

1969 No. 1272 (L.22)

MAGISTRATES' COURTS

PROCEDURE

The Justices of the Peace (Size and Chairmanship of Bench)
(Amendment) Rules 1969

<i>Made</i>	- - -	28th August 1969
<i>Laid before Parliament</i>		12th September 1969
<i>Coming into Operation</i>		1st October 1969

The Lord Chancellor, in exercise of the powers conferred on him by section 13 of the Justices of the Peace Act 1949^(a), as modified by section 33 of the Administration of Justice Act 1964^(b) and as amended by section 3 of the Justices of the Peace Act 1968^(c), after consultation with the Rule Committee appointed under section 15 of the said Act of 1949, hereby makes the following Rules :—

1.—(1) These Rules may be cited as the Justices of the Peace (Size and Chairmanship of Bench) (Amendment) Rules 1969.

(2) The Interpretation Act 1889^(d) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(3) These Rules shall come into operation on 1st October 1969.

2. Rule 4 of the Justices of the Peace (Size and Chairmanship of Bench) Rules 1964^(e) shall be amended—

(a) by substituting for paragraphs (1) and (2) new paragraphs, and by inserting immediately after the new paragraph (2) two additional paragraphs, as follows :—

“(1) In this Rule the expression “justice” means any justice who ordinarily acts in and for the petty sessions area other than any person whose name has been entered in the Supplemental List ; and the expression “Clerk to the Justices” includes any person acting as such.

(2) Subject to the provisions of paragraph (2A) of this Rule, the justices for each petty sessions area shall elect from among their number a chairman and one or more deputy chairmen, and the justices for the City of London shall elect from among their number one or more deputy chairmen, at a meeting to be held in the month of October in every year of which at least seven days' notice shall be given to each justice for the petty sessions area (hereinafter referred to as the “election meeting”);

(a) 1949 c. 101.

(b) 1964 c. 42.

(c) 1968 c. 69.

(d) 1889 c. 63.

(e) S.I. 1964/1107 (1964 II, p. 2437).

Provided that no election meeting need be held for the City of London before the month of October 1970.

(2A) Subject to the provisions of paragraph (2B) of this Rule, a justice shall not vote at any election for the chairman or a deputy chairman at the first election meeting held after his appointment to the commission of the peace by virtue of which he acts or will act in and for the petty sessions area in respect of which the election meeting is held or, if on appointment to that commission of the peace his name was immediately entered in the supplemental list kept in connection with that commission, after the removal of his name from the supplemental list.

(2B) Where a new petty sessions area is constituted by an order under section 18 of the Justices of the Peace Act 1949 or otherwise, a justice for that petty sessions area may vote at any election at the first election meeting for that area if he could, in accordance with the provisions of paragraph (2A) of this Rule, at that time have voted at any election held at an election meeting in respect of any petty sessions area which, or part of which, is included in the new petty sessions area.”;

(b) by substituting for the words “the names of all the justices” in paragraph (5) the words “the names in alphabetical order of all the justices”;

(c) by substituting for paragraph (6) a new paragraph as follows—

“(6) Immediately after each ballot has been closed the Clerk to the Justices shall collect the ballot papers and count the votes; if, in accordance with paragraph (7) or paragraph (8) the ballot has been conclusive, the Clerk to the Justices shall announce the result thereof; but if, in accordance with paragraph (7), either of the first two ballots has been inconclusive, the Clerk to the Justices shall announce that fact and state the names of the justices for whom votes have been cast and the number of votes which each such justice has received.”;

(d) by substituting for paragraphs (8) and (9) new paragraphs, and by inserting immediately after the new paragraph (9) an additional paragraph, as follows:—

“(8) Subject to the provisions of this Rule, the result of a ballot for the election of deputy chairman or deputy chairmen shall be ascertained by counting the votes given to each justice and the justice or justices, as the case may be, who have obtained the most votes shall be declared to be elected:

Provided that, if any justices obtain an equal number of votes and the addition of a vote to those cast for any one or more of those justices would entitle him or them to be elected, the Clerk shall announce that fact and state the names of the justices concerned and the number of votes which they received; and thereupon a second ballot shall be held.

(9) When a second ballot is necessary by reason of the proviso to paragraph (8), the Clerk to the Justices shall prepare ballot papers containing the names in alphabetical order of all the justices in the petty sessions area, deleting the name of any justice who has been elected chairman or deputy chairman, and the provisions of paragraph (5) so far as relevant and of paragraph (8) except for the proviso shall apply.

(9A) If, after three ballots for the election of the chairman, two or more justices have obtained the same number of votes in the aggregate, or if, at the second ballot for the election of a deputy chairman, two or more justices obtain an equal number of votes, so that in either case the addition of a vote to those cast for any one or more of them (as the case may be) would entitle him or them to be elected, the Clerk to the Justices shall forthwith decide between those justices by lot, and proceed as if any justice on whom the lot falls had received an additional vote."

Gardiner, C.

Dated 28th August 1969.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Justices of the Peace (Size and Chairmanship of Bench) Rules 1964—

- (a) to remove a reference to ex-officio justices, since these have been abolished by the Justices of the Peace Act 1968 ;
- (b) to preclude justices from voting at the first election held after they first begin to act in the petty sessions area in respect of which the election is held ;
- (c) to provide more specifically for the procedure to be followed in holding and announcing the result of a ballot ; and
- (d) to provide that where there is an equality of votes at the election of a deputy chairman there shall be one further ballot before the matter is resolved by lot.