Justices of the Peace Act 1979 (repealed 19.6.1997)

1979 CHAPTER 55

PART I

GENERAL

Stipendiary magistrates other than metropolitan stipendiary magistrates

13 Appointment and removal of stipendiary magistrates.

(1) It shall be lawful for Her Majesty to appoint a **[**[F1]person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990,**]**to be, during Her Majesty's pleasure, a whole-time stipendiary magistrate in any commission area or areas outside the inner London area and the City of London, and to appoint more than one such magistrate in the same area or areas.

(2) A person so appointed to be a magistrate in any commission area shall by virtue of his office be a justice of the peace for that area.

(3) Any appointment of a stipendiary magistrate under this section shall be of a person recommended to Her Majesty by the Lord Chancellor, and a stipendiary magistrate appointed under this section shall not be removed from office except on the Lord Chancellor's recommendation.

(4) The number of stipendiary magistrates appointed under this section shall not at any time exceed forty or such larger number as Her Majesty may from time to time by Order in Council specify.

(5) Her Majesty shall not be recommended to make an Order in Council under subsection (4) above unless a draft of the Order has been laid before Parliament and approved by resolution of each House.

Status: *Point in time view as at 01/02/1991.*
Changes to legislation: *There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997), Cross Heading: Stipendiary magistrates other than metropolitan stipendiary magistrates. (See end of Document for details)*

Textual Amendments

F1 Words substituted by Courts and Legal Services Act 1990 (c.41, SIF 37), s. 71(2), **Sch. 10 para. 44(1)**

14 Retirement of stipendiary magistrates.

(1) A stipendiary magistrate appointed on or after the 25th October 1968 shall vacate his office at the end of the completed year of service in the course of which he attains the age of 70:
Provided that where the Lord Chancellor considers it desirable in the public interest to retain him in office after that time, the Lord Chancellor may from time to time authorise him to continue in office up to such age not exceeding 72 as the Lord Chancellor thinks fit.

(2) A stipendiary magistrate appointed before the 25th October 1968 shall vacate his office at the end of the completed year of service in the course of which he attains the age of 72:
Provided that where the Lord Chancellor considers it desirable in the public interest to retain him in office after that time, the Lord Chancellor may from time to time authorise him to continue in office up to such age not exceeding 75 as the Lord Chancellor thinks fit.

15 Acting stipendiary magistrate.

(1) Where it appears to the Lord Chancellor that it is expedient to do so in order to avoid delays in the administration of justice in any commission area in which a stipendiary magistrate can be appointed under section 13 of this Act, the Lord Chancellor—
  (a) may authorise any person qualified to be so appointed to act as a stipendiary magistrate in that area during such period (not exceeding three months at one time) as the Lord Chancellor thinks fit, or
  (b) may require so to act any stipendiary magistrate appointed under that section in another commission area.

(2) While acting as a stipendiary magistrate in any commission area under subsection (1) above, a person shall have the same jurisdiction, powers and duties as if he had been appointed stipendiary magistrate in that area and were a justice of the peace for that area.

[[F2](2A) Sections 44, 45 and 53 of this Act shall apply to a person acting as a stipendiary magistrate under subsection (1) as they apply to a stipendiary magistrate.**]**

(3) The Lord Chancellor may, out of moneys provided by Parliament, pay to any person authorised to act under this section, not being a stipendiary magistrate, such remuneration as he may, with the approval of the Minister for the Civil Service, determine.

Textual Amendments

F2 S. 15(2A)inserted by Courts and Legal Services Act 1990 (c.41, SIF 76:1), ss. 108(4), 125(6), **Sch. 19 para. 16**

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16 Place of sitting and powers of stipendiary magistrates.

(1) Subject to subsection (5) below, nothing in **[**[F3]the Magistrates' Courts Act 1980**]**requiring a magistrates' court to be composed of two or more justices, or to sit in a petty sessional court-house or an occasional court-house, or limiting the powers of a magistrates' court composed of a single justice, or when sitting elsewhere than in a petty sessional court-house, shall apply to any stipendiary magistrate sitting in a place appointed for the purpose.

(2) A stipendiary magistrate appointed under section 13 of this Act in any commission area shall sit at such court houses in the area, on such days and at such times as may be determined by, or in accordance with, directions given by the Lord Chancellor from time to time.

(3) Subject to subsection (5) below, a stipendiary magistrate so appointed, sitting at a place appointed for the purpose, shall have power to do any act, and to exercise alone any jurisdiction, which can be done or exercised by two justices under any law, other than any law made after the 2nd August 1858 which contains an express provision to the contrary; and all the provisions of any Act which are auxiliary to the jurisdiction exercisable by two justices of the peace shall apply also to the jurisdiction of such a stipendiary magistrate.

(4) Subsection (3) above shall apply to cases where the act or jurisdiction in question is expressly required to be done or exercised by justices sitting or acting in petty sessions as it applies to other cases; and any enactment authorising or requiring persons to be summoned or to appear at petty sessions shall in the like cases authorise or require persons to be summoned or to appear before such a stipendiary magistrate at the place appointed for his sitting.

(5) Nothing in this section shall apply to the hearing or determination of **[**[F4]domestic proceedings**][**[F4]family proceedings**]**within the meaning of **[**[F5]section 65 of the Magistrates' Courts Act 1980**]**; and nothing in subsection (3) above shall apply to any act or jurisdiction relating to the grant or transfer of any licence.

Textual Amendments

F3 Words substituted by Magistrate's Courts Act 1980 (c.43, SIF 82), s. 154(1), **Sch. 7 para. 191**(*a*)

F4 Words "family proceedings courts" substituted (*prosp.*) for "domestic courts" by Children Act 1989 (c.41, SIF 20), ss. 92(11), 108(2)(6), Sch. 11 Pt. II para. 7(a), **Sch. 14 para. 1(1)**

F5 Words substituted by Magistrates' Courts Act 1980 (c.43, SIF 82), s. 154(1), **Sch. 7 para. 191**(*b*)

Status:
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