

## SCHEDULES

### SCHEDULE 12

#### GREATER LONDON MAGISTRATES' COURTS AUTHORITY

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

- 9 The Justices of the Peace Act 1997 has effect subject to the following amendments.
- 10 In section 10(7) as amended by Schedule 10 to this Act (authority responsible for paying allowances to justices), after “justice” insert “for a commission area consisting wholly or partly of Greater London, the Greater London Magistrates' Courts Authority, and in relation to any other justice”.
- 11 In section 40(8) (regulations about appointment of justices' chief executive), after “by statutory instrument” insert “which may make different provision in relation to the Greater London Magistrates' Courts Authority and other magistrates' courts committees”.
- 12 In section 44 (terms of employment), after subsection (1) insert—
- “(1A) The approval of the Lord Chancellor shall be required for any determination by a magistrates' courts committee reducing the salary of a justices' clerk or justices' chief executive, unless the justices' clerk or justices' chief executive concerned consents to the reduction.”
- 13 For section 50 substitute—

#### **“50 Pensions of employees of GLMCA**

- (1) The Lord Chancellor may, with the consent of the Minister for the Civil Service, make provision by order made by statutory instrument for section 1 of the Superannuation Act 1972 (pensions of civil servants etc.) to apply to persons employed by the Greater London Magistrates' Courts Authority (and may make such provision by amendment of that Act).
- (2) An order under subsection (1) above may provide for the Authority to pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of the increase attributable to such provision in the sums payable under the Superannuation Act 1972 out of money provided by Parliament.
- (3) Where an order under subsection (1) above is made, the Minister for the Civil Service may, to such extent and subject to such conditions as he thinks fit—
  - (a) delegate to any person the function of administering a scheme made under section 1 of the Superannuation Act 1972, so far as relating to employees of the Authority; or
  - (b) authorise the exercise of that function (so far as so relating) by, or by employees of, any person.

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*Status: This is the original version (as it was originally enacted).*

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- (4) A person to whom the function of administering a scheme made under section 1 of the Superannuation Act 1972 is delegated under subsection (3) (a) above may, to such extent and subject to such conditions as he may determine, authorise the exercise of that function by, or by employees of, any person.
- (5) Where a person is authorised under subsection (3)(b) or (4) above to exercise the function of administering a scheme made under section 1 of the Superannuation Act 1972, anything done or omitted to be done by or in relation to him (or an employee of his) in, or in connection with, the exercise or purported exercise of the function shall be treated for all purposes as done or omitted to be done by the person who authorised him.
- (6) Subsection (5) above does not apply for the purposes of—
- (a) any criminal proceedings against the authorised person (or any employee of his); or
  - (b) any contract between him and the person who authorised him, so far as relating to the function.
- (7) A statutory instrument containing an order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- 14 (1) Section 54 (indemnification of justices' and their clerks) is amended as follows.
- (2) In subsection (2) (indemnification out of local funds), for “out of local funds” (in both places) substitute “by the appropriate authority”.
- (3) After that subsection insert—
- “(2A) In subsection (2) above the “appropriate authority” means—
- (a) the Greater London Magistrates' Courts Authority, where at the material time the justice or justices' clerk was acting for an area consisting of or falling within Greater London; or
  - (b) the paying authority or authorities, where at the material time the justice or justices' clerk was acting for an area outside Greater London.”
- (4) In subsection (7) (apportionment between paying authorities), for the words from “there are” to “clerk,” substitute “, in relation to any justice or justices' clerk acting for an area outside Greater London, there are two or more paying authorities,”.
- (5) In subsection (9) (interpretation), in the definition of “paying authority”, for the words from “, in relation” to the end substitute—
- “(a) in relation to any justice or justices' clerk who at the material time acted for an area outside Greater London, means any authority which is a paying authority for the purposes of section 55 below in relation to the magistrates' courts committee for that area; and
  - (b) in relation to a justice or justices' clerk who at the material time acted for an area consisting of or falling within Greater London, means the council of any London borough or the Common Council of the City of London.”
- 15 Before section 55 insert the heading—

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*““Magistrates' courts committees outside Greater London”.”*

- 16 (1) Section 55 (duties of local authorities) is amended as follows.
- (2) In subsection (1) (duties of local authorities), after “committee”, in the first place, insert “for an area outside Greater London”.
- (3) In subsections (4) and (5) (duty of paying authority or authorities to pay expenses of magistrates' courts committee), after “courts' committee” insert “for an area outside Greater London”.
- (4) In subsection (10) (interpretation), after “courts' committee” insert “for an area outside Greater London”.
- 17 (1) Section 56 (provision supplementary to section 55) is amended as follows.
- (2) In subsection (1) (determination by committee)—
- (a) in paragraph (b), after “committee” insert “for an area outside Greater London”, and
- (b) in paragraph (c), after “which” insert “such”.
- (3) In subsection (2) (apportionment), after “committee”, in the first place, insert “for an area outside Greater London”.
- 18 In section 59(1) (regulations relating to accounts of magistrates' courts committees), after “magistrates' courts committees” insert “for areas outside Greater London”.
- 19 After section 68 insert—

**“68A Provision of accommodation for justices and staff**

Any accommodation provided under any enactment 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 treated as being in that area for the purposes of the jurisdiction of the justices when acting in the court-house.”