

1968 No. 1266

MAGISTRATES' COURTS

The Justices' Clerks (Accounts) Regulations 1968

Made - - - -

2nd August 1968

Coming into Operation

1st October 1968

In pursuance of the power conferred upon me by section 27(9) of the Justices of the Peace Act 1949(a), I hereby, with the concurrence of the Treasury, make the following Regulations:—

1.—(1) Regulation 1(1) of the Justices' Clerks (Accounts) Regulations 1953(b), as amended (c), shall be amended by the addition of the following sub-paragraph:—

“(c) all sums received by a justices' clerk in his capacity as an appropriate authority under Part IV of the Criminal Justice Act 1967(d).”

(2) Paragraphs (1) and (2) of Regulation 3 of the said Regulations shall be amended by the substitution for the words “by a responsible authority” of the words “by an authority acting as a responsible authority under section 27 of the Act”.

(3) At the end of Regulations 5(1) and 6(1)(a) of the said Regulations there shall be added the words “and section 79(8) of the Criminal Justice Act 1967”.

(4) Regulation 6(1)(b) of the said Regulations shall be amended by the substitution for the words “under the said subsection” of the words “as aforesaid”.

(5) There shall be substituted for the Schedule to the said Regulations the Schedule to these Regulations.

2. These Regulations may be cited as the Justices' Clerks (Accounts) Regulations 1968 and shall come into operation on 1st October 1968.

James Callaghan,

One of Her Majesty's Principal
Secretaries of State.

31st July 1968.

We concur,

B. K. O'Malley,
E. Allan Fitch,

Two of the Lords Commissioners
of Her Majesty's Treasury.

2nd August 1968.

(a) 1949 c. 101.

(b) S.I.1953/493 (1953 I, p. 1006).

(c) The relevant instrument is S.I. 1965/705 (1965 I, p. 2197).

(d) 1967 c. 80.

SCHEDULE

RETURN OF FINES, FEES, LEGAL AID CONTRIBUTIONS AND ANY OTHER SUMS PAYABLE TO THE SECRETARY OF STATE UNDER SECTION 27(1) OF THE JUSTICES OF THE PEACE ACT 1949 AND SECTION 79(8) OF THE CRIMINAL JUSTICE ACT 1967

Quarter Ended.....19..... Borough of
 or
 Petty Sessional }
 County of..... Division of }

	Total amount received during quarter			Arrears outstanding at end of quarter		
	£	s.	d.	£	s.	d.
PART I <i>Fines</i> (other than fines required to be returned under Part II) which constitute Exchequer moneys within the meaning of section 27 of the Justices of the Peace Act 1949						
PART II <i>Fines</i> which constitute Exchequer moneys within the meaning of section 27 of the Justices of the Peace Act 1949, but which by virtue of an appropriation in aid made by direction of the Treasury under paragraph (3) of section 2 of the Public Accounts and Charges Act 1891 are payable by the Secretary of State to the Minister of Transport						
PART III <i>Fines</i> (not constituting Exchequer moneys) payable to the Secretary of State under section 27(1) of the Justices of the Peace Act 1949, all fees and any other sums so payable						
(i) Total amount of fines and fees						
(ii) Sums (other than fees) payable to the Secretary of State under section 27(1)(b) of the Justices of the Peace Act 1949						
PART IV <i>Legal aid</i> contributions payable to the Secretary of State under section 79(8) of the Criminal Justice Act 1967						
TOTALS			*			

*NOTE.—If this total does not agree with the total of the sums remitted to the Secretary of State in respect of the quarter a letter of explanation should be sent with this Return.

SUMS REMITTED TO THE SECRETARY OF STATE IN RESPECT OF THE QUARTER	
	£ s. d.
First payment	
Second payment	
Third payment	
TOTAL	

I certify that this Return is correct

Date.....

.....
Clerk to the Justices

NOTES

1. In accordance with Regulation 6 of the Justices' Clerks (Accounts) Regulations 1953, a Return in duplicate in the Form annexed must be sent to the Secretary of State not later than 21st January, 21st April, 21st July and 21st October in each year for the quarter ending at the expiration of the preceding month. The Return should be forwarded to the Finance Department, Home Office, Tolworth Tower, Surbiton, Surrey, using the prepaid labels supplied.

2. The Return *must* be made up to the end of the quarter to which it relates.

3. The Return concerns only fines, fees, legal aid contributions and other sums which are payable to the Secretary of State under section 27 of the Justices of the Peace Act 1949 and section 79(8) of the Criminal Justice Act 1967. Fines which under any enactment are payable to the Commissioners of Customs and Excise, or to any officer of theirs or person appointed by them, will continue to be so paid by justices' clerks; these fines are not payable to the Secretary of State and will therefore not be included in any Part of this Return.

4. The Return is in four Parts. Part I is for fines payable to the Secretary of State (other than fines required to be returned under Part II) which constitute Exchequer moneys within the meaning of section 27 of the Justices of the Peace Act 1949. "Exchequer moneys" is defined in section 27(10) as meaning moneys which, if section 27 had not been passed, would be paid into the Exchequer or to any Government department or person on behalf of Her Majesty by virtue of a specific provision to that effect made by or under any Act or would have been so paid but for any local or other special right or privilege of whatever origin. Fines imposed under statutes passed on or after 1st April 1953 may also constitute Exchequer moneys within the meaning of section 27 by virtue of an appropriate provision made in the particular statute.

Part II is for fines payable to the Secretary of State which constitute Exchequer moneys within the meaning of section 27 but which by virtue of an appropriation in aid made by direction of the Treasury under section 2(3) of the Public Accounts and Charges Act 1891, are payable by the Secretary of State to the Minister of Transport.

Sums paid by way of fixed penalty under section 80 of the Road Traffic Regulation Act 1967 are to be treated as if they were fines imposed on summary conviction for the offence to which they relate. The Part in which such sums should be included therefore depends on the Act creating the offence.

Part III is for other fines payable to the Secretary of State, all fees and any other sums so payable.

Part IV is for legal aid contributions payable under contribution orders made by magistrates' courts and other courts, which are payable to the Secretary of State under section 79(8) of the Criminal Justice Act 1967.

Parts I and II should show the amounts of the fines imposed; the amounts entered should not include any sums ordered to be paid as costs, damages or compensation.

5. Parts I, II and IV are divided as follows:—

- (a) the total sums received by the justices' clerk during the quarter and payable to the Secretary of State;
- (b) the arrears outstanding at the end of the quarter.

Part III is similarly divided as regards the total received and the arrears, but the total received is to be divided between (i) fines and fees and (ii) sums other than fees payable to the Secretary of State under section 27(1)(b) of the Justices of the Peace Act 1949 (under head (ii) there may be included sums received by the clerk in previous quarters, for example an unclaimed periodical payment).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Justices' Clerks (Accounts) Regulations 1953 so as to provide that justices' clerks shall account for legal aid contributions under the Criminal Justice Act 1967 made by legally assisted persons to them, as the collecting authority, in the same way as they account for other sums paid to them and governed by those Regulations.