

SCHEDULES

SCHEDULE 11

Section 78.

UNIFICATION AND RENAMING OF STIPENDIARY BENCH

The Metropolitan Police Act 1839 (c. 47)

- 1 The Metropolitan Police Act 1839 has effect subject to the following amendments.
- 2 In section 52 (prevention of obstruction in neighbourhood of public buildings), for “police courts” substitute “magistrates' courts”.
- 3 In section 75 (“magistrate” to mean every justice of the peace appointed to be a magistrate of a police court), for the words from “justice” to the end substitute “District Judge (Magistrates' Courts)”.
- 4 In section 76 (complaints to be heard and determined by one of the police magistrates), for the words from “by one” to the end substitute “by a District Judge (Magistrates' Courts)”.

The Metropolitan Police Courts Act 1840 (c. 84)

- 5 In section 13 of the Metropolitan Police Courts Act 1840 (duties of police magistrates in relation to deserted premises), for “police magistrates” (in both places) substitute “District Judges (Magistrates' Courts)”.

The London Hackney Carriages Act 1843 (c. 86)

- 6 In section 24 of the London Hackney Carriages Act 1843 (application for summons to police court of district)—
 - (a) for “police court of the district” substitute “magistrates' court for the petty sessions area”, and
 - (b) for “police court”, in each other place, substitute “magistrates' court”.

The London Hackney Carriages Act 1850 (c. 7)

- 7 In section 4 of the London Hackney Carriages Act 1850 (notice of hackney carriage standings to be hung in police courts), for “police courts” substitute “magistrates' courts acting for an area falling wholly within an inner London borough”.

The London Hackney Carriage Act 1853 (c. 33)

- 8 In section 18 of the London Hackney Carriage Act 1853 (jurisdiction of police magistrates)—
 - (a) for “any one of the police magistrates at any of the Metropolitan Police Courts” substitute “two justices of the peace”, and
 - (b) omit the words from “or if the offence,”, in the first place, to “the county,”.

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The Regulation of Railways Act 1871 (c. 78)

- 9 In section 7(1) of the Regulation of Railways Act 1871 (orders directing specified officials to hold investigation of a railway accident with the assistance of an inspector or other assessor), for “stipendiary magistrate, metropolitan police magistrate,” substitute “District Judge (Magistrates’ Courts), stipendiary magistrate,”.

The Metropolitan Police Courts Act 1897 (c. 26)

- 10 In section 4 of the Metropolitan Police Courts Act 1897 (powers of receiver with respect to land and buildings for metropolitan police courts), for “metropolitan police courts” substitute “magistrates’ courts acting for petty sessions areas falling wholly within the inner London boroughs”.

The Law of Distress Amendment Act 1908 (c. 53)

- 11 In section 2 of the Law of Distress Amendment Act 1908 (order by stipendiary magistrate or two justices for restoration of goods illegally distrained by landlord etc.), for the words from “a stipendiary” to “or justices” substitute “two justices who”.

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

- 12 (1) The Second Schedule to the Children and Young Person Act 1933 (constitution of youth courts) is amended as follows.
- (2) Before paragraph 2 insert—

““Qualification to sit as member of youth court”.”

- (3) In paragraph 2 (justice not qualified to sit as member of youth court unless he is a member of a youth court panel), after “he is” insert—
- “(a) a District Judge (Magistrates’ Courts), or
 (b)”.
- (4) After that paragraph insert—

“Constitution by single District Judge (Magistrates’ Courts)

- (2A) A youth court may consist of a District Judge (Magistrates’ Courts) sitting alone.

Youth court panels.”

The Local Government Act 1948 (c. 26)

- 13 (1) Section 121 of the Local Government Act 1948 (precept for expenses of metropolitan police) is amended as follows.
- (2) In subsection (3) (precepts for expenses of metropolitan police courts and probation system in the metropolitan police court area)—
- (a) for the first paragraph substitute—

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- “(3) In relation to expenses of and incidental to magistrates' courts acting for petty sessions areas falling wholly within the inner London boroughs and the probation system within those petty sessions areas respectively, precepts issued under this section shall be issued to all rating authorities with areas falling wholly within the area comprising those petty sessions areas.”, and
- (b) in the proviso, for “metropolitan police court area” substitute “the area comprising those petty sessions areas”.
- (3) In subsection (6) (receipts), for “metropolitan police courts and the probation system within the metropolitan police court area” substitute “magistrates' courts acting for petty sessions areas falling wholly within the inner London boroughs and the probation system within those petty sessions areas”.
- (4) In subsection (7) (receipts exceeding expenses), for “metropolitan police courts or the probation system within the metropolitan police court area” substitute “magistrates' courts acting for petty sessions areas falling wholly within the inner London boroughs or the probation system within those petty sessions areas”.

The Metropolitan Magistrates' Courts Act 1959 (c. 45)

- 14 The Metropolitan Magistrates' Courts Act 1959 (functions of Receiver) has effect subject to the following amendments.
- 15 In section 3(1) (power of Receiver to provide premises for probation purposes), for the words “and the metropolitan magistrates courts” substitute “and the magistrates' courts acting for petty sessions areas falling wholly within the inner London boroughs”.
- 16 In section 4(2) (borrowing power of Receiver), for the words “of the metropolitan magistrates' courts” substitute “of the magistrates' courts acting for petty sessions areas falling wholly within the inner London boroughs”.

The Licensing Act 1964 (c. 26)

- 17 In section 29(2) of the Licensing Act 1964 (fees chargeable in stipendiary magistrates' court), for “stipendiary magistrates' court” substitute “court of a District Judge (Magistrates' Courts)”.

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

- 18 In paragraph 2A of the Schedule to the Backing of Warrants (Republic of Ireland) Act 1965 (which extends the exemption from certain requirements of the Magistrates' Courts Act 1980 conferred on stipendiary magistrates by section 15 of the Justices of the Peace Act 1997 to the requirements of paragraph 2 of that Schedule)—
- (a) for “15” substitute “10E”, and
- (b) for “stipendiary magistrates” substitute “District Judges (Magistrates' Courts)”.

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The Courts Act 1971 (c. 23)

- 19 In Part IA of Schedule 2 to the Courts Act 1971 (certain office-holders eligible for appointment as Circuit judges), for “Stipendiary magistrate” substitute “District Judge (Magistrates' Courts).”

The Local Government Act 1972 (c. 70)

- 20 In section 67(2)(b) of the Local Government Act 1972 (which provides that regulations may make provision about the functions or areas of jurisdiction of certain bodies or officers in connection with changes in local government areas in Wales)—
- (a) for “justice of the peace, stipendiary magistrate” substitute “justice of the peace other than a District Judge (Magistrates' Courts),” and
 - (b) after “police officers” insert “, and the functions of any District Judge (Magistrates' Courts),”.

The Administration of Justice Act 1973 (c. 15)

- 21 In section 9(1) of the Administration of Justice Act 1973 (judicial salaries charged on and paid out of the Consolidated Fund), for paragraphs (e) and (f) (metropolitan stipendiary magistrates and other stipendiary magistrates) substitute—
- “(e) District Judges (Magistrates' Courts);”.

The Juries Act 1974 (c. 23)

- 22 In Part I of Schedule 1 to the Juries Act 1974 (persons ineligible for jury service), in Group A (the judiciary) for “Metropolitan and other stipendiary magistrates” substitute “District Judges (Magistrates' Courts)”.

The Solicitors Act 1974 (c. 47)

- 23 In section 38 of the Solicitors Act 1974 (disqualification of a solicitor who is a justice of the peace), after subsection (3) insert—
- “(3A) Subsection (1) does not apply where a solicitor is a Deputy District Judge (Magistrates' Courts); but where a solicitor is acting as a Deputy District Judge (Magistrates' Courts) for any petty sessions area it shall not be lawful for him, or for any partner of his, to act in connection with proceedings before any justice of the peace acting for that area as solicitor or agent for the solicitor of any person concerned in those proceedings.”

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

- 24 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 1997.” substitute “District Judge (Magistrates' Courts) (but not Deputy District Judge (Magistrates' Courts)).”

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The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 25 In Part I of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (judicial offices disqualifying for membership of the Northern Ireland Assembly), for “Stipendiary Magistrate within the meaning of the Justices of the Peace Act 1949.” substitute “District Judge (Magistrates' Courts) (but not Deputy District Judge (Magistrates' Courts)).”

The Magistrates' Courts Act 1980 (c. 43)

- 26 The Magistrates' Courts Act 1980 has effect subject to the following amendments.
27 For section 66 substitute—

“66 Composition of magistrates' courts for family proceedings: general

- (1) A magistrates' court when hearing family proceedings shall be composed of—
- (a) two or three lay justices; or
 - (b) a District Judge (Magistrates' Courts) as chairman and one or two lay justices;
- or, if it is not practicable for such a court to be so composed, a District Judge (Magistrates' Courts) sitting alone.
- (2) Except where such a court is composed of a District Judge (Magistrates' Courts) sitting alone, it shall, so far as practicable, include both a man and a woman.
- (3) In this section and section 67 below “lay justices” means justices of the peace who are not District Judges (Magistrates' Courts).”
- 28 (1) Section 67 (family courts and panels) is amended as follows.
- (2) In subsection (2) (justice not to be qualified to hear family proceedings unless a member of a family panel of justices), for the words from “he” to “justices” substitute—
- “(a) he is a District Judge (Magistrates' Courts) nominated by the Lord Chancellor to do so; or
 - (b) he is a member of a family panel, that is to say a panel of lay justices”.
- (3) Omit subsection (7) (stipendiary magistrate may hear and determine family proceedings sitting alone if a member of a family panel).
- 29 In section 144(2) (rule committee for magistrates' courts to include chief metropolitan stipendiary magistrate), for “chief metropolitan stipendiary magistrate” substitute “Senior District Judge (Chief Magistrate)”.
- 30 In section 150(1) (interpretation), in the definition of “petty-sessional court-house”, for “stipendiary magistrate” substitute “District Judge (Magistrates' Courts)”.

The Extradition Act 1989 (c. 33)

- 31 The Extradition Act 1989 has effect subject to the following amendments.

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- 32 In section 8(1)(a) (issue of warrant for arrest on receipt of an authority to proceed by the chief metropolitan stipendiary magistrate or a designated metropolitan magistrate), for “chief metropolitan stipendiary magistrate or a designated metropolitan magistrate” substitute “Senior District Judge (Chief Magistrate) or another District Judge (Magistrates' Courts) designated by him”.
- 33 (1) Section 9 (proceedings for committal) is amended as follows.
- (2) In subsection (1) (person arrested in pursuance of a warrant under section 8 to be brought before a court consisting of a metropolitan magistrate or a sheriff), omit the words from “consisting” to the end.
- (3) In subsection (2) (court of committal in England and Wales), after “Wales” insert “shall consist of the Senior District Judge (Chief Magistrate) or another District Judge (Magistrates' Courts) designated by him and”.
- (4) In subsection (3) (court of committal in Scotland), after “Scotland” insert “shall consist of the sheriff of Lothian and Borders and”.
- 34 In section 10(7) (cases in which order by metropolitan magistrate ceases to have effect), for “metropolitan magistrate” substitute “District Judge (Magistrates' Courts)”.
- 35 In section 24(4) (suppression of terrorism), in the paragraph (c) treated as added at the end of paragraph 1(2)(b) of Schedule 1, for “metropolitan magistrate” substitute “District Judge (Magistrates' Courts)”.
- 36 (1) Schedule 1 (provisions deriving from the Extradition Act 1870 and associated enactments) is amended as follows.
- (2) In paragraphs 1(2)(b), 6(2), 7(1) and (2), 8(1) and 11, for “metropolitan magistrate” substitute “District Judge (Magistrates' Courts)”.
- (3) In paragraph 4(2) (order of Secretary of State for issue of warrant), for “a metropolitan magistrate” substitute “the Senior District Judge (Chief Magistrate) or another District Judge (Magistrates' Courts) designated by him”.
- (4) In paragraph 5 (issue of warrant for apprehension on receipt of order by metropolitan magistrate)—
- (a) in sub-paragraphs (1)(a) and (3), for “a metropolitan magistrate” substitute “the Senior District Judge (Chief Magistrate), or another District Judge (Magistrates' Courts) designated by him,”, and
- (b) in sub-paragraph (4), for “metropolitan magistrate, unless the metropolitan magistrate” substitute “District Judge (Magistrates' Courts) unless he”.
- (5) In paragraph 6(1) (hearing of case), for “metropolitan magistrate, the metropolitan magistrate” substitute “District Judge (Magistrates' Courts) he”.
- (6) In paragraph 13 (crimes committed at sea)—
- (a) in sub-paragraph (1)(a), for the words after “as if” substitute “the references to the Senior District Judge (Chief Magistrate) or another District Judge (Magistrates' Courts) designated by him were to any District Judge (Magistrates' Courts) and those references and the references to a District Judge (Magistrates' Courts) (apart from that in paragraph 11) included any sheriff in Scotland and any resident magistrate in Northern Ireland;”,
- (b) in sub-paragraph (1)(c), for “the stipendiary magistrate,” substitute “any District Judge (Magistrates' Courts), or the”, and

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- (c) omit sub-paragraph (2).

The Courts and Legal Services Act 1990 (c. 41)

- 37 In Schedule 11 to the Courts and Legal Services Act 1990 (judges etc. barred from legal practice), for “Stipendiary Magistrate” substitute “District Judge (Magistrates' Courts)”.

The Local Government Act 1992 (c. 19)

- 38 In section 19(2)(d) of the Local Government Act 1992 (which provides that regulations may make provision about the functions or areas of jurisdiction of certain bodies or officers in connection with changes in local government areas in England)—
- (a) in sub-paragraph (i), for “justice of the peace, stipendiary magistrate” substitute “justice of the peace other than a District Judge (Magistrates' Courts),” and
 - (b) before “and the costs” insert “, and the functions of any District Judge (Magistrates' Courts),”.

The Judicial Pensions and Retirement Act 1993 (c. 8)

- 39 The Judicial Pensions and Retirement Act 1993 has effect subject to the following amendments.
- 40 In Part I of Schedule 1 (qualifying offices), after “County Court Judge in Northern Ireland” insert “District Judge (Magistrates' Courts)”.
- 41 In Schedule 5 (retirement), for “Stipendiary magistrate in England and Wales” substitute “District Judge (Magistrates' Courts)”.

The Probation Service Act 1993 (c. 47)

- 42 (1) Schedule 1 to the Probation Service Act 1993 (probation committees) is amended as follows.
- (2) In paragraph 1(1) (probation committee for the inner London probation area to consist of specified number of metropolitan stipendiary magistrates nominated by the chief metropolitan stipendiary magistrate and other justices)—
- (a) for “metropolitan stipendiary magistrates” (in each place) substitute “District Judges (Magistrates' Courts),” and
 - (b) for “chief metropolitan stipendiary magistrate” substitute “Senior District Judge (Chief Magistrate)”.
- (3) In paragraph 6(3) (justice not to be co-opted as member of probation committee or probation liaison committee covering any of commission area for which he is a justice), after “that area” insert “(other than a District Judge (Magistrates' Courts))”.
- (4) In paragraph 7 (power of probation committee to co-opt stipendiary magistrates), for the words “stipendiary magistrates” to the end substitute “District Judges (Magistrates' Courts).”

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

The Justices of the Peace Act 1997 (c. 25)

- 43 The Justices of the Peace Act 1997 has effect subject to the following amendments.
- 44 In subsection (2)(a) of section 5 (which specifies that the provision made by subsection (1) about the appointment and removal of justices does not apply to stipendiary magistrates), and in the heading preceding that section, for “stipendiary magistrates” substitute “District Judges (Magistrates' Courts)”.
- 45 In section 7(7) (which provides that the provisions about the supplemental list do not apply to stipendiary magistrates), for “stipendiary magistrate” substitute “District Judge (Magistrates' Courts)”.
- 46 In section 10(4) (provisions about travelling, subsistence and financial loss allowances not to apply to stipendiary magistrates), for “stipendiary magistrate” substitute “District Judge (Magistrates' Courts)”.
- 47 In section 22(4)(c) (chairman or deputy chairman of justices not to preside when stipendiary magistrate is administering justice), for “stipendiary magistrate” substitute “District Judge (Magistrates' Courts)”.
- 48 In section 69(4) (oaths required to be taken by acting stipendiary magistrate may be taken before a metropolitan stipendiary magistrate), for the words “a metropolitan” to the end substitute “a Deputy District Judge (Magistrates' Courts) may be taken before any District Judge (Magistrates' Courts).”
- 49 In section 72(1) (interpretation), in the definition of “petty sessional court-house”, for “stipendiary magistrate” substitute “District Judge (Magistrates' Courts)”.
- 50 In paragraph 7 of Schedule 4 (inner London), in sub-paragraph (2)(a)(ii) (continued operation of section 58 of the Justices of the Peace Act 1979), after “have effect” insert “(with the reference in subsection (3) to metropolitan stipendiary magistrates being construed as a reference to District Judges (Magistrates' Courts))”.