



# Justices of the Peace Act 1979 (repealed 19.6.1997)

## 1979 CHAPTER 55

### PART VI

#### ADMINISTRATIVE AND FINANCIAL ARRANGEMENTS

##### Modifications etc. (not altering text)

- C1** Pt. VI (ss. 55–62) extended by [Magistrates' Courts Act 1980 \(c.43, SIF 82\)](#), **s. 87(4)**
- C2** Pt. VI (ss. 55–62) amended by [Magistrates' Courts Act 1980 \(c.43, SIF 82\)](#), **s. 87A(2)** (as inserted by [Criminal Justice Act 1988 \(c.33, SIF 39:1\)](#), ss. 62(1), 123, **Sch. 8 para. 16**)

#### 55 Duties of local authorities outside Greater London.

- (1) Subject to the provisions of this Act, the council of each non-metropolitan county and of each metropolitan district shall provide the petty sessional court-houses and other accommodation, and the furniture, books, and other things, proper for the due transaction of the business, and convenient keeping of the records and documents, of the county justices or any committee of such justices, or for enabling the justices' clerk for the non-metropolitan county or metropolitan district or any part thereof to carry out his duties.
- (2) The council of each non-metropolitan county or metropolitan district shall pay—
- (a) any expenses of the magistrates' courts committee, or, in the case of a committee acting for the area of more than one such council, the proper proportion of those expenses; and
  - <sup>[F1]</sup>(b) the sums payable under Part II of this Act on account of a person's salary or expenses as justices' clerk for the non-metropolitan county or metropolitan district or any part thereof, the remuneration of any staff employed by the magistrates' courts committee to assist him and the remuneration of any court security officers employed (whether by that committee or the council) under section 76(2)(a) of the Criminal Justice Act 1991, together with—

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- (i) secondary Class I contributions payable in respect of any such person, staff or officers under Part I of the <sup>M1</sup>Social Security Act 1975, and
  - (ii) state scheme premiums so payable under Part III of the <sup>M2</sup>Social Security Pensions Act 1975;
  - (bb) the sums payable under any contract entered into (whether by the magistrates' courts committee or the council) under section 76(2)(b) of the Criminal Justice Act 1991;]
  - (c) so far as they are not otherwise provided for, all other costs incurred with the general or special authority of the magistrates' courts committee by the county justices.
- [<sup>F2</sup>(2A) Nothing in subsection (1) or (2) above shall require a council to incur any expenditure or make any payment which would—
- (a) cause the net cost to it in any year of the matters mentioned in subsection (1) of section 59 of this Act to exceed the amount which, in relation to the council and that year, is for the time being determined by the [<sup>F3</sup>Lord Chancellor] under subsection (3)(b) of that section; or
  - (b) cause its capital expenditure in any year in pursuance of functions under this Part of this Act to exceed the amount which, in relation to the council and that year, is for the time being determined by the [<sup>F3</sup>Lord Chancellor] under subsection (4)(b) of that section;
- and in determining any such net cost as is mentioned in paragraph (a) above there shall be disregarded any such capital expenditure as is mentioned in paragraph (b) above.]
- (3) Subject to section 16(2) of this Act, any accommodation provided under this section for any justices or justices' clerk may be outside the area for which the justices act and, in the case of a petty sessional court-house, shall be deemed to be in that area for the purposes of the jurisdiction of the justices when acting in the court-house.
  - (4) Two or more councils may arrange for accommodation, furniture, books or other things provided for the purposes of this section by one of them to be used also as if provided for those purposes by the other or each of the others.

#### Textual Amendments

- F1** S. 55(2)(b)(bb) substituted (1.4.1992) for s. 55(2)(b) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\), s. 79\(1\)](#); [S.I. 1992/333, art. 2\(1\), Sch.1](#)
- F2** S. 55(2A) inserted (31. 10. 1991) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\), s. 93\(1\)](#); [S.I. 1991/2208 art. 2\(4\), Sch.3.](#)
- F3** Words in s. 55(2A) substituted (1.4.1992) by virtue of [S.I. 1992/709, art. 2\(3\)](#).

#### Marginal Citations

- M1** 1975 c. 14.
- M2** 1975 c. 60.

## 56 Provisions supplementary to s. 55.

- (1) Subject to the provisions of this section—
  - (a) the petty sessional court houses and other accommodation, furniture, books and other things to be provided by a council under section 55 of this Act;
  - (b) the salary to be paid to a justices' clerk and the staff to be provided for him; and

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- (c) the nature and amount of the expenses which a magistrates' courts committee may incur in the discharge of any functions or may authorise to be incurred, including the sums payable to a justices' clerk in respect of accommodation, staff or equipment provided by him,
- shall be such as may from time to time be determined by the magistrates' courts committee after consultation with the council or councils concerned.
- (2) Where the expenses of the magistrates' courts committee, or the sums payable to or in respect of a justices' clerk holding more than one clerkship or to or in respect of staff provided for any such clerk, fall to be borne by more than one council, any question as to the manner in which they are to be borne by the councils concerned shall be determined by agreement between those councils or, in default of such agreement, shall be determined by the [<sup>F4</sup>Lord Chancellor].
- (3) Any council concerned which is aggrieved by a determination of a magistrates' courts committee under subsection (1) above may, within one month from the receipt by the council of written notice of the determination, appeal to the [<sup>F4</sup>Lord Chancellor], whose decision shall be binding upon the magistrates' courts committee and any council concerned.
- (4) The approval of the [<sup>F4</sup>Lord Chancellor] shall be required for any determination under subsection (1) above reducing the salary of a justices' clerk, unless the clerk consents to the reduction.

#### Textual Amendments

**F4** Words in s. 56(2)(3)(4) substituted (1.4.1992) by virtue of S.I. 1992/709, art. 2(3).

### 57 Application of ss. 55 and 56 to outer London areas and City of London.

- (1) The provisions of sections 55 and 56 of this Act shall have effect in relation to each of the outer London [<sup>F5</sup>boroughs as if each such borough were a metropolitan district]
- [<sup>F6</sup>(1A) In section 55 of this Act a reference to the county justices is, in relation to the application of the section to an outer London borough, to be treated as a reference to the justices of the outer London area in which the borough is situated.]
- (2) ..... <sup>F7</sup>
- (3) Sections 55 and 56 of this Act shall have effect in relation to the City of London as if in section 55 above—
- (a) references to a non-metropolitan county and to county justices were references to the City and to justices for the City respectively, and
- (b) any reference to the council of a non-metropolitan county were a reference to the Corporation of the City acting through the Common Council,
- and references to a council in section 56 of this Act shall be construed accordingly.

#### Textual Amendments

**F5** Words substituted by Local Government Act 1985 (c.51, SIF 81:1), s. 12(9)

**F6** S. 57(1A) inserted by S.I. 1985/1383, art. 8, Sch. para. 3

**F7** S. 57(2) repealed by Local Government Act 1985 (c.51, SIF 81:1), s. 102, Sch. 17

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## 58 Corresponding arrangements in inner London area.

- (1) The Receiver shall provide such court houses and other accommodation, and such furniture, books and other things, as the committee of magistrates may determine to be proper for the due transaction of the business, and convenient keeping of the records and documents, of magistrates' courts in the inner London area (including [<sup>F8</sup>family proceedings courts] and including [youth courts] for that area and the City of London) or for enabling the justices' clerks for that area (or for [youth courts] for that area and the City) to carry out their duties; but any determination under this subsection shall not have effect unless confirmed, with or without modifications, by the [<sup>F9</sup>Lord Chancellor].
- (2) The Receiver shall pay out of the metropolitan police fund—
- (a) any expenses of the committee of magistrates, of such amount and of such a nature as may be approved by the [<sup>F9</sup>Lord Chancellor];
  - [<sup>F10</sup>(b) the sums payable by way of salary or expenses to justices' clerks and other officers employed by the committee of magistrates and the remuneration of any court security officers employed (whether by that committee or the Receiver) under section 76(2)(a) of the Criminal Justice Act 1991, together with—
    - (i) secondary Class I contributions payable in respect of any such officers under Part I of the [Social Security Contributions and Benefits Act 1992], and
    - (ii) state scheme premiums so payable under Part III of the Social Security Pensions Act 1975;
  - (bb) the sums payable under any contract entered into (whether by the committee of magistrates or the Receiver) under section 76(2)(b) of the Criminal Justice Act 1991;]
  - (c) any superannuation benefits payable in respect of such clerks and other officers under any enactment or instrument applied to them by regulations having effect in accordance with section 15(9) of the <sup>M3</sup>Superannuation (Miscellaneous Provisions) Act 1967, other than benefits payable by [<sup>F11</sup>the London Residuary Body], and any superannuation contributions and other payments for which the committee of magistrates may be liable as their employer under any such enactment or instrument.
- [<sup>F12</sup>(2A) Nothing in subsection (1) or (2) above shall require the Receiver to incur any expenditure or make any payment which would—
- (a) cause the net cost to him in any year of the matters mentioned in subsection (1) of section 59 of this Act to exceed the amount which, in relation to the Receiver and that year, is for the time being determined by the [<sup>F9</sup>Lord Chancellor] under subsection (3)(b) of that section; or
  - (b) cause his capital expenditure in any year in pursuance of functions under this Part of this Act to exceed the amount which, in relation to the Receiver and that year, is for the time being determined by the [<sup>F9</sup>Lord Chancellor] under subsection (4)(b) of that section;
- and in determining any such net cost as is mentioned in paragraph (a) above there shall be disregarded any such capital expenditure as is mentioned in paragraph (b) above.]
- (3) Without prejudice to subsection (2) above, the expenses of and incidental to the magistrates' courts for the inner London area, except the salaries and superannuation allowances of metropolitan stipendiary magistrates, shall be paid out of the metropolitan police fund; and, if any question arises as to what expenses are expenses

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of or incidental to any such court, the question shall be determined by the [<sup>F9</sup>Lord Chancellor], with the concurrence of the Treasury so far as the question affects the amount of any charge on the Exchequer.

- (4) Any accommodation provided under this section for any magistrates' court or justices' clerk may be outside the area for which the court or clerk acts, and, if outside that area, shall be deemed to be in that area for the purposes of the jurisdiction of the court.
- (5) The [<sup>F9</sup>Lord Chancellor], after consultation with the committee of magistrates, may assign court houses and other accommodation either to petty sessional divisions of the inner London area or to particular magistrates' courts for that area (including [<sup>F8</sup>family proceedings courts] and including [youth courts] for that area and the City of London) and may alter any assignment under this subsection.

#### Textual Amendments

- F8** Words in s. 58(1)(5) 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)**
- F9** Words in s. 58 substituted (1.4.1992) by virtue of S.I. 1992/709, **art. 2(3)**.
- F10** S. 58(2)(b)(bb) substituted (1.4.1992) for s. 58(2)(b) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 79(2); S.I. 1992/333, **art. 2(1), Sch.1**.
- F11** Words in s. 58(2)(c) substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 60(6)
- F12** S. 58(2A) inserted (31. 10. 1991) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 93(2); S.I. 1991/2208, **art. 2(4), Sch. 3**.

#### Marginal Citations

- M3** 1967 c. 28.

### [<sup>F14</sup>59 Grants by [<sup>F13</sup>Lord Chancellor] to responsible authorities.

- (1) The [<sup>F13</sup>Lord Chancellor] may out of money provided by Parliament pay to the responsible authorities grants towards the net cost to them in any year—
  - (a) of their functions under this Part or Part II of this Act;
  - (b) of their functions under any regulations made, or having effect as if made, under section 7 of the Superannuation Act 1972 with respect to court staff or, in the case of the Receiver, his corresponding functions; and
  - (c) of making payments under section 12 or 53 of this Act;and in determining any such net cost as is mentioned above there shall be disregarded any such capital expenditure as is mentioned in subsection (2) below.
- (2) The [<sup>F13</sup>Lord Chancellor] may also out of money provided by Parliament pay to the responsible authorities grants towards their capital expenditure in any year in pursuance of their functions under this Part of this Act.
- (3) The amount of any grant under subsection (1) above towards the net cost to a responsible authority in any year of the matters mentioned in that subsection shall not exceed 80 per cent. of whichever of the following is the less, namely—
  - (a) that net cost; and
  - (b) the amount which, in relation to the authority and that year, is for the time being determined by the [<sup>F13</sup>Lord Chancellor].

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- (4) The amount of any grant under subsection (2) above towards the capital expenditure in any year of a responsible authority in pursuance of its functions under this Part of this Act shall not exceed 80 per cent. of whichever of the following is the less, namely—
- (a) that capital expenditure; and
  - (b) the amount which, in relation to the authority and that year, is for the time being determined by the <sup>F13</sup>Lord Chancellor].
- (5) The <sup>F13</sup>Lord Chancellor], with the concurrence of the Treasury, may by statutory instrument make regulations as to the manner in which—
- (a) income and expenditure of responsible authorities are to be taken into account in determining the net cost to them in any year of the matters mentioned in subsection (1) above; or
  - (b) expenditure of such authorities is to be taken into account in determining their capital expenditure in any year in pursuance of their functions under this Part of this Act;
- and for the purposes of this section any question as to that net cost or that capital expenditure shall (subject to the regulations) be determined by the <sup>F13</sup>Lord Chancellor].
- (6) The <sup>F13</sup>Lord Chancellor] may direct that, in determining—
- (a) the net cost to a responsible authority in any year of the matters mentioned in subsection (1) above; or
  - (b) the capital expenditure of such an authority in any year in pursuance of its functions under this Part of this Act,
- there shall be taken into account or disregarded, to such extent as may be specified in the direction, such items as may be so specified.
- (7) Grants under this section shall be paid at such times, in such manner and subject to such conditions as the <sup>F13</sup>Lord Chancellor] may with the approval of the Treasury determine.
- (8) In this section—
- “court staff” means persons appointed or deemed to have been appointed as justices’ clerks, or employed by a magistrates’ courts committee to assist a justices’ clerk, under Part III of the Justices of the Peace Act 1949 or Part II of this Act;
- “responsible authority” means any of the following, namely, the council of a non-metropolitan county, metropolitan district or outer London borough, the Common Council of the City of London and the Receiver.]

#### **Textual Amendments**

**F13** Words in s. 59 substituted (1.4.1992) by virtue of S.I. 1992/709, art. 2(3).

**F14** S. 59 substituted (31.10.1991) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 93(3); S.I. 1991/2208 art. 2(4), Sch. 3.

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VALID FROM 01/04/1995

**[<sup>F15</sup>59A Local authority land appropriated to magistrates’ courts purposes.**

- (1) Where after the commencement of this section a responsible authority appropriate any land owned by them to magistrates’ courts purposes, the authority shall be taken for the purposes of section 59(2) of this Act to incur, in the year in which the appropriation is made, capital expenditure in pursuance of their functions under this Part of this Act of an amount equal to the open market value of the land at the time of the appropriation.
- (2) In subsection (1) above—
  - “land” includes any interest in land,
  - “magistrates’ courts purposes” means the purposes of being provided under section 55(1) of this Act as a petty sessional court-house or other accommodation, and
  - “responsible authority” has the same meaning as in section 55 of this Act.]

**Textual Amendments**

**F15** S. 59A inserted (1.4.1995) by 1994 c. 29, s.84; S.I. 1995/685, art.4(j)

**60 Special provision as to grants to Greater London Council.**

F16

**Textual Amendments**

**F16** S. 60 repealed by Local Government Act 1985 (c.51, SIF 81:1), s. 102, Sch. 17

**61 Application of fines and fees.**

- (1) Subject to [<sup>F17</sup>paragraphs (a) and (b) of section 139 of the Magistrates’ Courts Act 1980](which relates to the disposal of sums adjudged to be paid by a summary conviction) and to the following provisions of this section, there shall be paid to the [<sup>F18</sup>Lord Chancellor]—
  - (a) all fines imposed by a magistrates’ court and all sums which become payable by virtue of an order of such a court and are by any enactment made applicable as fines so imposed or any class or description of such fines; and
  - (b) all other sums received by a justices’ clerk by reason of his office except sums to which a person other than the [<sup>F18</sup>Lord Chancellor] is by law entitled and which are paid to that person [<sup>F19</sup>and sums paid into court in pursuance of orders under section 35 of the Powers of Criminal Courts Act 1973 (compensation orders)].
- (2) The sums payable to the [<sup>F18</sup>Lord Chancellor] by virtue of paragraph (a) of subsection (1) above shall not include—



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- (a) any sums which by or in pursuance of any provision in the enactments relating to those sums are directed to be paid to the Commissioners of Customs and Excise or to any officer of theirs or person appointed by them; or
  - (b) any sums which by or in pursuance of any such provision are directed to be paid to or for the benefit of the party aggrieved, party injured or a person described in similar terms, or to or for the benefit of the family or relatives of a person described in any such terms or of a person dying in consequence of an act or event which constituted or was the occasion of an offence; or
  - (c) any sums which by or in pursuance of any such provision are directed to be applied in making good any default or repairing any damage or paying or reimbursing any expenses (other than those of the prosecution); or
  - (d) any sums which are directed to be paid to any person by or in pursuance of any such provision referring in terms to awarding or reimbursing a loss, or to damages, compensation or satisfaction for loss, damage, injury or wrong.
- (3) Paragraph (b) of subsection (1) above shall not apply to sums received by a justices' clerk on account of his salary or expenses as such; and any sum paid to the [<sup>F18</sup>Lord Chancellor] by virtue of that paragraph shall be paid to him subject to its being repaid to any person establishing his title to it.
- (4) The [<sup>F18</sup>Lord Chancellor], with the concurrence of the Treasury, may by statutory instrument make regulations as to the times at which, and the manner in which, justices' clerks shall account for and pay the sums payable to him under this section, and as to the keeping, inspection and audit of accounts of justices' clerks, whether for the purposes of this section or otherwise.
- (5) For the purposes of this section anything done by the Crown Court on appeal from a magistrates' court shall be treated as done by the magistrates' court.
- (6) Any sums received by the [<sup>F18</sup>Lord Chancellor] under this section shall be paid by him into the Consolidated Fund.
- (7) In this section "fine" includes—
- (a) any pecuniary penalty, pecuniary forfeiture or pecuniary compensation payable under a conviction, and
  - (b) any non-pecuniary forfeiture on conviction by, or under any order of, a magistrates' court so far as the forfeiture is converted into or consists of money,
- and "justices' clerk" includes a clerk of special sessions.

#### Textual Amendments

**F17** Words substituted by [Magistrates' Courts Act 1980 \(c.43, SIF 82\)](#), s. 154(1), **Sch. 7 para. 197**

**F18** Words in s. 61 substituted (1.4.1992) by virtue of S.I. 1992/709, **art. 2(3)**.

**F19** Words added by [Criminal Justice Act 1988 \(c.33, SIF 39:1\)](#), ss. 123(6), 170(1), **Sch. 8 para. 16, Sch. 15 para. 63**

#### Modifications etc. (not altering text)

**C3** S. 61 extended by [Transport Act 1982 \(c.49, SIF 107:1\)](#), **s. 33(1)**; by [Road Traffic Regulation Act 1984 \(c.27, SIF 107:1\)](#), s. 145(5), **Sch. 12 para. 4(3)**; by [Drug Trafficking Offences Act 1986 \(c.32, SIF 39:1\)](#), **s. 12(3)** and by [Criminal Justice Act 1988 \(c.33, SIF 39:1\)](#), ss. 81(8), 123(6), **Sch. 8 para. 16**

**C4** S. 61 modified by [Road Traffic Offenders Act 1988 \(c.53, SIF 107:1\)](#), **ss. 82(1), 92**



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- C5** S. 61 extended (E.W.) by Prevention of Terrorism (Temporary Provisions) Act 1989 (c.4, SIF 39:2), s. 13(8), **Sch. 4 para. 1(3)**  
S. 61 extended (3.2.1995) by 1994 c. 37, **ss. 30(8)**, 69(2)
- C6** S. 61(4) extended by Prosecution of Offences Act 1985 (c.23, SIF 39:1), **s. 20(5)**
- C7** S. 61(4) applied by Legal Aid Act 1988 (c.34, SIF 77:1), ss. 24(6), 30, **Sch. 3 Pt. I para. 4(2)**

## 62 Defaults of justices' clerks and their staffs.

- (1) The [<sup>F20</sup>Lord Chancellor] may, if he thinks fit, pay to any person any money due to that person which he has not received because of the default of a justices' clerk or of a person employed to assist a justices' clerk.
- (2) In this section "justices' clerk" has the same meaning as in section 61 of this Act.

### Textual Amendments

**F20** Words in s. 62(1) substituted (1.4.1992) by virtue of S.I. 1992/709, **art. 2(3)**.

VALID FROM 01/11/1994

### [<sup>F21</sup>62A Regulations as to accounts and audit.

- (1) The Lord Chancellor may by regulations made by statutory instrument require magistrates' courts committees—
- (a) to keep prescribed accounts and prescribed records in relation to those accounts, and
  - (b) to cause any such accounts to be audited in accordance with the regulations.
- (2) In subsection (1) above "prescribed" means prescribed by the regulations.]

### Textual Amendments

**F21** S. 62A inserted (1.11.1994) by 1994 c. 29, **s.85**; S.I. 1994/2594, **art.3**

**Status:**

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