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SCHEDULES

SCHEDULE 13

FUNCTIONS TRANSFERRED TO JUSTICES' CHIEF EXECUTIVES

The Magistrates' Courts Act 1980 (c. 43)

- 95 The Magistrates' Courts Act 1980 has effect subject to the following amendments.
- 96 In section 6(5) (clerk to display details of cases committed for trial), for “clerk of” substitute “justices' chief executive for”.
- 97 In section 12 (non-appearance of accused: plea of guilty), in subsections (1)(b), (4) (in both places) and (6) (in both places), for “clerk of” substitute “justices' chief executive for”.
- 98 (1) Section 14 (avoidance of certain proceedings) is amended as follows.
- (2) In subsection (1)(b) (service of declaration), for “clerk to the justices” substitute “justices' chief executive for the court”.
- (3) In subsection (2) (deemed service), for “clerk to the justices” substitute “justices' chief executive”.
- 99 (1) Section 59 (orders for periodical payment: means of payment) is amended as follows.
- (2) In subsection (3)(b) (power of the court to order payment to clerk), for “the clerk of the court or to the clerk of any other magistrates' court” substitute “a justices' chief executive”.
- (3) In subsection (8) (power to specify method of payment to a clerk), for “the clerk of a magistrates' court” substitute “a justices' chief executive”.
- 100 (1) Section 59A (orders for periodical payments: proceedings by clerk) is amended as follows.
- (2) In subsection (1) (proceedings by clerk where payment not made)—
- (a) for “the clerk of a magistrates' court” substitute “a justices' chief executive”,
- (b) for “the clerk of the relevant court” substitute “the relevant justices' chief executive”, and
- (c) for “to the clerk” substitute “to that justices' chief executive”.
- (3) In subsection (2) (authority to clerk to act under subsection (3))—
- (a) for “the clerk of a magistrates' court” substitute “a justices' chief executive”, and
- (b) for “the clerk of the relevant court for the clerk” substitute “the relevant justices' chief executive for him”.
- (4) In subsection (3) (proceedings by clerk), for “the clerk of the relevant court, the clerk” substitute “the relevant justices' chief executive, he”.

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- (5) In subsection (4) (cessation of authority)—
 - (a) for “the clerk of a relevant court” substitute “a justices' chief executive”,
 - (b) for “clerk cancelling” substitute “justices' chief executive cancelling”, and
 - (c) for “clerk shall” substitute “justices' chief executive shall”.
 - (6) In subsection (7) (interpretation), for the definition of “the relevant court” substitute—
 - ““the relevant justices' chief executive”, in relation to an order, means—
 - (a) in a case where payments under the order are required to be made to or through a justices' chief executive, that justices' chief executive;
 - (b) in a case where such payments are required to be made by any method of payment falling within section 59(6) above and the order was made by a magistrates' court, the justices' chief executive for that magistrates' court; and
 - (c) in a case where such payments are required to be made by any method of payment falling within section 59(6) above and the order was not made by a magistrates' court, the justices' chief executive for the magistrates' court in which the order is registered;”.
 - (7) In the sidenote, for “clerk” substitute “justices' chief executive”.
- 101 In section 60(5) (variation of order to provide that payments be made to magistrates' clerk), for “to the clerk” substitute “to the justices' chief executive for the court”.
- 102 In section 61(1)(b) (rules about apportionment of sums paid to clerk between two or more orders)—
 - (a) for “clerk to a magistrates' court” substitute “justices' chief executive”, and
 - (b) for “that clerk” substitute “that justices' chief executive”.
- 103 In section 62(1)(ii) (proceedings by clerk for sums payable to child), for “clerk of” substitute “justices' chief executive for”.
- 104 In section 82(5A) (clerk to serve notice of hearing to consider issue of warrant of commitment for default in paying fine), for “clerk of” substitute “justices' chief executive for”.
- 105 (1) Section 87 (enforcement of payment of fines by High Court and county court) is amended as follows.
- (2) In subsection (1) (enforcement as if sum due to magistrates' clerk in pursuance of High Court or county court order), for “clerk of” substitute “justices' chief executive for”.
 - (3) In subsection (3) (clerk not to take proceedings unless authorised by court after inquiry), for “clerk of the magistrates' court” substitute “justices' chief executive”.
 - (4) In subsection (4) (expenses of clerk in recovering sum to be treated as expenses of magistrates' courts committee), for “the clerk of a magistrates' court” substitute “a justices' chief executive”.
- 106 (1) Section 87A (fines imposed on companies) is amended as follows.

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- (2) In subsection (1) (power of court to apply for administration order or winding up), for “clerk of” substitute “justices' chief executive for”.
 - (3) In subsection (2) (expenses of clerk to be treated as expenses of magistrates' courts committee), for “the clerk of a magistrates' court” substitute “a justices' chief executive”.
- 107 In section 89(2) (transfer of fine order: functions of clerk exercisable by clerk of court specified in order), for “clerk of” (in both places) substitute “justices' chief executive for”.
- 108 In section 90(3) (functions of clerk in relation to payment of fine to cease to be exercisable on making of order for payment to be enforceable in Scotland or Northern Ireland), for “clerk of” substitute “justices' chief executive for”.
- 109 In section 91(1) (functions of clerk in relation to payment of fine imposed in Scotland or Northern Ireland on making of order for payment to be enforceable in England and Wales), for “clerk of” substitute “justices' chief executive for”.
- 110 In section 95(3) (instalments: powers of the court in relation to non-English maintenance orders), for—
 - (a) “the clerk of the court or the clerk of any other magistrates' court”, and
 - (b) “the clerk of the court, or to the clerk of any other magistrates' court,”,substitute “a justices' chief executive”.
- 111 In section 97A(9), (10) and (11) (summons or warrant as to committal proceedings), for “clerk of” substitute “chief executive to”.
- 112 In section 99 (proof of non-payment of sum adjudged)—
 - (a) for “clerk of a magistrates' court” substitute “justices' chief executive”, and
 - (b) for “the clerk” (in both places) substitute “the justices' chief executive”.
- 113 In section 114 (payment to clerk of fees and recognizances on case stated), for “him the fees payable for the case and for the recognizances” substitute “the fees payable for the case and for the recognizances to the justices' chief executive for the court”.
- 114 (1) Section 137 (fees) is amended as follows.
 - (2) In subsection (1) (fees chargeable by clerks limited by Part I of Schedule 6), for “clerks of magistrates' courts” substitute “justices' chief executives”.
 - (3) In subsection (2) (no fee chargeable by clerk in respect of matters specified in Part II of Schedule 6), for “clerk of a magistrates' court” substitute “justices' chief executive”.
- 115 In section 139 (application by clerk of money received on account of sum adjudged to be paid by summary conviction), for “clerk of a magistrates' court” substitute “justices' chief executive”.
- 116 In section 144(1) (rules about procedure and practice to be followed in magistrates' courts and by justices' clerks), insert at the end “and justices' chief executives.”
- 117 In Schedule 6 (fees), in the heading to Part I (fees to be taken by clerks), for “CLERKS TO JUSTICES” substitute “JUSTICES' CHIEF EXECUTIVES”.