



Justices of the Peace Act 1949

1949 CHAPTER 101

PART II

COMMISSION OF THE PEACE, CONSTITUTION OF COURTS AND RULES OF PROCEDURE

15 Rule committee and rules of procedure

- (1) The Lord Chancellor may appoint a rule committee for magistrates' courts, and may on the advice of or after consultation with the rule committee make rules for regulating and prescribing the procedure and practice to be followed in magistrates' courts and by justices' clerks.
- (2) The rule committee shall consist of the Lord Chief Justice, the President of the Probate, Divorce and Admiralty Division of the High Court, the chief magistrate of the metropolitan stipendiary court at Bow Street and such number of other persons appointed by the Lord Chancellor as he may determine.
- (3) Among the members of the committee appointed by the Lord Chancellor there shall be at least one justices' clerk, one practising barrister and one practising solicitor of the Supreme Court.
- (4) The power to make rules conferred by this section shall (without prejudice to the generality of subsection (1) thereof) include power to make provision as to—
 - (a) the practice and procedure of justices in exercising functions preliminary or incidental to proceedings before a magistrates' court;
 - (b) the service and execution of process issued by or for the purposes of a magistrates' court, including the service and execution in England and Wales of process issued in other parts of the United Kingdom ;
 - (c) the keeping of records of proceedings before magistrates' courts and the manner in which things done in the course of or as preliminary or incidental to, any such proceedings may be proved in any legal proceedings;
 - (d) the extent to which a justices' clerk may engage in practice as a solicitor or barrister;

Status: This is the original version (as it was originally enacted).

- (e) any other matters as to which immediately before the coming into force of this section provision is or can be made by virtue of the enactments and parts of enactments repealed by Part II of the Seventh Schedule to this Act.
- (5) After the establishment of the rule committee, no rules shall be made by the Lord Chancellor under section thirteen of this Act except on the advice of or after consultation with the committee and the reference in the last foregoing section to paragraph 1 of the Second Schedule to the Children and Young Persons Act, 1933, shall be taken as a reference to this section.
- (6) Any Act passed before this Act, in so far as that Act relates to matters about which rules may be made under this section, shall have effect subject to any rules so made and may be amended or repealed by the rules accordingly:
- Provided that nothing in this section shall authorise the rules to reduce the number of justices required for any purpose by any Act.
- (7) In subsection (4) of section thirty-three of the Criminal Justice Act, 1925, for the reference to section seventeen of that Act there shall be substituted a reference to this section, and in subsection (2) of section five of the Dogs Act, 1906, and in section thirteen of the Money Payments (Justices Procedure) Act, 1935, the reference to rules shall be taken as a reference to rules under this section.
- (8) Any rules, directions, forms or other instrument having effect under the enactments repealed by Part II of the Seventh Schedule to this Act shall have effect as if contained in rules made under this section.
- (9) The power to make rules conferred by this section shall be exercisable by statutory instrument which shall be subject to annulment by resolution of either House of Parliament.
- (10) In this section the expression " justices' clerk " includes a clerk to a stipendiary magistrate, a clerk to a metropolitan stipendiary court and a clerk at either of the justice rooms of the City of London.