



# Police and Magistrates' Courts Act 1994

## 1994 CHAPTER 29

### PART IV

#### MAGISTRATES' COURT

##### *Magistrates' courts committees*

#### **69 Alteration of magistrates' courts committee areas.**

- (1) A magistrates' courts committee may at any time submit to the Lord Chancellor written proposals—
  - (a) for the replacement of two or more magistrates' courts committees (including the committee submitting the proposals) with a single magistrates' courts committee or with two or more magistrates' courts committees in relation to areas different from the existing magistrates' courts committee areas, or
  - (b) for the replacement of the committee submitting the proposals with two or more magistrates' courts committees.
- (2) Before submitting such proposals, the magistrates' courts committee shall consult—
  - (a) the magistrates for their area or any other existing magistrates' courts committee area to which the proposal relates,
  - (b) any other magistrates' courts committee to which the proposal relates, and
  - (c) every interested authority.
- (3) Whether or not proposals have been submitted to him under subsection (1) above, the Lord Chancellor may by order made by statutory instrument provide—
  - (a) for the replacement of two or more magistrates' courts committees with a single magistrates' courts committee or with two or more magistrates' courts committees relating to areas which are different from the existing magistrates' courts committee areas, or
  - (b) for the replacement of a magistrates' courts committee with two or more magistrates' courts committees.

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- (4) The Lord Chancellor shall not make an order under subsection (3) above unless he is satisfied that the making of the order is likely to contribute to an overall increase in the efficiency of the administration of the magistrates' courts for the magistrates' courts committee area or areas to which the order relates.
- (5) Before making an order under subsection (3) above, other than an order which implements proposals submitted to him under subsection (1) above, the Lord Chancellor shall consult—
- (a) the magistrates for each of the existing magistrates' courts committee areas to which the order relates,
  - (b) the magistrates' courts committees to which the proposal relates, and
  - (c) every interested authority.
- (6) For the purposes of subsection (5) above, an order shall be taken to implement proposals if it implements them without alteration or the departures from the proposals do not, in the opinion of the Lord Chancellor, effect important alterations in the proposals.
- (7) Where proposals under subsection (1) above or an order under subsection (3) above would (apart from this subsection) divide a petty sessions area between the areas of two or more magistrates' courts committees, the proposals or order shall provide for a consequential alteration of petty sessions areas.
- (8) An order under subsection (3) above may contain such consequential and transitional provisions as appear to the Lord Chancellor to be necessary or expedient, including—
- (a) provision for the transfer of property, rights and liabilities,
  - (b) provision for the management or custody of transferred property (whether real or personal), and
  - (c) provision for any magistrates' courts committee coming into existence by virtue of the order to be constituted under section 22 of the 1979 Act as a body corporate, and to incur liabilities, before the date on which the functions of any existing magistrates' courts committee are transferred to it.
- (9) A statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) In this section—
- “existing magistrates' courts committee area” means a magistrates' courts committee area existing by virtue of—
- (a) section 19(2) of the 1979 Act (as amended by section 79(4) of this Act),
  - (b) an order made under section 19(3) of that Act before the commencement of this section, or
  - (c) a previous order under subsection (3) above;
- “interested authority”, in relation to any proposal or order, means the council of every local authority whose area includes any of the existing magistrates' courts committee areas to which the proposal or order relates, or part of any such area;
- “local 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,

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- (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) Any order made under subsection (3) of section 19 of the 1979 Act (power to establish a single magistrates' courts committee for a joint committee area) before the commencement of this section shall continue to have effect notwithstanding the repeal of that subsection by this Act, but subject to any subsequent order under subsection (3) above.
- (12) Until 1st April 1996, the definition of "unitary authority" in subsection (10) above shall have effect with the omission of paragraph (c).

## **70 Constitution of magistrates' courts committees.**

For section 20 of the 1979 Act there shall be substituted—

### **"20 Constitution of magistrates' courts committees.**

- (1) A magistrates' courts committee shall, subject to subsections (2) to (4) below, be composed of magistrates for the area to which the committee relates, chosen in accordance with regulations under section 21 of this Act.
- (2) Not more than two other members, who need not be justices of the peace, may be either—
  - (a) co-opted by a magistrates' courts committee to the committee with the approval of the Lord Chancellor, or
  - (b) appointed by the Lord Chancellor to the committee.
- (3) The chief metropolitan stipendiary magistrate shall by virtue of his office be a member of the inner London magistrates' courts committee.
- (4) Until such day as the Lord Chancellor may by order made by statutory instrument appoint, two members of the inner London magistrates' courts committee shall be other metropolitan stipendiary magistrates appointed by the chief metropolitan stipendiary magistrate.
- (5) In subsections (3) and (4) above "the inner London magistrates' courts committee" means the magistrates' courts committee for an area consisting of or including the whole of the inner London area or, if there is no such committee, every magistrates' courts committee for any area which consists of or includes any part of the inner London area."

## **71 Regulations as to constitution etc. of magistrates' courts committees.**

- (1) Section 21 of the 1979 Act (powers of Lord Chancellor in relation to magistrates' courts committees) shall be amended as follows.
- (2) After subsection (1) there shall be inserted—

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“(1A) Any such regulations shall provide for the members referred to in section 20(1) of this Act to be chosen by a selection panel constituted in accordance with the regulations.”

(3) For subsection (2) there shall be substituted—

“(2) Any such regulations may—

- (a) lay down an upper limit for the number of members of a magistrates' courts committee (inclusive of the members referred to in subsections (2), (3) and (4) of section 20 of this Act), and
- (b) enable the Lord Chancellor to direct that, in relation to any magistrates' courts committee to which the direction is given, any members co-opted or appointed under subsection (2) of that section are to be left out of account in applying the upper limit.

(2A) Any such regulations may also make different provision in relation to the magistrates' courts committees for areas which consist of or include the whole or any part of the inner London area from that made in relation to other committees.”

VALID FROM 01/04/1995

## **72 Supplementary provisions as to magistrates' courts committees.**

(1) Section 22 of the 1979 Act (supplementary provisions as to magistrates' courts committees) shall be amended in accordance with this section.

(2) For subsection (1) there shall be substituted—

“(1) Subject to subsection (1A) below, a magistrates' courts committee shall appoint one of their members to be chairman of the committee.

(1A) Until such day as the Lord Chancellor may by order made by statutory instrument appoint, the chief metropolitan stipendiary magistrate shall by virtue of his office be the chairman of any magistrates' courts committee for an area which consists of or includes the whole of the inner London area.”

(3) Subsection (2) shall be omitted.

(4) At the end of subsection (4) there shall be added the words “ which may, if they include at least one member of the committee, also include persons who are not members ”.

(5) After subsection (4) there shall be inserted—

“(4A) A magistrates' courts committee may also arrange for the discharge of any of their functions—

- (a) by the chairman of the committee, or
- (b) by the justices' chief executive.”

(6) At the end there shall be added—

“(8) A magistrates' courts committee shall, on at least one occasion in every calendar year, admit members of the public to a meeting of the committee.

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- (9) The minutes of proceedings of every meeting of a magistrates' courts committee shall be open to inspection by members of the public at the offices of the committee, except to the extent that the committee determine that the minutes disclose information of a confidential nature.
- (10) Copies of any minutes which are open to inspection under subsection (9) above shall be made available to the public on payment of such reasonable fee as the magistrates' courts committee may in any case determine.
- (11) A magistrates' courts committee making a determination under subsection (9) above shall state their reasons for regarding the information in question as being of a confidential nature."

#### Commencement Information

- II** S. 72 wholly in force at 1.1.1996; s. 72 not in force at Royal Assent, see s. 94(1); s. 72(1)-(5) in force (1.4.1995) by S.I. 1995/685, art. 4(a) (with transitional provisions in art. 6); s. 72(6) in force for certain areas (1.4.1995, 1.10.1995 and 1.1.1996) by S.I. 1995/685, arts. 4(a) and 5(1)(2)(3) respectively (with transitional provisions in art. 6)

VALID FROM 01/04/1995

### 73 General powers and duties of magistrates' courts committees.

After section 22 of the 1979 Act there shall be inserted—

#### “22A General powers and duties of magistrates' courts committees.

- (1) A magistrates' courts committee shall be responsible for the efficient and effective administration of the magistrates' courts for their area.
- (2) A magistrates' courts committee may, in particular—
  - (a) allocate administrative responsibilities among the justices' chief executive, the justices' clerks and the staff of the committee, and
  - (b) determine the administrative procedures to be followed by any of the persons mentioned in paragraph (a) above.
- (3) It shall be the duty of every magistrates' courts committee to provide courses of instruction for justices' clerks and for staff of the committee.
- (4) The Lord Chancellor may give directions to magistrates' courts committees requiring each of them, in discharging their responsibilities under subsection (1) above, to meet specified standards of performance.
- (5) The Lord Chancellor may also give directions to magistrates' courts committees requiring each of them to take specified steps, at such intervals as may be specified—
  - (a) for the purpose of keeping the magistrates for their area informed as to the activities of the committee, or
  - (b) for the purpose of ascertaining the views of those magistrates on particular matters related to the functions of the committee.

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- (6) In discharging their responsibilities under subsection (1) above, a magistrates' courts committee shall have regard to the needs of court users who are disabled; and so long as any direction under subsection (4) above is in force the standards of performance required under that subsection must include standards relating to the provision made for such court users.
- (7) A direction under this section may be given to all magistrates' courts committees or to one or more particular committees.
- (8) The Lord Chancellor shall arrange for any direction given under this section to be published in such manner as he thinks fit."

#### 74 Reports and plans.

After section 24B of the 1979 Act there shall be inserted—

##### “24C Reports and plans.

- (1) The Lord Chancellor may by regulations made by statutory instrument require magistrates' courts committees to submit to him such reports and plans, in relation to matters for which they are responsible, as may be prescribed.
- (2) Any report or plan required by regulations under this section—
  - (a) shall be prepared in the prescribed manner, after such consultation as may be prescribed, and within such time as may be prescribed,
  - (b) shall be in the prescribed form,
  - (c) shall be sent to such persons as may be prescribed, and
  - (d) shall be made available to the public on payment of such reasonable fee as the magistrates' courts committee may in any case determine.
- (3) The Lord Chancellor may direct any one or more magistrates' courts committees to produce such additional reports or plans in relation to matters for which they are responsible as may be specified in the direction.”

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