



# Justices of the Peace Act 1949

## 1949 CHAPTER 101

### PART IV

#### ADMINISTRATIVE AND FINANCIAL ARRANGEMENTS

#### 26 Supplementary provisions as to powers and duties of councils

- (1) Subject to the provisions of this section,—
- (a) the petty sessional court houses and other accommodation, furniture, books and other things to be provided by a council under the last foregoing section ; and
  - (b) the salary to be paid to a justices' clerk and the staff to be provided for him ; and
  - (c) the nature and amount of the expenses which a magistrates' courts committee may incur in the discharge of any functions or may authorise to be incurred (including the sums payable to a justices' clerk in respect of accommodation, staff or equipment provided by him);
- shall be such as may from time to time be determined by the magistrates' courts committee after consultation with the council or councils concerned.
- (2) Where the expenses of a magistrates' courts committee, or the sums payable to or in respect of a justices' clerk holding more than one clerkship or to or in respect of staff provided for any such clerk, fall to be borne by more than one council, any question as to the manner in which they are to be borne by the councils concerned shall be determined by agreement between those councils.
- (3) Any council concerned which is aggrieved by a determination of a magistrates' courts committee under subsection (1) of this section, or under paragraph (d) of subsection (2) of the last foregoing section, may within one month from the receipt by the council of written notice of such determination appeal to the Secretary of State whose decision shall be binding upon the magistrates' courts committee and any council concerned; and any question which by the last foregoing subsection is directed to be determined by agreement shall in default of agreement be determined by the Secretary of State; and the approval of the Secretary of State shall be required for any determination under

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subsection (1) of this section reducing the salary of a justices' clerk, unless the clerk consents to the reduction.