



# Justices of the Peace Act 1979 (repealed 19.6.1997)

## 1979 CHAPTER 55

### PART III

#### INNER LONDON AREA

##### *Provisions relating to committee of magistrates*

#### **35 Committee of magistrates for inner London area.**

- (1) No magistrates' courts committee shall be set up under Part II of this Act for the inner London area, but instead there shall continue to be a committee (to be known as the "committee of magistrates") set up for that area in accordance with the following provisions of this Part of this Act, with such functions in relation to—
  - (a) the division of that area into petty sessional divisions;
  - (b) the employment of clerks and other officers;
  - (c) the division of work between the metropolitan stipendiary magistrates and lay justices;
  - (d) the provision of courses of instruction for justices; and
  - (e) other matters of a financial or administrative character, as are or may be provided by or under this Act or as the committee may be authorised by the [<sup>F1</sup>Lord Chancellor] to undertake.
- (2) The chief metropolitan stipendiary magistrate shall by virtue of his office be a member of the committee of magistrates.
- (3) In addition to the chief metropolitan stipendiary magistrate, the committee of magistrates shall consist of the following members, that is to say—
  - (a) one lay justice chosen from amongst themselves by the lay justices for each petty sessional division;
  - (b) [<sup>F2</sup>one member of the juvenile court panel] for the inner London area and the City of London, chosen jointly by the members of that panel and by any

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- chairmen of juvenile courts for that area and the City who are not members of that panel; and
- [<sup>F3</sup>(bb) two members chosen, in such manner as may be prescribed by rules made for the purposes of this subsection, from any family panel or combined family panel for the inner London area]
- (c) such number of metropolitan stipendiary magistrates nominated by the chief metropolitan stipendiary magistrate as is equal to the total number of members required to be chosen under paragraphs (a) and (b) above.
- (4) The members of the committee of magistrates who are chosen or nominated under subsection (3) above shall hold office as such for the period of one year beginning on such date as the [<sup>F1</sup>Lord Chancellor] may direct, but may again be chosen or nominated as members of the committee.
- (5) There shall be a chairman, a vice-chairman and deputy chairman of the committee of magistrates; and—
- (a) the chief metropolitan stipendiary magistrate shall be the chairman;
- (b) a metropolitan stipendiary magistrate chosen from amongst the members of the committee by the chief metropolitan stipendiary magistrate shall be vice-chairman; and
- (c) a person chosen from amongst themselves by the lay justices who are members of the committee shall be the deputy chairman.
- (6) Section 22 of this Act, with the exception of—
- (a) so much of subsection (1) as relates to the chairman of a magistrates' courts committee; and
- (b) subsection (3),
- shall apply to the committee of magistrates as it applies to a magistrates' courts committee.
- [<sup>F4</sup>(7) No rules shall be made under subsection (3)(bb) above except on the advice of, or after consultation with, the rule committee established under section 144 of the Magistrates' Courts Act 1980.]

#### Textual Amendments

- F1** Words in s. 35 substituted (1.4.1992) by virtue of S.I. 1992/709, **art. 2(3)**.
- F2** Words in s. 35(3)(b) substituted (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 82), **s. 10(3)**; S.I. 1991/1364, **art. 2, Schedule**
- F3** S. 35(3)(bb) inserted (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 82), **s. 10(3)**; S.I. 1991/1364, **art. 2, Schedule**
- F4** S. 35(7) inserted (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 82), **s. 10(4)**; S.I. 1991/1364, **art. 2, Schedule**

### 36 Petty sessional divisions in inner London area.

- (1) The [<sup>F5</sup>Lord Chancellor] may, on the recommendation of or after consultation with the committee of magistrates, by order made by statutory instrument make provision for the division of the inner London area or any part of that area into petty sessional divisions.

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- (2) It shall be the duty of the committee of magistrates from time to time, and also when directed to do so by the [<sup>F5</sup>Lord Chancellor], to take into consideration the division of the inner London area into petty sessional divisions and to recommend to the [<sup>F5</sup>Lord Chancellor] (giving reasons for their recommendation) whether or not to make any changes in those divisions and, if changes are recommended, what changes; and the [<sup>F5</sup>Lord Chancellor] shall not act otherwise than in accordance with any recommendation under this subsection except after consultation with the committee.
- (3) An order under this section may contain transitional and other consequential provisions.

#### Textual Amendments

**F5** Words in s. 36(1)(2) substituted (1.4.1992) by virtue of S.I. 1992/709, art. 2(3).

### [<sup>F6</sup>36A Alteration of names of petty sessions areas in inner London area.

- (1) The committee of magistrates may at any time submit to the [<sup>F7</sup>Lord Chancellor] a draft order altering the name of any petty sessions area in the inner London area.
- (2) Where the committee submit a draft order to the [<sup>F7</sup>Lord Chancellor] 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.
- (3) Any order under this section may contain transitional and other consequential provisions.]

#### Textual Amendments

**F6** S. 36A inserted by Criminal Justice Act 1988 (c.33, SIF 39:1), ss. 123(6), 164(1)(3), Sch. 8 para. 16

**F7** Words in s. 36A(1)(2) substituted (1.4.1992) by virtue of S.I. 1992/709, art. 2(3).

### 37 Justices' clerks and other officers.

- (1) It shall be the duty of the committee of magistrates, subject to the following provisions of this section, to appoint—
  - (a) a principal chief clerk for the inner London area, one or more chief clerks for each petty sessional division of that area and one or more chief clerks for the juvenile courts [<sup>F8</sup>and family proceedings courts]for that area and the City of London, and
  - (b) such [<sup>F9</sup>senior deputy chief clerks,]deputy chief clerks and other officers as may be necessary;and the committee shall, where there is more than one chief clerk for such a division or for those courts, designate one of them to be the senior chief clerk for that division or for all those courts, as the case may be necessary [<sup>F10</sup>and, where there is only one, designate him];
- (2) The officers mentioned in subsection (1)(a) above shall rank as justices' clerks and be treated as such for the purposes of the enactments relating to justices' clerks, including (except where otherwise expressly provided) any such enactment contained in this Act.

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- (3) The justices' clerks [<sup>F11</sup>senior deputy chief clerks]and deputy chief clerks mentioned in subsection (1) above shall not be appointed or dismissed by the committee of magistrates without the approval of the [<sup>F12</sup>Lord Chancellor], and—
- (a) the committee shall inform the [<sup>F12</sup>Lord Chancellor] of the age, qualification and experience of any person proposed to be appointed such a clerk, and, if the [<sup>F12</sup>Lord Chancellor] so requires, of any other person offering himself for the appointment; and
  - (b) before approving the dismissal of any such clerk the [<sup>F12</sup>Lord Chancellor] shall consider any representations made to him by the clerk.
- (4) The number of justices' clerks and of other officers employed by the committee of magistrates in each grade below that of principal chief clerk, the grades in which such officers below that of deputy clerk are to be employed and the terms and conditions of employment of all officers employed by the committee shall be such as may from time to time be determined by the committee.
- (5) The following provisions of this subsection shall have effect with respect to determinations under subsection (4) above and related matters, that is to say—
- (a) no such determination shall have effect unless confirmed, with or without modifications, by the [<sup>F12</sup>Lord Chancellor];
  - (b) the committee of magistrates shall not make or refuse to make any such determination with respect to terms and conditions of employment except after consultation with persons appearing to the committee to represent the interests of the officers affected;
  - (c) any refusal of the committee to make any such determination with respect to any terms and conditions of employment may be reviewed by the [<sup>F12</sup>Lord Chancellor], and on the review the [<sup>F12</sup>Lord Chancellor] may confirm the refusal or make such determination with respect to those terms and conditions as he thinks fit;
  - (d) in the case of any matter which falls to be determined under subsection (4) above and affects officers employed by the committee who immediately before the 1st April 1965—
    - (i) were clerks or other officers of metropolitan stipendiary courts, or
    - (ii) were justices' clerks or officers employed by the magistrates' courts committee for the county of London,
 the functions of the [<sup>F12</sup>Lord Chancellor] under paragraphs (a) to (c) above shall be exercised in such manner as he thinks necessary for protecting the interests of those officers.
- (6) The [<sup>F12</sup>Lord Chancellor] may by order made by statutory instrument amend subsection (1)(a) above by substituting for or adding to the offices therein mentioned such other offices as he thinks fit; and any such order may contain transitional and other consequential provisions (including provisions amending the preceding provisions of this section).
- (7) Any statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F8** Words in s. 37(1)(a) inserted (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 82), s. 10 (5); S.I. 1991/1364, art. 2, Sch.

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- F9** Words in s. 37(1)(b) inserted by Criminal Justice Act 1988 (c.33, SIF 39:1), ss. 123(6), 165(1)–(3), **Sch. 8 para. 16**
- F10** Words in s. 37(1) added by Criminal Justice Act 1988 (c.33, SIF 39:1), ss. 123(6), 165(1)–(3), **Sch. 8 para. 16**
- F11** Words in s. 37(3) inserted by Criminal Justice Act 1988 (c.33, SIF 39:1), ss. 123(6), 165(1)(4), **Sch. 8 para. 16**
- F12** Words in s. 37 substituted (1.4.1992) by virtue of S.I. 1992/709, **art. 2(3)**.

### **38 Other functions for which committee is or may be responsible.**

- (1) It shall be the duty of the committee of magistrates to keep under consideration the division of work in the inner London area between the metropolitan stipendiary magistrates and the lay justices, and to give general directions as to the division of the work.
- (2) The chief metropolitan stipendiary magistrate shall, subject to and in accordance with any directions given by the committee of magistrates, carry on the day to day administration of the magistrates' courts in the inner London area (including [<sup>F13</sup>family proceedings courts]and including juvenile courts for that area and the City of London).
- (3) The principal chief clerk for the inner London area shall assist the chief metropolitan stipendiary magistrate to perform his duty under subsection (2) above of carrying on the day to day administration of the magistrates' courts in that area.
- (4) In addition to exercising the functions conferred on them by, or by virtue of, the preceding provisions of this Part of this Act, the committee of magistrates shall consider any matters referred to them by the Lord Chancellor <sup>F14</sup>. . . and, if required to do so, shall make recommendations on any matter so referred.

#### **Textual Amendments**

- F13** Words in s. 38(2) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 92(11), 108(6), **Sch. 11 Pt. II para. 7(c)** (with Sch 14 para 1(1)); S.I. 1991/828, **art. 3(2)**
- F14** Words in s. 38(4) omitted (1.4.1992) by virtue of S.I. 1992/709, **art. 2(5)**.

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