
STATUTORY INSTRUMENTS

1985 No. 1383

The Local Government (Magistrates' Courts etc.) Order 1985

Preliminary Expenditure

5.—(1) Subject to paragraphs (2) and (3) of this Article, the outer London borough council which will be responsible for paying the expenses on and after 1st April 1986 of the magistrates' courts committee for the borough shall defray any expenditure incurred before that date by or in connection with—

- (a) magistrates' courts for the petty sessions area comprising the borough;
- (b) the magistrates' courts committee for the borough;
- (c) any other body having functions in relation to the petty sessions area and comprised wholly or mainly of justices for that area, not being a probation committee or a probation liaison committee.

(2) Subject to paragraph (3) below of this Article, the nature and amount of the expenditure which may be incurred in connection with the matters set out in paragraph (1) of this Article, other than allowances paid to a justice of the peace under section 12 of the 1979 Act or expenditure incurred in connection with the establishment of the magistrates' courts committee, shall be such as may from time to time be determined by the committee after consultation with the council.

(3) If the council is aggrieved by the determination of the magistrates' courts committee under paragraph (2) above, it may within two weeks from the receipt of it of written notice of the determination, appeal to the Secretary of State, whose decision shall be binding upon the magistrates' courts committee and the council.

(4) Section 59 of the 1979 Act shall apply in respect of the net cost, determined in accordance with the provisions of that section, to the council of defraying the expenditure referred to in paragraph (1) of this Article as if, as regards the period before 1st April 1986, the council's function in defraying that expenditure were a function of a responsible authority under Part VI of the 1979 Act and the council were a responsible authority within subsection (6) of the said section 59.