Justices of the Peace Act 1979

CHAPTER 55

JUSTICES OF THE PEACE ACT 1979

PART I

GENERAL

Areas and commissions of the peace

1 Commission areas
2 London commission areas
3 Power to adjust London commission areas
4 Petty sessions areas
5 General form of commissions of the peace

Justices other than stipendiary magistrates

6 Appointment and removal of justices of the peace
7 Residence qualification
8 Supplemental list for England and Wales
9 Removal of name from supplemental list
10 Effect of entry of name in supplemental list
11 Records of justices of the peace
12 Travelling, subsistence and financial loss allowances

Stipendiary magistrates other than metropolitan stipendiary magistrates

13 Appointment and removal of stipendiary magistrates
14 Retirement of stipendiary magistrates
15 Acting stipendiary magistrate
16 Place of sitting and powers of stipendiary magistrates

PART II

ORGANISATION OF FUNCTIONS OF JUSTICES

General provisions

17 Chairman and deputy chairmen of justices
18 Rules as to chairmanship and size of bench

Magistrates' courts committees

19 General provisions as to magistrates courts committees
20 Constitution of magistrates' courts committees
21 Powers of Secretary of State in relation to magistrates' courts committees
22 Supplementary provisions as to magistrates' courts committees
23 Powers and duties of committee as to petty sessional divisions
24 Procedure relating to s. 23

Justices' clerks and their staffs

25 Appointment and removal of justices' clerks
26 Qualifications for appointment as justices' clerk
27 Conditions of service and staff of justices' clerks
28 General powers and duties of justices' clerks
29 Functions of justices' clerk as collecting officer
30 Person acting as substitute clerk to justices

PART III

INNER LONDON AREA

Metropolitan stipendiary magistrates

31 Appointment, removal and retirement of metropolitan stipendiary magistrates
32 Allocation and sittings of metropolitan stipendiary magistrates
33 Jurisdiction of metropolitan stipendiary magistrates and lay justices
34 Acting metropolitan stipendiary magistrate

Provisions relating to committee of magistrates

35 Committee of magistrates for inner London area
36 Petty sessional divisions in inner London area
37 Justices' clerks and other officers
38 Other functions for which committee is or may be responsible

PART IV

CITY OF LONDON

39 Ex officio and appointed justices
40 Chairman and deputy chairmen of justices
41 Application of enactments to the City
42 No petty sessional divisions in the City
43 Records of appointed justices for the City

PART V

PROTECTION OF JUSTICES AND INDEMNIFICATION OF JUSTICES AND JUSTICES' CLERKS

44 Acts done within jurisdiction
45 Acts outside or in excess of jurisdiction
46 Warrant granted on a conviction or order made by another justice
47 Exercise of discretionary powers
48 Compliance with, or confirmation on appeal to, superior court
49 Distress warrant for rates
50 Where action prohibited, proceedings may be set aside
51 No action in county court if defendant justice objects
52 Limitation of damages
53 Indemnification of justices and justices' clerks
54 Provisions as to prerogative proceedings and membership of Crown Court

PART VI

ADMINISTRATIVE AND FINANCIAL ARRANGEMENTS

55 Duties of local authorities outside Greater London
56 Provisions supplementary to s. 55
57 Application of ss. 55 and 56 to outer London areas and City of London
58 Corresponding arrangements in inner London area
59 Grants by Secretary of State to responsible authorities
60 Special provision as to grants to Greater London Council
61 Application of fines and fees
62 Defaults of justices' clerks and their staffs

PART VII

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

63 Courses of instruction
64 Disqualification in certain cases of justices who are members of local authorities
65 Justices not disqualified by reason of being ratepayers
66 Acts done by justices outside their commission area
67 Promissory oaths of certain justices
68 Greater Manchester, Merseyside and Lancashire
69 Isles of Scilly
70 Interpretation
71 Transitional provisions and savings, amendments and repeals
72 Short title, commencement and extent

SCHEDULES

SCHEDULE 1 — Transitional Provisions and Savings

Interpretation

1 In this Schedule— " the Act of 1949 " means...

General transitional provisions

2 (1) In so far as anything done, or having effect...

Commissions of the peace

3 (1) Where a commission of the peace is in force...

Justices of the peace in office

4 (1) Any person who immediately before the commencement of this...
5 (1) The supplemental list for England and Wales kept under...
6 The repeal by this Act of paragraph 9(1) of Schedule...

Stipendiary magistrates (other than metropolitan stipendiary magistrates)

7 Any person who immediately before the commencement of this Act...
8 The following provisions of this paragraph shall have effect in...

Petty sessional divisions

9 Without prejudice to any power exercisable by virtue of this...

Justices' clerks and their staffs

10 (1) This paragraph applies to any person who immediately before...
11 (1) This paragraph applies to any person who on the...
12 (1) In this paragraph " transferred officer or employee to...
13 (1) Any regulations made by the Secretary of State under...
14 (1) This paragraph applies to any order made before the...

Justices of the Peace Act 1949, Schedule 2

15 Where in the preceding paragraphs of this Schedule reference is...

Provisions relating to Part V of Act

16 The provisions of Part V of this Act shall have...

Saving for superannuation provisions

17 Except as provided by sections 55 to 58 of this...

Savings for Local Government Act 1972, ss. 67, 252, 254

18 The provisions of this Act shall have effect without prejudice...

SCHEDULE 2 — Consequential Amendments

Maintenance Orders (Facilities for Enforcement) Act 1920 (c.33)

1 In section 3(4), in relation to any time after the...

Children and Young Persons Act 1933 (c.12)

2 In section 107(1), in relation to any time after the...

National Assistance Act 1948 (c.29)

3 In section 43(4), in relation to any time after the...

Children Act 1948 (c.43)

4 In section 26, in subsections (1) and (4), in relation...

Marriage Act 1949 (c.76)

5 In section 3(5), in relation to any time after the...

Maintenance Orders Act 1950 (c.37)

6 In section 3(2), in relation to any time after the...

Magistrates' Courts Act 1952 (c.55)

7 In section 44 for " section 1 of the Administration...
8 In section 56B(7) for " Administration of Justice Act 1964"...
9 In section 114(1)(f), for " section twenty-seven of the Justices...

Affiliation Proceedings Act 1957 (c.55)

10 In section 3(1), in relation to any time after the...

Licensing Act 1964 (c.26)

11 In section 201(1), in the definition of " the metropolis...

Administration of Justice Act 1964 (c.42)

12 In section 38(1), in the definition of " London commission...

Backing of Warrants (Republic of Ireland) Act 1965 (c. 45)

13 In the Schedule, in the proviso to paragraph 2, for...

Criminal Justice Act 1967 (c. 80)

14 In section 45(4), for " Part IV of the Justices...

Road Traffic Regulation Act 1967 (c.76)

15 In section 80(5), for " section 27 of the Justices...

Guardianship of Minors Act 1971 (c. 3)

16 In section 15, in subsections (1) and (4), in relation...

Immigration Act 1971 (c.77)

17 In Schedule 2, in paragraphs 23(3) and 31(4), for "Justices...

Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)

18 In section 27(2), in relation to any time after the...

Local Government Act 1972 (c.70)

19 In section 217, for subsection (7) substitute the following: —...

Criminal Justice Act 1972 (c. 71)

20 In section 51, in subsection (4), for " section 5(1)...

Administration of Justice Act 1973 (c.15)

21 In section 2(4), after " section " insert " or...
22 For section 5 substitute the following: — Paragraphs 2, 3 and 7 of Schedule 1 to this...
23 In section 9(1)(f), for " this Act" substitute " section...
24 In Schedule 1— (a) in paragraph 2(1), for " paragraph...

Powers of Criminal Courts Act 1973 (c.62)

25 In section 32(6), for the words from "Justices of the...
26 In section 51, after subsection (3) insert—

Legal Aid Act 1974 (c.4)

27 In section 35— (a) in subsection (6), for " Part...

Local Government Act 1974 (c.7)

28 In section 1(6)(a), for " section 27 of the Justices...

Solicitors Act 1974 (c.47)

29 In section 38— (a) in subsection (3), for " section...

Supplementary Benefits Act 1976 (c.71)

30 In section 19(2), in relation to any time after the...

Domestic Proceedings and Magistrates' Courts Act 1978 (c.22)

31 In section 88(1), in the definition of " commission area...

SCHEDULE 3 — Repeals