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STATUTORY INSTRUMENTS

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**1995 No. 685 (C.17)**

**MAGISTRATES' COURTS**

**The Police and Magistrates' Courts Act 1994 (Commencement  
No. 8 and Transitional Provisions) Order 1995**

<i>Made</i>	- - - -	<i>8th March 1995</i>
<i>Laid before Parliament</i>		<i>10th March 1995</i>
<i>Coming into force</i>		
<i>all provisions except article 5(2) and (3)</i>		<i>1st April 1995</i>
<i>article 5(2)</i>		<i>1st October 1995</i>
<i>article 5(3)</i>		<i>1st January 1996</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 94(2), (4), (5) and (7) of the Police and Magistrates' Courts Act 1994<sup>(1)</sup>, hereby makes the following Order:

**Citation and commencement**

1.—(1) This Order may be cited as the Police and Magistrates' Courts Act 1994 (Commencement No. 8 and Transitional Provisions) Order 1995.

(2) This Order, except for article 5(2) and (3), shall come into force on 1st April 1995.

(3) Article 5(2) shall come into force on 1st October 1995.

(4) Article 5(3) shall come into force on 1st January 1996.

**Interpretation**

2. In this Order—

“the 1979 Act” means the Justices of the Peace Act 1979<sup>(2)</sup>;

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

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(1) 1994 c. 29.  
(2) 1979 c. 55.

### **Magistrates' courts committee for inner London area**

3. Section 79 of the 1994 Act<sup>(3)</sup> (magistrates' courts committee for 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 all remaining purposes on 1st April 1995.

### **Commencement of provisions on 1st April 1995**

4. Subject to articles 5 and 6, the following provisions of the 1994 Act shall come into force on 1st April 1995—

- (a) section 72 (supplementary provisions as to magistrates' courts committees);
- (b) section 73 (general powers and duties of magistrates' courts committees);
- (c) section 75 (justices' chief executives, justices' clerks and staff);
- (d) section 76 (appointment and removal of justices' clerks);
- (e) section 77 (justices' chief executives and justices' clerks to be employed under contracts of service);
- (f) section 80 (organisation of justices' clerks in inner London area);
- (g) section 81 (division of work in inner London area);
- (h) section 83(1) (administrative and financial arrangements for magistrates' courts);
- (i) section 83(2) so far as it applies to section 57 of the 1979 Act;
- (j) section 84 (local authority land appropriated to magistrates' courts purposes);
- (k) section 88(6) (default powers);
- (l) section 91(1) (magistrates' courts: minor and consequential amendments), so far as it relates to the entries in Parts I and II of Schedule 8 referred to in article 7 below;
- (m) section 91(2) and (3);
- (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 8 below.

### **Commencement of provisions for certain areas on 1st April 1995, 1st October 1995 and 1st January 1996**

5.—(1) Section 72(6) of the 1994 Act shall come into force on 1st April 1995 only in relation to the magistrates' courts committee for the inner London area.

(2) Section 72(6) of the 1994 Act so far as it inserts section 22(9) to (11) in the 1979 Act shall come into force on 1st October 1995, except in relation to the magistrates' courts committee for the inner London area.

(3) Section 72(6) of the 1994 Act so far as it inserts section 22(8) in the 1979 Act shall come into force on 1st January 1996, except in relation to the magistrates' courts committee for the inner London area.

(4) Section 75 of the 1994 Act so far as it inserts section 24D(5) in the 1979 Act shall come into force on 1st April 1995, except in relation to appointments of justices' chief executives by the magistrates' courts committees for Hampshire, Kent and Lincolnshire.

(5) Section 83(1) of the 1994 Act (which substitutes new sections 55 and 56 in the 1979 Act) shall come into force on 1st April 1995, except in relation to the inner London area.

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(3) Section 79 and section 93 so far as it related to the repeal of section 35 of the 1979 Act were brought into force by S.I. 1994/2594 for the purpose only of enabling a magistrates' courts committee for the inner London area to be constituted in accordance with S.I. 1994/2811.

(6) Section 91(1) of the 1994 Act, so far as it gives effect to paragraph 19(1) and (3) of Schedule 8 to the 1994 Act, and paragraph 19(1) and (3) of that Schedule, so far as it substitutes in subsection (8) of section 59 of the 1979 Act a new definition of responsible authority for the purposes of that section, shall come into force on 1st April 1995, except in relation to the inner London area.

### **Transitional provisions**

6.—(1) A person appointed clerk to a magistrates' courts committee under section 22(1) of the 1979 Act or holding office as clerk under section 22(2) of the 1979 Act on 31st March 1995 may continue in that appointment until the magistrates' courts committee have appointed a justices' chief executive in accordance with section 24D(1) of the 1979 Act.

(2) Until the repeal of section 58 of the 1979 Act by section 83(2) and section 93 and Part II of Schedule 9 to the 1994 Act the Receiver for the metropolitan police district shall be—

- (a) the paying authority for the purposes of section 53 of the 1979 Act<sup>(4)</sup> (indemnification of justices and justices' clerks) in respect of a justice or justices' clerk acting for the inner London area;
- (b) the paying authority and the responsible authority for the purposes of section 82 of the Road Traffic Offenders Act 1988<sup>(5)</sup> (accounting for fixed penalties: England and Wales) in relation to the magistrates' courts committee for the inner London area;
- (c) the paying authority for the purposes of section 76 of the Criminal Justice Act 1991<sup>(6)</sup> (provision of court security officers) in relation to the magistrates' courts committee for the inner London area and the provisions of subsections (3) and (4) of that section shall not apply.

### **Magistrates' courts: minor and consequential amendments**

7.—(1) The entries in Part I of Schedule 8 (amendments of the 1979 Act) referred to in paragraph (l) of article 4 above are—

- (a) paragraph 5 (amendment of section 22);
- (b) paragraph 10 (amendment of section 26);
- (c) paragraph 11 (amendment of section 27);
- (d) paragraph 12 (amendment of section 28);
- (e) paragraph 13 (amendment of section 30);
- (f) paragraph 14 (amendment of section 32);
- (g) paragraph 15 (insertion of section 34B);
- (h) paragraph 16 (omission of sections 36 and 36A);
- (i) paragraph 18 (amendment of section 53);
- (j) paragraph 19(1) and (3) (substitution of section 59(8));
- (k) paragraph 20 (amendment of section 62);
- (l) paragraph 21 (amendment of section 63).

(2) The entries in Part II of Schedule 8 (amendments of other enactments) referred to in paragraph (l) of article 4 above are—

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<sup>(4)</sup> Section 53 was amended by paragraph 18 of Schedule 8 and Part II of Schedule 9 to the 1994 Act.

<sup>(5)</sup> 1988 c. 53; section 82 was amended by paragraph 32 of Schedule 8 to the 1994 Act.

<sup>(6)</sup> 1991 c. 53; section 76 was amended by paragraph 33 of Schedule 8 to the 1994 Act. Paragraph 33(5) of Schedule 8 is not yet in force.

- (a) paragraph 25 (section 15 of the Superannuation (Miscellaneous Provisions) Act 1967**(7)**);
- (b) paragraph 26 (paragraph 47 of Schedule 2 to the Pensions (Increase) Act 1971**(8)**);
- (c) paragraph 27 (paragraph (d) of Schedule 6 to the Pensions (Increase) Act 1971);
- (d) paragraph 28 (Group B of Part I of Schedule 1 to the Juries Act 1974**(9)**);
- (e) paragraph 29 (section 30 of the Domestic Proceedings and Magistrates' Courts Act 1978)**(10)** ;
- (f) paragraph 30 (section 70 of the Magistrates' Courts Act 1980)**(11)** ;
- (g) paragraph 31 (section 145 of the Magistrates' Courts Act 1980);
- (h) paragraph 32 (section 82 of the Road Traffic Offenders Act 1988);
- (i) paragraph 33(1) to (4) and (6) (section 76 of the Criminal Justice Act 1991);
- (j) paragraph 34 (section 77 of the Criminal Justice Act 1991).

## Repeals

**8.** The entries in Part II of Schedule 9 (repeals: magistrates' courts) referred to in paragraph (n) of article 4 above are—

- (a) section 48 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951**(12)** ;
- (b) paragraph 29 of Part II of Schedule 3 to the Administration of Justice Act 1964**(13)**
- (c) paragraph 2(2) of Schedule 2 to the Gaming Act 1968**(14)** ;
- (d) Group B of Part I of Schedule 1 to the Juries Act 1974;
- (e) section 22(2) of the 1979 Act;
- (f) section 26(1), (2), (4) and (5) of the 1979 Act;
- (g) section 27(1) to (5) and (7) and (9) of the 1979 Act;
- (h) section 28(1A)(b) and (c) of the 1979 Act;
- (i) section 30(1) of the 1979 Act;
- (j) sections 36 to 38 of the 1979 Act;
- (k) section 53(6) of the 1979 Act;
- (l) section 57 of the 1979 Act;
- (m) section 63(2) and (4) of the 1979 Act;
- (n) section 68(7) of the Magistrates' Courts Act 1980;
- (o) section 141(3) of the Magistrates' Courts Act 1980;
- (p) section 145(1)(d) of the Magistrates' Courts Act 1980;
- (q) section 12(4)(a), (5), (6), (8)(c) and (9) of the Local Government Act 1985**(15)**;
- (r) sections 164(3) and 165 of the Criminal Justice Act 1988**(16)**;

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(7) 1967 c. 28.  
 (8) 1971 c. 56.  
 (9) 1974 c. 23.  
 (10) 1978 c. 22.  
 (11) 1980 c. 43.  
 (12) 14 & 15 Geo. 6 c.65.  
 (13) 1964 c. 42.  
 (14) 1968 c. 65.  
 (15) 1985 c. 51.  
 (16) 1988 c. 33.

- (s) section 10(3) to (5) of the Courts and Legal Services Act 1990(17);
- (t) paragraph 25(4)(c) of Schedule 18 to the Courts and Legal Services Act 1990;
- (u) section 76(3) of the Criminal Justice Act 1991;
- (v) section 79 of the Criminal Justice Act 1991 so far as it applies to section 55(2) of the 1979 Act;
- (w) section 93(1) of the Criminal Justice Act 1991;
- (x) paragraphs 40(2)(k) and 41(2)(c) of Schedule 11 to the Criminal Justice Act 1991.

Dated 8th March 1995

*Mackay of Clashfern, C.*

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1st April 1995 most of the remaining provisions of Part IV (which relates to magistrates' courts) of the Police and Magistrates' Courts Act 1994, Schedule 8 (minor and consequential amendments) and Part II of Schedule 9 (repeals).

Provision is made in article 5 for commencement on 1st October 1995 and 1st January 1996 of section 72(6) of the 1994 Act (meetings and minutes of magistrates' courts committees) in relation to all magistrates' courts committees, except the inner London committee, in respect of which the date of commencement is 1st April 1995. Section 83(1) of the 1994 Act, which substitutes new sections 55 and 56 in the Justices of the Peace Act 1979 (administrative and financial arrangements for magistrates' courts) is brought into force on 1st April 1995, except in relation to the inner London area, which continues to be provided for by the Receiver for the metropolitan police district.

Transitional provision is made in article 6 in respect of clerks to magistrates' courts committees holding office on 31st March 1995 and in respect of a number of provisions under which the paying authority in relation to the inner London area is to be the Receiver for the metropolitan police district until the repeal of section 58 of the Justices of the Peace Act 1979.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 3 and Schedules 1 and 2 (partially), section 18 (partially), section 41, section 44 and Schedule 5 (partially), section 46, section 52 (partially), section 65, section 93 and Part I of Schedule 9 (partially).	8.8.94	<a href="#">1994/2025</a>
Part III, section 93 and Part I of Schedule 9 (partially).	23.8.94	<a href="#">1994/2151</a>
Section 4 (partially), section 8 (partially), section 10 (partially), section 11 (partially), sections 14 to 16 (partially), section 22, section 25, section 31 (partially), section 32, section 33, section 39 (partially), section 42, section 43 and Schedule 4	1.10.94	<a href="#">1994/2025</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
(partially), section 44 and Schedule 5 (partially), section 45 (partially), section 93 and Part I of Schedule 9 (partially).		
Section 17 (partially), section 27 (partially), section 28 (partially).	1.11.94	1994/2025
Sections 69 to 71, section 74, section 78, section 79 (partially), sections 85 to 87, section 88 (partially), sections 89 and 90, section 91(1) and Part I of Schedule 8 (partially), section 92, section 93 and Part II of Schedule 9 (partially).	1.11.94	1994/2594
Section 44 and Part I of Schedule 5 (partially), section 93 and Part I of Schedule 9 (partially).	31.12.94	1994/3262
Section 48 (partially), section 51 (partially), section 52(1), section 52(3) (partially), section 53(1), section 55(1) (partially), sections 56 to 58, section 59 (partially), section 62, section 63(1), (6), (7)(b) and (9)(b), section 93 and Part I of Schedule 9 (partially).	1.1.95	1994/3075
Section 91(1) and Part I of Schedule 8 (partially)	3.2.95	1995/42

The following provisions of the Act are to be brought into force after the date of the making of this Order by virtue of a commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 59	1.4.95	1994/3075
Sections 1 to 12, sections 14 to 16, sections 20 and 21, sections 23 and 24, section 26, section 29, sections 30 and 31, section 39(2) and (3), section 40, sections 43 to 45, section 93 and Part I of Schedule 9 (partially), Schedules 1, 2 and 4, Parts I and II of Schedule 5 (partially).	1.4.95	1994/3262

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 47(2)(a), section 48, section 53(2), sections 60, section 63(2), (4), (5) and (7), section 93 and Part I of Schedule 9 (partially).	1.4.95	<a href="#">1995/492</a>
Section 51	1.1.96	<a href="#">1994/3075</a>
Section 47, section 49, section 54, section 63(9), section 64, section 93 and Part I of Schedule 9 (partially).	1.1.96	<a href="#">1995/492</a>