



Justices of the Peace Act 1979

1979 CHAPTER 55

PART VI

ADMINISTRATIVE AND FINANCIAL ARRANGEMENTS

55 Duties of local authorities outside Greater London

- (1) Subject to the provisions of this Act, the council of each non-metropolitan county and of each metropolitan district shall provide the petty sessional court-houses and other accommodation, and the furniture, books, and other things, proper for the due transaction of the business, and convenient keeping of the records and documents, of the county justices or any committee of such justices, or for enabling the justices' clerk for the non-metropolitan county or metropolitan district or any part thereof to carry out his duties.
- (2) The council of each non-metropolitan county or metropolitan district shall pay—
 - (a) any expenses of the magistrates' courts committee, or, in the case of a committee acting for the area of more than one such council, the proper proportion of those expenses; and
 - (b) the sums payable under Part II of this Act on account of a person's salary or expenses as justices' clerk for the non-metropolitan county or metropolitan district or any part thereof and the remuneration of any staff employed by the magistrates' courts committee to assist him, together with—
 - (i) secondary Class I contributions payable in respect of any such person or staff under Part I of the Social Security Act 1975, and
 - (ii) state scheme premiums so payable under Part III of the Social Security Pensions Act 1975 ; and
 - (c) so far as they are not otherwise provided for, all other costs incurred with the general or special authority of the magistrates' courts committee by the county justices.
- (3) Subject to section 16(2) of this Act, any accommodation provided under this section for any justices or justices' clerk may be outside the area for which the justices act and,

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in the case of a petty sessional court-house, shall be deemed to be in that area for the purposes of the jurisdiction of the justices when acting in the court-house.

- (4) Two or more councils may arrange for accommodation, furniture, books or other things provided for the purposes of this section by one of them to be used also as if provided for those purposes by the other or each of the others.

56 Provisions supplementary to s. 55

- (1) Subject to the provisions of this section—
- (a) the petty sessional court houses and other accommodation, furniture, books and other things to be provided by a council under section 55 of this Act;
 - (b) the salary to be paid to a justices' clerk and the staff to be provided for him ; and
 - (c) the nature and amount of the expenses which a magistrates' courts committee may incur in the discharge of any functions or may authorise to be incurred, including the sums payable to a justices' clerk in respect of accommodation, staff or equipment provided by him,
- shall be such as may from time to time be determined by the magistrates' courts committee after consultation with the council or councils concerned.
- (2) Where the expenses of the magistrates' courts committee, or the sums payable to or in respect of a justices' clerk holding more than one clerkship or to or in respect of staff provided for any such clerk, fall to be borne by more than one council, any question as to the manner in which they are to be borne by the councils concerned shall be determined by agreement between those councils or, in default of such agreement, shall be determined by the Secretary of State.
- (3) Any council concerned which is aggrieved by a determination of a magistrates' courts committee under subsection (1) above may, within one month from the receipt by the council of written notice of the determination, appeal to the Secretary of State, whose decision shall be binding upon the magistrates' courts committee and any council concerned.
- (4) The approval of the Secretary of State shall be required for any determination under subsection (1) above reducing the salary of a justices' clerk, unless the clerk consents to the reduction.

57 Application of ss. 55 and 56 to outer London areas and City of London

- (1) The provisions of sections 55 and 56 of this Act shall have effect in relation to each of the outer London areas as if each such area were a non-metropolitan county and as if the Greater London Council were the council of that county.
- (2) The sums payable by the Greater London Council under section 55(2) as applied by subsection (1) above shall be chargeable only on the outer London boroughs.
- (3) Sections 55 and 56 of this Act shall have effect in relation to the City of London as if in section 55 above—
- (a) references to a non-metropolitan county and to county justices were references to the City and to justices for the City respectively, and
 - (b) any reference to the council of a non-metropolitan county were a reference to the Corporation of the City acting through the Common Council,
- and references to a council in section 56 of this Act shall be construed accordingly.

58 Corresponding arrangements in inner London area

- (1) The Receiver shall provide such court houses and other accommodation, and such furniture, books and other things, as the committee of magistrates may determine to be proper for the due transaction of the business, and convenient keeping of the records and documents, of magistrates' courts in the inner London area (including domestic courts and including juvenile courts for that area and the City of London) or for enabling the justices' clerks for that area (or for juvenile courts for that area and the City) to carry out their duties; but any determination under this subsection shall not have effect unless confirmed, with or without modifications, by the Secretary of State.
- (2) The Receiver shall pay out of the metropolitan police fund—
 - (a) any expenses of the committee of magistrates, of such amount and of such a nature as may be approved by the Secretary of State;
 - (b) the sums payable by way of salary or expenses to justices' clerks and other officers employed by the committee of magistrates, together with—
 - (i) secondary Class I contributions payable in respect of those officers under Part I of the Social Security Act 1975, and
 - (ii) state scheme premiums so payable under Part III of the Social Security Pensions Act 1975 ; and
 - (c) any superannuation benefits payable in respect of such clerks and other officers under any enactment or instrument applied to them by regulations having effect in accordance with section 15(9) of the Superannuation (Miscellaneous Provisions) Act 1967, other than benefits payable by the Greater London Council, and any superannuation contributions and other payments for which the committee of magistrates may be liable as their employer under any such enactment or instrument.
- (3) Without prejudice to subsection (2) above, the expenses of and incidental to the magistrates' courts for the inner London area, except the salaries and superannuation allowances of metropolitan stipendiary magistrates, shall be paid out of the metropolitan police fund; and, if any question arises as to what expenses are expenses of or incidental to any such court, the question shall be determined by the Secretary of State, with the concurrence of the Treasury so far as the question affects the amount of any charge on the Exchequer.
- (4) Any accommodation provided under this section for any magistrates' court or justices' clerk may be outside the area for which the court or clerk acts, and, if outside that area, shall be deemed to be in that area for the purposes of the jurisdiction of the court.
- (5) The Secretary of State, after consultation with the committee of magistrates, may assign court houses and other accommodation either to petty sessional divisions of the inner London area or to particular magistrates' courts for that area (including domestic courts and including juvenile courts for that area and the City of London) and may alter any assignment under this subsection.

59 Grants by Secretary of State to responsible authorities

- (1) The Secretary of State may out of moneys provided by Parliament pay to the responsible authorities grants towards the net cost to them in any year—
 - (a) of their functions under Part II or this Part of this Act, or under any such regulations as are mentioned in subsection (2) below, or, in the case of the Receiver, his corresponding functions ; and

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- (b) of making payments under section 12 or section 53 of this Act.
- (2) The regulations referred to in subsection (1) (a) above are any regulations made, or having effect as if made, under section 7 of the Superannuation Act 1972 with respect to persons appointed or deemed to have been appointed as justices' clerks, or employed by a magistrates' courts committee to assist a justices' clerk, under Part III of the Justices of the Peace Act 1949 or under Part II of this Act.
- (3) The amount of any grant under this section shall not exceed 80 per cent, of the expenditure in respect of which it is made.
- (4) The Secretary of State, with the concurrence of the Treasury, may by statutory instrument make regulations as to the manner in which income and expenditure of responsible authorities are to be taken into account in determining the net cost to them in any year of the matters mentioned in subsection (1) above; and for the purposes of this section any question as to that cost shall (subject to any such regulations) be determined by the Secretary of State.
- (5) Grants under this section shall be paid at such times, in such manner and subject to such conditions as the Secretary of State may with the approval of the Treasury determine.
- (6) In this section "responsible authority" means any of the following, namely, the council of a non-metropolitan county or metropolitan district, the Greater London Council, the Corporation of the City of London and the Receiver.

60 Special provision as to grants to Greater London Council

- (1) Any grant paid to the Greater London Council under section 59 of this Act shall be placed to the credit of the special London account out of which the relevant expenses of the Council are payable.
- (2) In this section "the relevant expenses" means expenses under section 55(2) as applied by section 57(1) of this Act.

61 Application of fines and fees

- (1) Subject to paragraphs (a) and (b) of section 114 (1) of the Magistrates Courts Act 1952 (which relates to the disposal of sums adjudged to be paid by a summary conviction) and to the following provisions of this section, there shall be paid to the Secretary of State—
- (a) all fines imposed by a magistrates' court and all sums which become payable by virtue of an order of such a court and are by any enactment made applicable as fines so imposed or any class or description of such fines; and
 - (b) all other sums received by a justices' clerk by reason of his office except sums to which a person other than the Secretary of State is by law entitled and which are paid to that person.
- (2) The sums payable to the Secretary of State by virtue of paragraph (a) of subsection (1) above shall not include—
- (a) any sums which by or in pursuance of any provision in the enactments relating to those sums are directed to be paid to the Commissioners of Customs and Excise or to any officer of theirs or person appointed by them; or
 - (b) any sums which by or in pursuance of any such provision are directed to be paid to or for the benefit of the party aggrieved, party injured or a person

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- described in similar terms, or to or for the benefit of the family or relatives of a person described in any such terms or of a person dying in consequence of an act or event which constituted or was the occasion of an offence; or
- (c) any sums which by or in pursuance of any such provision are directed to be applied in making good any default or repairing any damage or paying or reimbursing any expenses (other than those of the prosecution) ; or
 - (d) any sums which are directed to be paid to any person by or in pursuance of any such provision referring in terms to awarding or reimbursing a loss, or to damages, compensation or satisfaction for loss, damage, injury or wrong.
- (3) Paragraph (b) of subsection (1) above shall not apply to sums received by a justices' clerk on account of his salary or expenses as such; and any sum paid to the Secretary of State by virtue of that paragraph shall be paid to him subject to its being repaid to any person establishing his title to it.
- (4) The Secretary of State, with the concurrence of the Treasury, may by statutory instrument make regulations as to the times at which, and the manner in which, justices' clerks shall account for and pay the sums payable to him under this section, and as to the keeping, inspection and audit of accounts of justices' clerks, whether for the purposes of this section or otherwise.
- (5) For the purposes of this section anything done by the Crown Court on appeal from a magistrates' court shall be treated as done by the magistrates' court.
- (6) Any sums received by the Secretary of State under this section shall be paid by him into the Consolidated Fund.
- (7) In this section " fine " includes—
- (a) any pecuniary penalty, pecuniary forfeiture or pecuniary compensation payable under a conviction, and
 - (b) any non-pecuniary forfeiture on conviction by, or under an order of, a magistrates' court so far as the forfeiture is converted into or consists of money,
- and " justices' clerk " includes a clerk of special sessions.

62 Defaults of justices' clerks and their staffs

- (1) The Secretary of State may, if he thinks fit, pay to any person any money due to that person which he has not received because of the default of a justices' clerk or of a person employed to assist a justices' clerk.
- (2) In this section "justices' clerk" has the same meaning as in section 61 of this Act.