



# Justices of the Peace Act 1979

## 1979 CHAPTER 55

### PART IV

#### CITY OF LONDON

#### **39 Ex officio and appointed justices**

- (1) The Lord Mayor and aldermen of the City shall by virtue of the charter granted by His late Majesty King George II dated the 25th August 1741 continue to be justices of the peace for the City:

Provided that any of them may be excluded by the Lord Chancellor from the exercise of his functions as a justice.

- (2) The persons holding office as justices of the peace for the City shall constitute a single body of justices, without distinction between those holding office by virtue of the charter and those appointed; and the jurisdiction and powers of the Lord Mayor and aldermen as justices by virtue of the charter shall be the same in all respects as those of appointed justices.
- (3) The establishment of the City as a separate commission area shall not be taken to have constituted new courts for the City; and the jurisdiction and powers of the justices of the peace for the City are in continuation of those formerly belonging exclusively to the justices holding office by virtue of the charter.
- (4) In this Part of this Act " the City " means the City of London.

#### **40 Chairman and deputy chairmen of justices**

- (1) The Lord Mayor for the time being, if not disqualified, shall be chairman of the justices, with the style of Chief Magistrate, instead of a chairman being elected under section 17(1) of this Act; and, subject to subsection (3) below, the aldermen who have been Lord Mayor and are not disqualified (or, if there are more than eight such aldermen, the eight who were last Lord Mayor) shall be deputy chairmen in addition to any deputy chairmen elected under section 17(1) above.

- (2) For the purposes of this section a Lord Mayor or alderman is disqualified at any time while his name is entered in the supplemental list.
- (3) In the event of a Lord Mayor being disqualified, then during his mayoralty the senior of the aldermen designated as deputy chairmen in subsection (1) above shall, instead of being a deputy chairman, be chairman of the justices as acting Chief Magistrate.
- (4) Subsections (2) and (3) of section 17 of this Act shall apply to any Lord Mayor or alderman as chairman or deputy chairman of the justices as they apply to a chairman or deputy chairman elected under subsection (1) of that section.

#### **41 Application of enactments to the City**

- (1) Subject to the provisions of this Part of this Act, in any enactment relating to justices of the peace, magistrates' courts, justices' clerks or matters connected therewith (including, except in so far as it otherwise expressly provides, any such enactment passed after the passing of this Act)—
  - (a) any reference to a county or to county justices shall be taken to include the City or justices for the City, and
  - (b) any reference to a county council shall be taken to include the Corporation of the City acting through the Common Council, and references to a county fund shall be taken to include the general rate fund of the City:

Provided that in any such enactment which refers in the same context both to a non-metropolitan county and to a metropolitan district, the reference to a non-metropolitan county shall be taken to include the City.

- (2) Where any such enactment (including any enactment contained in this Act) expressly refers in the same context both—
  - (a) to a county or non-metropolitan county or to justices or magistrates for a county or non-metropolitan county, and
  - (b) to the City or to justices or magistrates for the City,
 the operation of that enactment shall not be affected by, and shall be without prejudice to the generality of, subsection (1) above.

#### **42 No petty sessional divisions in the City**

Nothing in section 41 above shall authorise the making of an order under section 23 of this Act for the division of the City into petty sessional divisions.

#### **43 Records of appointed justices for the City**

There shall be transmitted to the Lord Mayor, and be enrolled in the records of the justices for the City, a copy of any instrument appointing or removing a justice of the peace for the City in accordance with section 6 of this Act; and the Lord Mayor shall be notified, in such manner as the Lord Chancellor may direct, of any resignation or death of a justice for the City so appointed, and shall cause to be kept, and from time to time rectified, a record of those for the time being holding office as justices for the City by virtue of any such appointment.