

SCHEDULES

SCHEDULE 5

Section 73(2).

CONSEQUENTIAL AMENDMENTS

The Sheriffs Act 1887 (c. 55)

- 1 In section 38 of the Sheriffs Act 1887 (definitions), for “(as defined in section 1 of the Justices of the Peace Act 1979)” there shall be substituted “(within the meaning of the Justices of the Peace Act 1997)”.

The Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)

- 2 In section 3 of the Maintenance Orders (Facilities for Enforcement) Act 1920 (provisional orders against persons resident in dominions), in subsection (4), for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.

The Children and Young Persons Act 1933 (c. 12)

- 3 In Schedule 2 to the Children and Young Persons Act 1933 (constitution of youth courts), in paragraph 8A, for “section 2 of the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.

The London Building Acts (Amendment) Act 1939 (c. xcvi)

- 4 In section 151 of the London Building Acts (Amendment) Act 1939 (Crown exemptions), in subsection (1), in paragraph (bb), for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.

The National Assistance Act 1948 (c. 29)

- 5 In section 43 of the National Assistance Act 1948 (recovery of cost of assistance from persons liable to maintenance), in subsection (4), for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.

The Marriage Act 1949 (c. 76)

- 6 In section 3 of the Marriage Act 1949 (marriage of a child), in subsection (5), for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.

The Licensing Act 1964 (c. 26)

- 7 (1) The Licensing Act 1964 shall be amended as follows.

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- (2) In section 2 (licensing justices and districts), in subsection (2A), for “section 2 of the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.
- (3) In section 201 (interpretation), in subsection (1), in the definition of “the metropolis”, for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.

The Administration of Justice Act 1964 (c. 42)

- 8 In section 38 of the Administration of Justice Act 1964 (interpretation), in subsection (1), for the entry beginning “London commission areas” there shall be substituted—

““London commission areas”, “inner London area” and “outer London areas” have the same meanings as in the Justices of the Peace Act 1997;”.

The Backing of Warrants (Republic of Ireland) Act 1965 (c. 45)

- 9 In the Schedule to the Backing of Warrants (Republic of Ireland) Act 1965 (proceedings before magistrates' court: supplementary provisions), for the proviso to paragraph 2 there shall be substituted—

“2A Section 15 of the Justices of the Peace Act 1997 (which exempts stipendiary magistrates from certain restrictions imposed by the Magistrates' Courts Act 1980) shall apply as if paragraph 2 of this Schedule were contained in the Magistrates' Courts Act 1980.”and, in paragraph 3, for “paragraph 2” there shall be substituted “paragraphs 2 and 2A”.

The Immigration Act 1971 (c. 77)

- 10 In Schedule 2 to the Immigration Act 1971 (control on entry: administrative provisions), in paragraphs 23(3) and 31(4), for the words from “purposes” to “being” there shall be substituted “purposes of the Justices of the Peace Act 1997 and, in particular, section 60 of that Act, as being”.

The Local Government Act 1972 (c. 70)

- 11 In Schedule 12A to the Local Government Act 1972 (access to information: exempt information), in paragraph 2(a), for “section 19 of the Justices of the Peace Act 1979” there shall be substituted “section 27 of the Justices of the Peace Act 1997”.

The Criminal Justice Act 1972 (c. 71)

- 12 In section 51 of the Criminal Justice Act 1972 (execution of process between England and Wales and Scotland), in subsection (4), for the words from “by virtue” to “it has” there shall be substituted “by virtue of section 45(1) of the Justices of the Peace Act 1997, as it has”.

The Administration of Justice Act 1973 (c. 15)

- 13 (1) The Administration of Justice Act 1973 shall be amended as follows.

(2) For section 5 there shall be substituted—

“5 Consequential

Paragraph 7 of Schedule 1 to this Act shall have effect; and the enactments specified in paragraph 10 of that Schedule shall have effect subject to the amendments specified in that paragraph.”

- (3) In section 9 (judicial salaries), in paragraph (f) of subsection (1), for the words from “appointed” to the end of that paragraph there shall be substituted “appointed, or treated as appointed, under section 11 of the Justices of the Peace Act 1997;”.
- (4) In Schedule 1 (consequential provisions), in paragraph 7, for “section 10(2)(a) to (c) of the Justices of the Peace Act 1979” there shall be substituted “section 9(2)(a) to (c) of the Justices of the Peace Act 1997”.

The Matrimonial Causes Act 1973 (c. 18)

- 14 In section 35 of the Matrimonial Causes Act 1973 (alteration of maintenance agreements by courts), in subsection (3), for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.

The Powers of Criminal Courts Act 1973 (c. 62)

- 15 In section 32 of the Powers of Criminal Courts Act 1973 (enforcement etc. where fine or other sum imposed or forfeited by Crown Court), in subsection (6), for “Justices of the Peace Act 1979 and, in particular, section 61 thereof (application of fines and fees)” there shall be substituted “Justices of the Peace Act 1997 and, in particular, section 60 of that Act (application of fines and fees)”.

The Solicitors Act 1974 (c. 47)

- 16 In section 38 of the Solicitors Act 1974 (solicitor who is a justice of the peace not to act in certain proceedings)—
- (a) in subsection (3), for “section 8 of the Justices of the Peace Act 1979” there shall be substituted “section 7 of the Justices of the Peace Act 1997”; and
 - (b) in subsection (4), for “the proviso to section 39(1) of the Justices of the Peace Act 1979” there shall be substituted “section 21(1) of the Justices of the Peace Act 1997”.

The House of Commons Disqualification Act 1975 (c. 24)

- 17 In Part I of Schedule 1 to the House of Commons Disqualification Act 1975 (judicial offices disqualifying for membership of the House of Commons), for “Stipendiary Magistrate within the meaning of the Justices of the Peace Act 1979.” there shall be substituted “Stipendiary Magistrate within the meaning of the Justices of the Peace Act 1997.”.

The Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)

- 18 In section 88 of the Domestic Proceedings and Magistrates' Courts Act 1978 (interpretation), in subsection (1)—

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- (a) in the definition of “commission area”, for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”; and
- (b) for the definition of “petty sessions area” there shall be substituted—
 - ““petty sessions area” has the same meaning as in the Justices of the Peace Act 1997;”.

The Magistrates' Courts Act 1980 (c. 43)

- 19 (1) The Magistrates' Courts Act 1980 shall be amended as follows.
- (2) In each of the provisions of that Act specified in sub-paragraph (3) below, for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.
 - (3) The provisions mentioned in sub-paragraph (2) above are—
 - (a) section 52 (jurisdiction to deal with complaints);
 - (b) in section 67 (family proceedings courts and panels), subsection (4);
 - (c) in section 87 (enforcement of payment of fines by High Court and county court), subsection (4); and
 - (d) in section 87A (fines imposed on companies), subsection (2).
 - (4) In section 139 (disposal of sums adjudged to be paid by conviction), in paragraph (c), for “section 61 of the Justices of the Peace Act 1979” there shall be substituted “section 60 of the Justices of the Peace Act 1997”.
 - (5) In section 150 (interpretation), in subsection (1)—
 - (a) in the definitions of—
 - (i) “commission area”; and
 - (ii) “London commission area”,
 for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”; and
 - (b) for the definition of “petty sessions area” there shall be substituted—
 - ““petty sessions area” has the same meaning as in the Justices of the Peace Act 1997;”.

The Child Abduction Act 1984 (c. 37)

- 20 In the Schedule to the Child Abduction Act 1984 (abduction of child by parent: particular cases), in paragraph 5(b), for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.

The Prosecution of Offences Act 1985 (c. 23)

- 21 In section 20 of the Prosecution of Offences Act 1985 (regulations), in subsection (5), for “section 61 of the Justices of the Peace Act 1979” there shall be substituted “section 60 of the Justices of the Peace Act 1997”.

The Local Government Act 1985 (c. 51)

- 22 (1) The Local Government Act 1985 shall be amended as follows.

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- (2) In section 99 (disqualification of justices), for “Section 64 of the Justices of the Peace Act 1979” there shall be substituted “Section 66 of the Justices of the Peace Act 1997”.
- (3) In Schedule 13 (residuary bodies), in paragraph 13, for paragraph (i) there shall be substituted—
- “(i) section 66 of the Justices of the Peace Act 1997;”.

The Criminal Justice Act 1988 (c. 33)

- 23 In section 81 of the Criminal Justice Act 1988 (confiscation orders: application of proceeds of realisation etc.)—
- (a) in subsections (8) and (9)(d), for “section 61 of the Justices of the Peace Act 1979” there shall be substituted “section 60 of the Justices of the Peace Act 1997”; and
 - (b) in subsection (10), for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.

The Legal Aid Act 1988 (c. 34)

- 24 In Schedule 3 to the Legal Aid Act 1988 (criminal proceedings: enforcement of contribution orders), in paragraph 4—
- (a) in sub-paragraph (1), for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”; and
 - (b) in sub-paragraph (2), for “section 61(4) of the Justices of the Peace Act 1979” there shall be substituted “section 60(4) of the Justices of the Peace Act 1997”.

The Road Traffic Offenders Act 1988 (c. 53)

- 25 In section 82 of the Road Traffic Offenders Act 1988 (accounting for fixed penalties)—
- (a) in subsection (1), for “section 61 (application of fines and fees) of the Justices of the Peace Act 1979” there shall be substituted “section 60 of the Justices of the Peace Act 1997 (application of fines and fees)”;
 - (b) in subsection (2)(b), for “section 59 of the Justices of the Peace Act 1979” there shall be substituted “section 57 of the Justices of the Peace Act 1997”; and
 - (c) in subsection (2A), for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.

The Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4)

- 26 In Schedule 4 to the Prevention of Terrorism (Temporary Provisions) Act 1989 (forfeiture orders), in paragraph 1(3), for “section 61 of the Justices of the Peace Act 1979” there shall be substituted “section 60 of the Justices of the Peace Act 1997”.

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The Children Act 1989 (c. 41)

- 27 In Schedule 1 to the Children Act 1989 (financial provision for children), in paragraph 10(6), for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.

The Computer Misuse Act 1990 (c. 18)

- 28 In section 11 of the Computer Misuse Act 1990 (proceedings for offence of unauthorised access to computer material), in subsection (6), for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.

The Criminal Justice Act 1991 (c. 53)

- 29 (1) The Criminal Justice Act 1991 shall be amended as follows.
- (2) In section 76 (provision of court security officers), in subsection (6), in the definition of “paying authority”, for “the 1979 Act” there shall be substituted “the Justices of the Peace Act 1997”.
- (3) In section 92 (interpretation of Part IV), in subsection (2), for “the 1979 Act” there shall be substituted “the Justices of the Peace Act 1997”.

The Local Government Finance Act 1992 (c. 14)

- 30 In section 46 of the Local Government Finance Act 1992 (special items relating to part of area)—
- (a) in subsection (2)(d), for “Schedule 7 to the Police and Magistrates' Courts Act 1994” there shall be substituted “Schedule 3 to the Justices of the Peace Act 1997”; and
- (b) in subsection (4), in the definition of “inner London area”, for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.

The Local Government Act 1992 (c. 19)

- 31 In section 19 of the Local Government Act 1992 (regulations of general application), in subsection (2)(d)(i), for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.

The Tribunals and Inquiries Act 1992 (c. 53)

- 32 In Part I of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under direct supervision of Council on Tribunals), in paragraph 23, for “section 53(3) of the Justices of the Peace Act 1979 (c. 55)” there shall be substituted “section 54(6) of the Justices of the Peace Act 1997 (c. 25)”.

The Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)

- 33 In section 27 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (interpretation of Part I), in subsection (1), in the definition of “petty sessions area”, for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.

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The Probation Service Act 1993 (c. 47)

- 34 (1) The Probation Service Act 1993 shall be amended as follows.
- (2) In section 30 (interpretation), in subsection (1), in the definition of “inner London area”, for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.
- (3) In Schedule 1 (probation committees and probation liaison committees), in paragraph 6, for sub-paragraph (4) there shall be substituted—
- “(4) In sub-paragraph (3) “commission area” has the same meaning as in the Justices of the Peace Act 1997.”

The Local Government (Wales) Act 1994 (c. 19)

- 35 (1) The Local Government (Wales) Act 1994 shall be amended as follows.
- (2) In section 55 (orders making provision about justices of the peace)—
- (a) in subsection (2)(a), for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”;
- (b) in subsection (3)—
- (i) in paragraph (a), for “section 1 of the Act of 1979” there shall be substituted “section 1 of (or Schedule 1 to) the Act of 1997”; and
- (ii) in paragraph (c), for “section 19 of” there shall be substituted “section 27 of”.
- (3) In Schedule 13 (the Residuary Body for Wales), in paragraph 20(h), for “section 64 of the Justices of the Peace Act 1979 (c. 55)” there shall be substituted “section 66 of the Justices of the Peace Act 1997 (c. 25)”.

The Drug Trafficking Act 1994 (c. 37)

- 36 In section 30 of the Drug Trafficking Act 1994 (confiscation orders: application of proceeds etc.)—
- (a) in subsection (8), for “section 61 of the Justices of the Peace Act 1979” there shall be substituted “section 60 of the Justices of the Peace Act 1997”; and
- (b) in subsection (9), for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.

The Police Act 1996 (c. 16)

- 37 (1) The Police Act 1996 shall be amended as follows.
- (2) In section 5 (reductions in size of police authorities), in subsection (2)(c), for “section 21(1A) of the Justices of the Peace Act 1979” there shall be substituted “section 29(2) of the Justices of the Peace Act 1997”.
- (3) In Schedule 2 (police authorities)—
- (a) in paragraph 7, for “section 21(1A) of the Justices of the Peace Act 1979” there shall be substituted “section 29(2) of the Justices of the Peace Act 1997”; and

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- (b) in paragraph 27, for “the Justices of the Peace Act 1979” there shall be substituted “the Justices of the Peace Act 1997”.