



# Police and Magistrates' Courts Act 1994

## 1994 CHAPTER 29

### PART IV

#### MAGISTRATES' COURTS

##### *Administrative and financial arrangements*

#### **83 Administrative and financial arrangements for magistrates' courts**

(1) For sections 55 and 56 of the 1979 Act there shall be substituted—

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*Status: This is the original version (as it was originally enacted).*

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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 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 Social Security Contributions and Benefits Act 1992, and
    - (ii) state scheme premiums so payable under Chapter III of Part III of the 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 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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*Status: This is the original version (as it was originally enacted).*

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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).

### **56 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 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.”

(2) Section 57 of the 1979 Act (application of sections 55 and 56 to outer London areas and City of London) and section 58 of that Act (arrangements for inner London area corresponding to those under section 55 of that Act) shall cease to have effect.

#### **84 Local authority land appropriated to magistrates' courts purposes**

After section 59 of the 1979 Act there shall be inserted—

##### **“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.”

#### **85 Regulations as to accounts and audit**

After section 62 of the 1979 Act there shall be inserted—

##### **“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.”