



Justices of the Peace Act 1979 (repealed 19.6.1997)

1979 CHAPTER 55

PART III

INNER LONDON AREA

Metropolitan stipendiary magistrates

31 Appointment, removal and retirement of metropolitan stipendiary magistrates.

- (1) Metropolitan stipendiary magistrates shall be appointed by Her Majesty, and Her Majesty shall from time to time appoint such number of persons as is necessary; but the number of metropolitan stipendiary magistrates shall not at any time exceed sixty or such larger number as Her Majesty may from time to time by Order in Council specify.
- (2) A person shall not be qualified to be appointed a metropolitan stipendiary magistrate unless he [^{F1}has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990].
- (3) The Lord Chancellor shall designate one of the metropolitan stipendiary magistrates to be the chief metropolitan stipendiary magistrate.
- (4) The following provisions shall apply to each metropolitan stipendiary magistrate, that is to say—
 - (a) he shall by virtue of his office be a justice of the peace for each of the London commission areas and for the counties of Essex, Hertfordshire, Kent and Surrey;
 - (b)
 - (c) he may be removed from office by the Lord Chancellor for inability or misbehaviour.
- (5) A metropolitan stipendiary magistrate who is by virtue of his office a justice of the peace for any area mentioned in subsection (4) above shall not, by reason only of his

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being a justice of the peace for that area by virtue of that office, be qualified to be chosen under section 17(1) of this Act as chairman or deputy chairman of the justices for a petty sessional division of that area or to vote under that subsection at the election of any such chairman or deputy chairman.

- (6) Section 14 of this Act shall apply to metropolitan stipendiary magistrates as well as to other stipendiary magistrates in England or Wales.
- (7) Her Majesty shall not be recommended to make an Order in Council under subsection (1) above unless a draft of the Order has been laid before Parliament and approved by resolution of each House.

Textual Amendments

- F1** Words substituted by [Courts and Legal Services Act 1990 \(c.41, SIF 37\)](#), s. 71(2), [Sch. 10 para. 44\(2\)](#)
- F2** [S. 31\(4\)\(b\)](#) repealed by [Courts and Legal Services Act 1990 \(c.41, SIF 76:1\)](#), s. 125(7), [Sch. 20](#)

32 Allocation and sittings of metropolitan stipendiary magistrates.

- (1) The Lord Chancellor may assign metropolitan stipendiary magistrates to petty sessional divisions [^{F3}of the inner London area] and may alter any assignment under this subsection; but the assignment of a magistrate to a particular division shall not preclude him from exercising jurisdiction for any other division of the inner London area.
- (2) Metropolitan stipendiary magistrates shall sit at such courthouses provided for the inner London area under the following provisions of this Act, 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) The chief metropolitan stipendiary magistrate shall cause to be held, at least once in every quarter of a year, a meeting of all the metropolitan stipendiary magistrates, or such of them as are able to attend, and, if present, shall preside over the meeting.

Textual Amendments

- F3** Words in [s. 32\(1\)](#) substituted (1.4.1995) by [1994 c. 29, s. 91, Sch. 8 Pt. I para.14](#); [S.I. 1995/685, art.7\(f\)](#)

33 Jurisdiction of metropolitan stipendiary magistrates and lay justices.

- (1) In the inner London area the jurisdiction conferred on justices of the peace by any enactment, by their commission or by the common law shall be exercisable both by metropolitan stipendiary magistrates and by justices of the peace for that area who are not metropolitan stipendiary magistrates (hereafter in this Part of this Act referred to as “lay justices”).
- (2) Metropolitan stipendiary magistrates shall continue to exercise the jurisdiction conferred on them as such by any enactment; and the inner London area (having taken the place of the metropolitan stipendiary courts area) shall continue to be the area for which magistrates’ courts are to be held by metropolitan stipendiary magistrates.

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- (3) Lay justices for the inner London area may, in addition to exercising the jurisdiction mentioned in subsection (1) above, exercise the jurisdiction conferred on metropolitan stipendiary magistrates as such by any enactment except the following, that is to say—
- (a) the Extradition Acts 1870 to 1935;
 - (b) ^{F4}
 - (c) section 25 of the ^{M1}Children and Young Persons Act 1933 (restrictions on persons under 18 going abroad for the purpose of performing for profit); and
 - (d) the ^{M2}Fugitive Offenders Act 1967;
- but a magistrates' court consisting of lay justices for the inner London area shall not by virtue of this subsection try an information summarily or hear a complaint except when composed of at least two justices.
- (4) Without prejudice to subsection (1) above, subsections (3) to (5) of section 16 of this Act shall have effect in relation to a metropolitan stipendiary magistrate as they have effect in relation to a stipendiary magistrate appointed under section 13 of this Act.

Textual Amendments

F4 S. 33(3)(b) repealed by [Pilotage Act 1987 \(c.21, SIF 111\)](#), s. 32(5), [Sch. 3](#)

Marginal Citations

M1 1933 c. 12.
M2 1967 c. 68.

34 Acting metropolitan stipendiary magistrate.

- (1) If it appears to the Lord Chancellor that it is expedient to do so in order to avoid delays in the administration of justice in the inner London area, he may authorise any person, who [^{F5}has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990], to act as a metropolitan stipendiary magistrate during such period (not exceeding three months at any one time) as the Lord Chancellor thinks fit.
- (2) All things required or authorised by law to be done by, to or before a metropolitan stipendiary magistrate may be done by, to or before any person acting as such in pursuance of this section.
- [^{F6}(2A) Sections 44, 45 and 53 of this Act shall apply to a person acting as a metropolitan stipendiary magistrate under subsection (1) as they apply to a metropolitan stipendiary magistrate.]
- (3) The Lord Chancellor may, out of moneys provided by Parliament, pay to any person authorised to act under this section such remuneration as he may, with the approval of the Minister for the Civil Service, determine.

Textual Amendments

F5 Words substituted by [Courts and Legal Services Act 1990 \(c.41, SIF 37\)](#), s. 71(2), [Sch. 10 para. 44\(2\)](#)
F6 [S. 34\(2A\)](#) 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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[^{F7}34A Division of work in inner London area.

- (1) There shall be established for the purposes of this section a committee consisting of the following members—
 - (a) the chief metropolitan stipendiary magistrate,
 - (b) six lay justices appointed by the chairmen of the petty sessional divisions of the inner London area, and
 - (c) six metropolitan stipendiary magistrates appointed by the chief metropolitan stipendiary magistrate.
- (2) The lay justices eligible for appointment under paragraph (b) of subsection (1) above include any of the chairmen referred to in that paragraph.
- (3) The members of the committee shall hold office for a period of twelve months, but shall be eligible for re-appointment.
- (4) The chief metropolitan stipendiary magistrate shall be the chairman of the committee.
- (5) It shall be the duty of the committee—
 - (a) to keep under consideration the division of work in the inner London area between the metropolitan stipendiary magistrates and the lay justices, and
 - (b) to give general directions to any magistrates' courts committee for any area which consists of or includes the whole or any part of the inner London area as to the division of the work.]

Textual Amendments

F7 S. 34A inserted (1.4.1995) by 1994 c. 29, s.81; S.I. 1995/685, art.4(g)

[^{F8} Justices' clerks for youth courts and family proceedings courts]

Textual Amendments

F8 Cross heading and s. 34B inserted (1.4.1995) by 1994 c. 29, s. 91, Sch. 8 Pt. I para.15; S.I. 1995/685, art.7(1)(g)

[^{F9}34B Appointment of justices' clerks for youth courts and family proceedings courts.

- (1) The inner London magistrates' courts committee shall appoint one or more justices' clerks for the youth courts and family proceedings courts for the metropolitan area.
- (2) Subsections (2) to (4), (5)(b), (6) and (7) of section 25 of this Act have effect in relation to any justices' clerk appointed under subsection (1) above as they have effect in relation to a justices' clerk for a petty sessions area, but with the substitution for any reference to the magistrates for a petty sessions area of a reference to the justices of the peace who are members of the youth court panel for the metropolitan area or (as the case may be) of a family panel for that area, other than any such justice whose name is for the time being entered on the supplemental list.
- (3) In this section—

“the inner London magistrates' courts committee” means the magistrates' courts committee for an area consisting of or including the whole of the inner

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London area or, if there is no such committee, all the magistrates courts' committees for areas which consist of or include any part of the inner London area acting jointly; and

“the metropolitan area” means the inner London area and the City of London.

Textual Amendments

F9 S. 34B inserted (1.4.1995) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para.15**; S.I. 1995/685, **art.7(1)(g)**

Provisions relating to committee of magistrates

F10 **35**

Textual Amendments

F10 S. 35 repealed (1.11.1994 for specified purposes and 1.4.1995 for all remaining purposes) by 1994 c. 29, ss. 79(1), 93, **Sch. 9 Pt.II**; S.I. 1994/2594, **art.4**; S.I. 1995/685, **art.3**

F11 **36**

Textual Amendments

F11 S. 36 repealed (1.4.1995) by 1994 c. 29, ss. 91, 93, Sch. 8 Pt. I para. 16, **Sch. 9 Pt.II**; S.I. 1995/685, **arts. 7(1)(h),8(j)**

F12 **36A**

Textual Amendments

F12 S. 36A (which was inserted by Criminal Justice Act 1988 (c. 33), ss. 123(6), 164(1)(3), **Sch. 8 para. 16**) repealed (1.4.1995) by 1994 c. 29, ss. 91, 93, Sch. 8 Pt. I para. 16, **Sch. 9 Pt. II**; S.I. 1995/685, **arts. 7(1)(h), 8(j)**

F13 **37**

Textual Amendments

F13 S. 37 repealed (1.4.1995) by 1994 c. 29, ss. 80(1), 93, **Sch. 9 Pt.II**; S.I. 1995/685, **arts. 4(f),8(j)**

F14 **38**

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Textual Amendments

F14 S. 38 repealed (1.4.1995) by 1994 c. 29, s. 93, **Sch. 9 Pt.II**; S.I. 1995/685, **art.8(j)**

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