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STATUTORY INSTRUMENTS

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**1994 No. 2594**

**The Police and Magistrates' Courts Act 1994 (Commencement No. 3 and Transitional Provisions) Order 1994**

**Citation and Commencement**

1.—(1) This Order may be cited as the Police and Magistrates' Courts Act 1994 (Commencement No. 3 and Transitional Provisions) Order 1994.

(2) This Order shall come into force on 1st November 1994.

**Interpretation**

2. In this Order—

“the 1979 Act” means the Justices of the Peace Act 1979(1);

“the 1994 Act” means the Police and Magistrates' Courts Act 1994.

3. Subject to article 5, the following provisions of the 1994 Act shall come into force by virtue of this Order—

- (a) section 69 (alteration of magistrates' courts committee areas);
- (b) section 70 (constitution of magistrates' courts committees);
- (c) section 71 (regulations as to constitution etc. of magistrates' courts committees);
- (d) section 74 (reports and plans);
- (e) section 78 (independence of justices' clerk and staff in relation to legal functions);
- (f) section 85 (regulations as to accounts and audit);
- (g) section 86 (inspectors of the magistrates' courts service);
- (h) section 87 (powers of inspectors);
- (i) section 88 (default powers), except for subsection (6);
- (j) section 89 (studies by Audit Commission);
- (k) section 90 (regulations under the 1979 Act);
- (l) section 91(1) (magistrates' courts: minor and consequential amendments), so far as it relates to the entries in Part 1 of Schedule 8 referred to in article 6 below;
- (m) section 92 (interpretation of Part IV);
- (n) section 93 (repeals), so far as it relates to the entries in Part II of Schedule 9 (magistrates' courts: repeals) referred to in article 7 below.

4. Section 79 of the 1994 Act (inner London area) and section 93, so far as it relates to the entry in Part II of Schedule 9 in respect of section 35 of the 1979 Act, shall come into force for the purpose only of enabling a magistrates' courts committee for the inner London area to be constituted in accordance with regulations made under section 21 of the 1979 Act as amended by section 71 of the 1994 Act.

5.—(1) Sections 70 and 71 of the 1994 Act shall come into force subject to the transitional provisions specified below.

(2) Notwithstanding the substitution by section 70 of a new section 20 (“the new section 20”) for the old section 20 (“the old section 20”) of the 1979 Act—

- (a) the old section 20 shall continue to apply in relation to magistrates' courts committees constituted in accordance with the Magistrates' Courts Committees (Constitution) Regulations 1973<sup>(2)</sup> as if the new section 20 had not been so substituted;
- (b) the new section 20 shall come into force only in relation to magistrates' courts committees constituted in accordance with regulations made under section 21 of the 1979 Act as amended by section 71 of the 1994 Act;
- (c) notwithstanding the amendments made by section 71(1), (2) and (3) to section 21 of the 1979 Act, section 21 of that Act shall continue to apply in relation to magistrates' courts committees constituted in accordance with the Magistrates' Courts Committees (Constitution) Regulations 1973 as if those amendments had not been made.

#### **Magistrates' courts: minor and consequential amendments of the 1979 Act**

6. The entries in Part 1 of Schedule 8 (amendments of the 1979 Act) referred to in paragraph (l) of article 3 above are—

- (a) paragraph 2(1) and (2) (amendment of section 17(1));
- (b) paragraph 2(1), (3) and (4) (amendment of section 17(2) and insertion of new section 17(2A));
- (c) paragraph 3 (amendment of section 18);
- (d) paragraph 4 (amendment of section 19);
- (e) paragraph 6 (amendment of section 23);
- (f) paragraph 7 (amendment of section 24);
- (g) paragraph 8 (amendment of section 24A);
- (h) paragraph 9 (amendment of section 24B);
- (i) paragraph 17 (amendment of section 42);
- (j) paragraph 22 (substitution of new definition of “magistrate” and insertion of definition of “magistrates' courts committee area” in section 70), except that the former definition of “magistrate” in section 70 shall continue to apply for the purposes of interpretation of the old section 20 (as defined in paragraph (2) of article 5 above).

#### **Repeals**

7. The entries in Part II of Schedule 9 (repeals: magistrates' courts) referred to in paragraph (n) of article 3 above are—

- (a) section 12(7) of the 1979 Act;
- (b) section 18(2) of the 1979 Act;
- (c) section 19(3) and (4) of the 1979 Act;
- (d) section 21(1) of the 1979 Act;
- (e) section 23(1) of the 1979 Act;
- (f) section 24(1)(a), (2) and (5) of the 1979 Act;

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(2) S.I. 1973/1522 as amended by S.I. 1980/1258, 1985/1383 and 1992/2047.

(g) section 24A(1) of the 1979 Act;

(h) the definition of “joint committee area” in section 70 of the 1979 Act.

Dated 8th October 1994

*Mackay of Clashfern, C*