c. 42\)](#), **Sch. 5**

PART IV

^{F36}**25**—
27.

Textual Amendments

F36 Ss. 21, 23 and 25–27 repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, **Sch. 3**

^{F37}**28**

Textual Amendments

F37 S.28 repealed by [Criminal Justice Act 1972 \(c.71\)](#), **Sch. 6 Pt. II**

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PART V

^{F38}29

Textual Amendments

F38 Ss. 4, 8, 10, 29, and 32–34 repealed by Administration of Justice Act 1973 (c. 15), ss. 19(1), 20(6), Sch. 5 Pt. II

^{F39}30

Textual Amendments

F39 Ss. 2, 11(1)–(4), 15(10), 30, 31(1), 31(4), Sch. 1 and Sch. 6 repealed by Justices of the Peace Act 1968 (c. 69), Sch. 5 Pt. II

31 ^{F40}(1)
^{F41}(2)
^{F42}(3)
^{F40}(4)

Textual Amendments

F40 Ss. 2, 11(1)–(4), 15(10), 30, 31(1), 31(4), Sch. 1 and Sch. 6 repealed by Justices of the Peace Act 1968 (c. 69), Sch. 5 Pt. II
F41 Ss. 11(9)–(11), 24, 31(2) and 39(4) repealed by Administration of Justice Act 1964 (c. 42), Sch. 5
F42 Ss. 31(3), 35 repealed by Criminal Justice Administration Act 1956 (c. 34), Sch. 3 Pt. II

^{F43}32—

34.

Textual Amendments

F43 Ss. 4, 8, 10, 29, and 32–34 repealed by Administration of Justice Act 1973 (c. 15), ss. 19(1), 20(6), Sch. 5 Pt. II

^{F44}35

Textual Amendments

F44 Ss. 31(3), 35 repealed by Criminal Justice Administration Act 1956 (c. 34), Sch. 3 Pt. II

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Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1949 (repealed). (See end of Document for details)

PART VI

MISCELLANEOUS AND GENERAL

^{F45}**36,**
37.

Textual Amendments

F45 Ss. 36, 37 repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**

^{F46}**38**

Textual Amendments

F46 Ss. 38, 39(1)–(3) repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**

39 ^{F47}(1)
^{F48}(4)

Textual Amendments

F47 Ss. 38, 39(1)–(3) repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**

F48 Ss. 11(9)–(11), 24, 31(2) and 39(4) repealed by Administration of Justice Act 1964 (c. 42), **Sch. 5**

^{F49}**40**

Textual Amendments

F49 Ss. 9, 40 repealed (S.) by virtue of District Courts (Scotland) Act 1975 (c. 20), **Sch. 2**

^{F50}**41**

Textual Amendments

F50 S. 41 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. I**

^{F51}**42**

Status: Point in time view as at 01/10/2009.

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Textual Amendments

F51 S. 42 repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, **Sch. 3**

^{F52}**43**

Textual Amendments

F52 S. 43 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1, **Sch. 1 Pt. I**

^{F53}**44**

Textual Amendments

F53 S. 44 repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, **Sch. 3**

^{F54}**45**

Textual Amendments

F54 S. 45 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1, **Sch. 1 Pt. I**

46 Citation, repeal and extent.

(1) This Act may be cited as the Justices of the Peace Act 1949.

^{F55}(2)

(3) This Act extends to England and Wales only ^{F56} . . .

Textual Amendments

F55 S. 46(2) repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), **Sch. 1 Pt. I**

F56 Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1, **Sch. 1 Pt. I**

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SCHEDULES

^{F57}FIRST SCHEDULE

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Textual Amendments

F57 Ss. 2, 11(1)–(4), 15(10), 30, 31(1), 31(4), Sch. 1 and Sch. 6 repealed by [Justices of the Peace Act 1968](#) (c. 69), [Sch. 5 Pt. II](#)

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^{F58}SECOND SCHEDULE

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Textual Amendments

F58 S. 6, [Sch. 2](#) repealed by [Administration of Justice Act 1973](#) (c. 15), ss. 19(1), 20(6), [Sch. 5 Pt. I](#)

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^{F59}THIRD SCHEDULE

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Textual Amendments

F59 S. 20(6) and Sch. 3 repealed by [Local Government Act 1972](#) (c. 70), [Sch. 30](#)

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^{F60}FOURTH SCHEDULE

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Textual Amendments

F60 [Sch. 4](#) repealed by [Justices of the Peace Act 1979](#) (c. 55, SIF 82), s. 71, [Sch. 3](#)

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^{F61}FIFTH SCHEDULE

Textual Amendments

F61 S. 22 and Sch. 5 repealed by [Local Government Superannuation Act 1953 \(c. 25\)](#), [Sch. 3 Pt. I para. 8](#)

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^{F62}SIXTH SCHEDULE

Textual Amendments

F62 Ss. 2, 11(1)–(4), 15(10), 30, 31(1), 31(4), Sch. 1 and Sch. 6 repealed by [Justices of the Peace Act 1968 \(c. 69\)](#), [Sch. 5 Pt. II](#)

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^{F63}SEVENTH SCHEDULE

Textual Amendments

F63 Sch. 7 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1, [Sch. 1 Pt. I](#)

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Status:

Point in time view as at 01/10/2009.

Changes to legislation:

There are currently no known outstanding effects for the Justices of the Peace Act 1949 (repealed).