



Justices of the Peace Act 1979 (repealed 19.6.1997)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](#))

[^{F1}55] **Duties of local authorities.**

- (1) Subject to the provisions of this Act, the paying authority or authorities in relation to any magistrates' courts committee shall provide the petty sessional court-houses and other accommodation, and the goods and services, proper for the performance of the functions of—
 - (a) the magistrates for the magistrates' courts committee area,
 - (b) the magistrates' courts committee,
 - (c) any other committee of the magistrates for that area, or
 - (d) the justices' clerks for any part of the magistrates' courts committee area.
- (2) Subsection (1) above shall not require the paying authority or authorities to provide any current item or class of current items if the magistrates' courts committee have notified the authority or authorities that they intend to obtain that item or class of items otherwise than from that authority or any of those authorities.
- (3) For the purposes of subsection (2) above "current item" means any goods or services which are of such a kind that expenditure incurred by a paying authority on providing them would not be capital expenditure.

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- (4) Where there is one paying authority in relation to a magistrates' courts committee, that authority shall pay the expenses of the committee.
- (5) Where there are two or more paying authorities in relation to a magistrates' courts committee, each of those authorities shall pay a proper proportion of those expenses.
- (6) For the purposes of subsections (4) and (5) above the expenses of a magistrates' courts committee shall be taken to include—
- (a) expenses incurred by them in obtaining goods and services which are proper for the purposes mentioned in subsection (1) above but which by virtue of subsection (2) above the paying authority or authorities are not required to provide;
 - (b) the sums payable under Part II of this Act on account of a person's salary or expenses as justices' chief executive or as justices' clerk for any part of the magistrates' courts committee area, the remuneration of any staff employed by the committee and the remuneration of any court security officers employed (whether by the committee or a paying authority) under section 76(2)(a) of the ^{M1}Criminal Justice Act 1991 in relation to petty sessions areas within the magistrates' courts committee area together with—
 - (i) secondary Class I contributions payable in respect of any such person, staff or officers under Part I of the ^{M2}Social Security Contributions and Benefits Act 1992, and
 - (ii) state scheme premiums so payable under Chapter III of Part III of the ^{M3}Pension Schemes Act 1993;
 - (c) the sums payable under any contract entered into (whether by any such magistrates' courts committee or a paying authority) under section 76(2)(b) of the ^{M4}Criminal Justice Act 1991; and
 - (d) 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 justices for the magistrates' courts committee area.
- (7) Nothing in subsection (1), (4) or (5) above shall require any paying authority 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 that authority and that year, is for the time being determined by the 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 that authority and that year, is for the time being determined by the 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.
- (8) Subject to section 16(2) of this Act, any accommodation provided under this section for any justice, justices' clerk or justices' chief executive 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.

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(9) Two or more paying authorities may arrange for accommodation, goods or services 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.

(10) In this section—

“paying authority” in relation to a magistrates’ courts committee, means any responsible authority whose area comprises all or part of the area to which the committee relates;

“responsible authority” means any unitary authority or any county council so far as they are not a unitary authority; and

“unitary authority” means—

- (a) the council of any county so far as they are the council for an area for which there are no district councils,
- (b) the council of any district comprised in an area for which there is no county council,
- (c) a county borough council,
- (d) a London borough council, or
- (e) the Common Council of the City of London.

(11) Until 1st April 1996, the definition of “unitary authority” in subsection (10) above shall have effect with the omission of paragraph (c).]

Textual Amendments

F1 Ss. 55, 56 substituted (1.4.1995) by 1994 c. 29, s. 83(1); S.I. 1995/685, art.4(h)

Marginal Citations

M1 1991 c. 53.

M2 1992 c. 4.

M3 1993 c. 48.

M4 1991 c. 53.

F256 Provisions supplementary to s. 55.

(1) Subject to the provisions of this section—

- (a) the petty sessional court-houses and other accommodation, goods and services to be provided by the paying authority, or each of the paying authorities, under section 55 of this Act,
- (b) the salary to be paid to a justices’ clerk or justices’ chief executive and to staff of a magistrates’ courts committee, and
- (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,

shall be such as may from time to time be determined by the magistrates’ courts committee after consultation with the paying authority or authorities.

(2) Where the expenses of a magistrates’ courts committee (including any sums which are taken by section 55(6) of this Act to be such expenses) fall to be borne by more than one paying authority, any question as to the manner in which they are to be borne by the authorities concerned shall be determined by agreement between those authorities

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and the magistrates’ courts committee concerned or, in default of such agreement, shall be determined by the Lord Chancellor.

- (3) Any paying authority which is aggrieved by a determination of a magistrates’ courts committee under subsection (1) above may, within one month from the receipt by the authority of written notice of the determination, appeal to the Lord Chancellor, whose decision shall be binding upon the magistrates’ courts committee and any authority concerned.
- (4) The approval of the Lord Chancellor shall be required for any determination under subsection (1) above reducing the salary of a justices’ clerk or justices’ chief executive, unless the justices’ clerk or justices’ chief executive concerned consents to the reduction.
- (5) In this section “paying authority” has the same meaning as in section 55 of this Act.

Textual Amendments
F2 Ss. 55, 56 substituted (1.4.1995) by 1994 c. 29, s. 83(1); S.I. 1995/685, art.4(h)

^{F3}57

Textual Amendments
F3 S. 57 repealed (1.4.1995) by 1994 c. 29, ss. 83(2), 93, Sch. 9 Pt.II; S.I. 1995/685, art. 8(l)

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 [^{F4}family proceedings courts]and including [^{F5}youth courts] for that area and the City of London) or for enabling the justices’ clerks for that area (or for [^{F5}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 [^{F6}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 [^{F6}Lord Chancellor];
 - [^{F7}(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 [^{F8}Social Security Contributions and Benefits Act 1992], and

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- (ii) state scheme premiums so payable under [F9]Chapter III of Part III of the Pension Schemes Act 1993];
- (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 ^{M5}Superannuation (Miscellaneous Provisions) Act 1967, other than benefits payable by [F10]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.
- [F11(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 [F6]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 [F6]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 of or incidental to any such court, the question shall be determined by the [F6]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 [F6]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 [F4]family proceedings courts]and including [F5]youth courts] for that area and the City of London) and may alter any assignment under this subsection.

Textual Amendments

- F4** 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)**
- F5** Words in s. 58(1)(5) substituted (1.10.1992) by *Criminal Justice Act 1991* (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 40(1)(2)(k)**; S.I. 1992/333, **art. 2(2)**, **Sch. 2**.
- F6** Words in s. 58 substituted (1.4.1992) by virtue of S.I. 1992/709, **art. 2(3)**.
- F7** 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**.

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- F8** Words in s. 58(2)(b) substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992](#) (c. 6), ss. 4, 7(2), **Sch. 2 para. 58**.
- F9** Words in s. 58(2)(b)(ii) substituted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 8 para.12**; 1994/86, art.2.
- F10** Words in s. 58(2)(c) substituted by [Local Government Act 1985](#) (c. 51, SIF 81:1), **s. 60(6)**
- F11** [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

- M5** 1967 c. 28.

[^{F13}59 Grants by [^{F12}Lord Chancellor] to responsible authorities.

- (1) The [^{F12}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 [^{F14}or 24] of the Superannuation Act 1972 with respect to court staff [^{F15}or, in the case of the Receiver, his corresponding functions];
 - [of their functions under any regulations having effect by virtue of paragraph
 - ^{F16}(bb) 13(1) of Schedule 1 to this Act; 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 [^{F12}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 [^{F12}Lord Chancellor].
- (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 [^{F12}Lord Chancellor].
- (5) The [^{F12}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;

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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 [^{F12}Lord Chancellor].

- (6) The [^{F12}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 [^{F12}Lord Chancellor] may with the approval of the Treasury determine.

[In this section—

- ^{F17}(8) “court staff” means justices’ chief executives, justices’ clerks and staff of magistrates’ courts committees, and
“responsible authority” has the same meaning as in section 55 of this Act.]]

Textual Amendments

- F12** Words in s. 59 substituted (1.4.1992) by virtue of S.I. 1992/709, **art. 2(3)**.
F13 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.
F14 Words in s. 59(1)(b) inserted (3.2.1995) by 1994 c. 29, s. 91(1), **Sch. 8 Pt. I para. 19(2)(a)**; S.I. 1995/685, **arts. 2, 3**.
F15 Words in s. 59(1)(b) repealed (*prosp.*) by 1994 c. 29, ss. 93, 94, **Sch. 9 Pt. II**.
F16 S. 59(1)(bb) substituted for word (3.2.1995) by 1994 c. 29, s. 91(1), **Sch. 8 Pt. I para. 19(2)(b)**; S.I. 1995/685, **arts. 2, 3**.
F17 S. 59(8) substituted (1.4.1995 for specified purposes and otherwise *prosp.*) by 1994 c. 29, s. 91(1), **Sch. 8 Pt. I para. 19(3)**; S.I. 1995/685, **arts. 4(1), 5(6), 7(j)**.

Modifications etc. (not altering text)

- C3** S. 59(1) restricted (3.2.1995) by 1995/42, art.3

[^{F18}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.]

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Textual Amendments

F18 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.

F19

Textual Amendments

F19 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 ^{F20}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 ^{F21}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 ^{F21}Lord Chancellor] is by law entitled and which are paid to that person ^{F22}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 ^{F21}Lord Chancellor] by virtue of paragraph (a) of subsection (1) above shall not include—
- (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 ^{F21}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.

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- (4) The [^{F21}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 [^{F21}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

- F20** Words substituted by [Magistrates' Courts Act 1980 \(c.43, SIF 82\)](#), s. 154(1), [Sch. 7 para. 197](#)
- F21** Words in s. 61 substituted (1.4.1992) by virtue of [S.I. 1992/709](#), [art. 2\(3\)](#).
- F22** 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)

- C4** 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](#)
- C5** S. 61 modified by [Road Traffic Offenders Act 1988 \(c.53, SIF 107:1\)](#), ss. [82\(1\)](#), 92
- C6** 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)
- C7** S. 61(4) extended by [Prosecution of Offences Act 1985 \(c.23, SIF 39:1\)](#), s. [20\(5\)](#)
- C8** 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 [^{F23}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 [^{F24}any staff of a magistrates' courts committee].
- (2) In this section “justices' clerk” has the same meaning as in section 61 of this Act.

Textual Amendments

- F23** Words in s. 62(1) substituted (1.4.1992) by virtue of [S.I. 1992/709](#), [art. 2\(3\)](#).

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Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997), Part VI. (See end of Document for details)

F24 Words in s. 62(1) substituted (1.4.1995) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para.20**; S.I. 1995/685, **art.7(k)**

[^{F25}**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

F25 S. 62A inserted (1.11.1994) by 1994 c. 29, s.85; S.I. 1994/2594, **art.3**

Status:

Point in time view as at 01/04/1995.

Changes to legislation:

There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997), Part VI.