



Justices of the Peace Act 1979

1979 CHAPTER 55

PART II

ORGANISATION OF FUNCTIONS OF JUSTICES

Magistrates' courts committees

19 General provisions as to magistrates courts committees

- (1) There shall continue to be committees (to be called " magistrates' courts committees ") set up in accordance with the following provisions of this Part of this Act, with such functions in relation to justices' clerks, to the division into petty sessional divisions of non-metropolitan counties, metropolitan districts and the outer London areas, to the provision of courses of instruction for justices and to other matters of an administrative character as are or may be provided by or under this Act or as they may be authorised by the Secretary of State to undertake.
- (2) Subject to subsection (3) below, there shall be a magistrates' courts committee for each area to which this subsection applies, that is to say—
 - (a) every non-metropolitan county ;
 - (b) every metropolitan district;
 - (c) each of the outer London areas ; and
 - (d) the City of London.
- (3) There may be a single magistrates' courts committee for a composite area (in this Act referred to as a "joint committee area ") consisting of two or more areas to which subsection (2) above applies, other than the City of London; but—
 - (a) there shall be a single magistrates' courts committee for such a composite area if, but only if, the area is for the time being directed by an order of the Secretary of State to be a joint committee area; and
 - (b) no order directing that a composite area shall be a joint committee area shall be made except on the application of the magistrates for each area to which subsection (2) above applies which is included in the composite area.

Status: This is the original version (as it was originally enacted).

- (4) Any order of the Secretary of State under subsection (3) above may, if it relates to an area for which a magistrates' courts committee is already acting, contain such consequential and transitional provisions for the preservation of rights and liabilities of that committee or otherwise as appear to the Secretary of State to be necessary or expedient.

20 Constitution of magistrates' courts committees

- (1) A magistrates' courts committee shall, subject to subsection (2) below.—
- (a) in the case of a committee for a county, be composed of magistrates for the county ;
 - (b) in the case of a committee for a metropolitan district. be composed of magistrates for the county comprising that district;
 - (c) in the case of a committee for any of the outer London areas or for the City of London, be composed of magistrates for that area or for the City, as the case may be; and
 - (d) in the case of a committee for a joint committee area, be composed of magistrates for such of the following as are applicable to it, that is to say, magistrates for each county, magistrates for the county comprising each metropolitan district, and magistrates for each London commission area, for which the committee acts.
- (2) The magistrates' courts committee for any area may, with his consent, co-opt a judge of the High Court, Circuit judge or Recorder to serve as a member of the committee.
- (3) The keeper of the rolls of a county shall by virtue of his office be a member of any magistrates' courts committee acting for the county or any district thereof; and the keeper of the rolls of a London commission area shall by virtue of his office be a member of any magistrates' courts committee acting for that area.
- (4) The magistrates' courts committee for an area to which section 19(2) of this Act applies which is divided into petty sessional divisions shall (in addition to any person who is a member of the committee by virtue of subsection (2) or subsection (3) above) consist of such number of magistrates chosen from amongst themselves by the magistrates for each of the petty sessional divisions of that area as may be determined in accordance with regulations made by the Secretary of State under the next following section.
- (5) The magistrates' courts committee for an area to which section 19(2) of this Act applies which is not divided into petty sessional divisions shall (in addition to any person who is a member of the committee by virtue of subsection (2) or subsection (3) above) consist of such number of magistrates chosen from amongst themselves by the magistrates for that area as those magistrates may determine.
- (6) The magistrates' courts committee for a joint committee area shall consist of the following persons, that is to say—
- (a) any person who is a member of the committee by virtue of subsection (2) or subsection (3) above;
 - (b) in respect of any area to which section 19(2) of this Act applies which is divided into petty sessional divisions and is included in the joint committee area, such number of magistrates, chosen from amongst themselves by the magistrates for each such petty sessional division, as may be determined in accordance with regulations made by the Secretary of State under the next following section ; and

- (c) in respect of any area to which section 19(2) of this Act applies which is not divided into petty sessional divisions but is included in the joint committee area, such number of magistrates chosen from amongst themselves by the magistrates for the area so included as may for the time being be determined by, or in accordance with, the order directing that the composite area shall be a joint committee area.

21 Powers of Secretary of State in relation to magistrates' courts committees

- (1) The Secretary of State may by statutory instrument make general regulations about the constitution, procedure and quorum of magistrates' courts committees; but (except as provided by subsection (2) below) any such regulations shall have effect subject to the provisions of section 20 of this Act.
- (2) Any such regulations may—
 - (a) lay down upper and lower limits for the number of members of which the magistrates' courts committee for an area to which section 19(2) of this Act applies which is not divided into petty sessional divisions may be composed, and
 - (b) direct that where, in an area to which section 19(2) of this Act applies which is divided into petty sessional divisions, the total number of the divisions is less than that specified in the regulations, there shall from each division be such number of members on any magistrates' courts committee acting for the area as may be so specified.
- (3) Any such regulations may also make provision with respect to the persons (other than the members, clerks and officers of the committee) who may be entitled to attend the meetings of a magistrates' courts committee and the rights of such persons to make representations to the committee.
- (4) The Secretary of State may give general or special directions with respect to summoning the first meeting of magistrates' courts committees.

22 Supplementary provisions as to magistrates' courts committees

- (1) A magistrates' courts committee shall appoint one of its members to be chairman of the committee and, subject to subsection (2) below, shall also appoint a clerk to the committee and may appoint such other officers (if any) as the Secretary of State may approve.
- (2) Where there is a separate magistrates' courts committee for an area to which section 19(2) of this Act applies which is not divided into petty sessional divisions, the clerk to the justices (that is to say—
 - (a) in the case of a non-metropolitan county, the county justices;
 - (b) in the case of a metropolitan district, the justices acting for that district;
 - (c) in the case of any of the outer London areas, the justices for that area; or
 - (d) in the case of the City of London, the justices for the City), shall by virtue of his office be the clerk to the committee.
- (3) Where the magistrates for a petty sessions area are required to meet for the purpose of carrying out any functions under section 20 of this Act, a meeting shall be convened by the magistrates' courts committee or, if there is no such committee in being or the Secretary of State considers it appropriate, by the Secretary of State.

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- (4) A magistrates' courts committee may act through subcommittees appointed by them.
- (5) Subject to the provisions of this Act, a magistrates' courts committee shall have power to regulate its own procedure, including quorum.
- (6) The proceedings of a magistrates' courts committee shall not be invalidated by reason of any vacancy therein or of any defect in the appointment of a member.
- (7) A magistrates' courts committee shall be a body corporate.

23 Powers and duties of committee as to petty sessional divisions

- (1) Subject to the provisions of this and the next following section, a magistrates' courts committee acting for a non-metropolitan county or metropolitan district or any of the outer London areas may at any time submit to the Secretary of State a draft order making such provision about the division of the county, district or area or any part thereof into petty sessional divisions as the committee think fit.
- (2) It shall be the duty of such a committee, if directed to do so by the Secretary of State, to review the division of the county, district or area, as the case may be, or any part thereof into petty sessional divisions and, on completion of the review, to submit to the Secretary of State either a draft order under subsection (1) above or a report giving reasons for making no change.
- (3) Subject to the provisions of this and the next following section—
 - (a) where such a committee submit a draft order to the Secretary of State under this section, he may by statutory instrument make the order either in the terms of the draft or with such modifications as he thinks fit; and
 - (b) where such a committee fail to comply within six months with a direction of the Secretary of State under subsection (2) above, or the Secretary of State is dissatisfied with the draft order or report submitted in pursuance of such a direction, he may by statutory instrument make such order as he thinks fit about the division into petty sessional divisions of the area to which the direction related.
- (4) An order under this section may provide for a non-metropolitan county or metropolitan district or any of the outer London areas ceasing to be divided into petty sessional divisions, and a direction under subsection (2) above may be given with respect to the division of a non-metropolitan county or metropolitan district or any of the outer London areas which is not for the time being so divided.
- (5) Any order under this section may contain transitional and other consequential provisions.

24 Procedure relating to s. 23

- (1) Before submitting to the Secretary of State a draft order or a report under section 23 of this Act about any area, a magistrates' courts committee—
 - (a) shall consult the council of the non-metropolitan county or metropolitan district concerned and the magistrates for any existing petty sessional division in the area; and
 - (b) in the case of a draft order, after complying with paragraph (a) above, shall send a copy of their proposals to every interested authority and take into

consideration any objections made in the prescribed manner and within the prescribed time.

- (2) A magistrates' courts committee submitting to the Secretary of State a draft order or a report under section 23 of this Act shall comply with such requirements (if any) as to notice as may be prescribed; and the Secretary of State, before making an order under that section about any area otherwise than in accordance with a draft submitted to him by the magistrates' courts committee, shall send a copy of his proposals to the committee, to the council of the non-metropolitan county or metropolitan district concerned, to the magistrates for any existing petty sessional division in the area and to every interested authority.
- (3) Before making any order under section 23 of this Act the Secretary of State shall take into consideration any objections made in the prescribed manner and within the prescribed time, and may cause a local inquiry to be held.
- (4) In its application to the outer London areas this section shall have effect as if any reference to the council of a non-metropolitan county were a reference to the Greater London Council.
- (5) Subject to the provisions of Schedule 1 to this Act, the powers conferred by section 23 of this Act shall be in substitution for any other power to create or alter petty sessional divisions in a county or London commission area, except powers conferred by any other provision of this Act.
- (6) For the purposes of this section—
 - (a) " interested authority ", in relation to any order or draft order, means the council of any outer London borough, metropolitan county or metropolitan district which includes the whole or any part of the area to which the order relates; and
 - (b) an order shall be deemed to be made in accordance with a draft order if either it is made in terms of the draft order or the departures from the draft order do not, in the opinion of the Secretary of State, effect important alterations in the draft order.