

1971 No. 2048

POLICE**The Police Authorities (Appointment of Magistrates) Rules 1971**

Made 15th December 1971

Coming into Operation 1st January 1972

In exercise of the powers conferred on me by section 2(4) of the Police Act 1964(a), I hereby make the following Rules :—

Citation and commencement

1. These Rules may be cited as the Police Authorities (Appointment of Magistrates) Rules 1971 and shall come into operation on 1st January 1972.

Revocations

2. The Police Authorities (Appointment of Magistrates) Rules 1964(b) are hereby revoked.

Interpretation

3.—(1) In these Rules any reference to an enactment is a reference to that enactment as amended by any subsequent enactment.

(2) In these Rules any reference to an appointment in accordance therewith, or with any provision thereof, shall be construed as including a reference to an appointment made before 1st January 1972 in accordance with the Rules revoked by these Rules or, as the case may be, with the corresponding provision thereof.

(3) The Interpretation Act 1889(c) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

Appointments to police committee for a county

4.—(1) The members of a police committee for a county to be appointed by the magistrates for the county, in pursuance of section 2(2) of the Police Act 1964 and in accordance with a scheme made thereunder by the magistrates' courts committee (hereinafter referred to as "the county scheme"), shall be appointed at least seven days before the appropriate date in the year in which the appointments are to take effect.

(2) A member of a police committee appointed in accordance with this Rule shall serve thereon from the appropriate date in the year in which his appointment takes effect until the appropriate date in such one of the three following years as the county scheme may provide ; and in determining the

(a) 1964 c. 48.

(c) 1889 c. 63.

(b) S.I. 1964/1556 (1964 III, p. 3502).

term of an appointment, the magistrates' courts committee shall have regard to the term for which members of the police committee appointed by the council of the county serve thereon.

(3) In this Rule the expression "the appropriate date" means, in relation to a particular year, the date in that year of the annual meeting of the council of the county.

Appointments to watch committee for a borough

5.—(1) The members of a watch committee for a borough to be appointed by the magistrates for the borough, in pursuance of section 2(3) of the Police Act 1964, shall be appointed at the meeting of the magistrates held for the purpose of electing a chairman of the bench, in accordance with rules made under section 13 of the Justices of the Peace Act 1949(a), in the year preceding that in which the appointments are to take effect.

(2) A member of a watch committee appointed in accordance with this Rule shall serve thereon from the appropriate date in the year in which his appointment takes effect until the appropriate date in the next following year.

(3) In this Rule the expression "the appropriate date" means, in relation to a particular year, the date in that year of the annual meeting of the council of the borough.

Casual vacancies

6.—(1) If a casual vacancy occurs on a police committee for a county or on a watch committee for a borough among the members appointed in accordance with these Rules, whether through death, resignation or otherwise, then, unless it is determined in accordance with the county scheme or by the magistrates for the borough that it is not necessary so to do, an appointment shall be made as soon as is practicable to fill the vacancy.

(2) A member of a police committee or of a watch committee appointed in accordance with this Rule shall serve thereon for the period for which the member he replaces would have served had the vacancy not occurred and nothing in Rule 4 or 5 shall apply in relation to such an appointment.

Supplementary provisions

7.—(1) If, by reason that the council of the county or borough have not determined the number of persons comprising the police committee or, as the case may be, the watch committee or of other circumstances, appointments to a police committee or watch committee, in accordance with these Rules, are not made when they would otherwise be made, those appointments shall be made as soon as is practicable thereafter.

(2) If the council of the county or borough determine that the number of persons comprising the police committee or, as the case may be, the watch committee shall be varied as from a specified date—

(a) additional appointments to the committee may be made, or

(b) any appointment to the committee made in accordance with these Rules may be terminated,

as the circumstances may require, in either case with effect from the specified date in accordance with the county scheme or by the magistrates for the borough at any meeting; and, subject as aforesaid, in the case of such an additional appointment these Rules shall apply as if the appointment were made in accordance with Rule 4 or, as the case may be, Rule 5 of these Rules.

(3) Where an appointment to a watch committee falls to be made or terminated in accordance with these Rules by the magistrates for the borough nominations shall be permitted, but where voting is necessary it shall be by ballot and there shall be no disclosure how any magistrate voted:

Provided that where any magistrates receive an equal number of votes and the addition of a vote would result in the appointment of one of them being made or terminated, the clerk to the magistrates shall forthwith decide between those magistrates by lot and the magistrate on whom the lot falls shall be deemed to have received an additional vote.

R. Maudling,

One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
15th December 1971.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules make provision as respects the time, manner and term of appointment of magistrates to county and county borough police authorities. They supersede the Police Authorities (Appointment of Magistrates) Rules 1964 with effect from 1st January 1972.

As from that date, appointments of magistrates to a county police authority will, by virtue of section 53(5) of the Courts Act 1971 (c. 23), fall to be made in accordance with a scheme made by the magistrates' courts committee for the county instead of by the court of Quarter sessions. The Rules take account of this change.