



# Access to Justice Act 1999

## 1999 CHAPTER 22

### PART V

#### MAGISTRATES AND MAGISTRATES' COURTS

##### *Magistrates' courts committees*

#### **82 Constitution of committees outside Greater London**

For sections 28 to 30 of the Justices of the Peace Act 1997 (constitution of magistrates' courts committees) substitute—

##### **“28 Constitution of committees**

- (1) A magistrates' courts committee for an area outside Greater London shall, subject to subsection (2) below, be composed of justices of the peace for the area to which the committee relates, chosen in accordance with regulations under section 29 below.
- (2) Such a magistrates' courts committee may also include persons (who need not be justices of the peace)—
  - (a) co-opted by the committee with the approval of the Lord Chancellor; or
  - (b) appointed by the Lord Chancellor.

##### **29 Regulations about committees**

- (1) The Lord Chancellor may by statutory instrument make general regulations about the constitution, procedure and quorum of magistrates' courts committees for areas outside Greater London; but any such regulations shall have effect subject to the provisions of section 28 above.
- (2) The regulations shall provide for the members referred to in section 28(1) above to be chosen by a selection panel constituted in accordance with the regulations.

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*Status: This is the original version (as it was originally enacted).*

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- (3) The 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 subsection (2) of section 28 above); 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 that subsection are to be left out of account in applying the upper limit.
- (4) The regulations may make provision for the payment of remuneration to members of a magistrates' courts committee co-opted or appointed under section 28(2) above.
- (5) The regulations may make different provision in relation to magistrates' courts committees for different areas.
- (6) The regulations may also make provision with respect to the persons (other than the members, clerks and officers of the committee) who may be entitled to attend the meetings of a magistrates' courts committee and the rights of such persons to make representations to the committee.
- (7) A statutory instrument containing (whether alone or with other provisions) regulations made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **30 Supplementary provisions about committees**

- (1) A magistrates' courts committee for an area outside Greater London shall appoint one of their members to be chairman of the committee.
- (2) Where the magistrates for a petty sessions area are required to meet for the purpose of carrying out any functions under section 29 above, a meeting shall be convened by the magistrates' courts committee or, if there is no such committee or the Lord Chancellor considers it appropriate, by the Lord Chancellor.
- (3) A magistrates' courts committee for an area outside Greater London may act through sub-committees appointed by them which, if they include at least one member of the committee, may also include persons who are not members.
- (4) Such 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.
- (5) Subject to the provisions of this Act, a magistrates' courts committee for an area outside Greater London shall have power to regulate their own procedure, including quorum.
- (6) A magistrates' courts committee for an area outside Greater London shall be a body corporate.
- (7) A magistrates' courts committee for an area outside Greater London 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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- (8) The minutes of proceedings of every meeting of such 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.
- (9) Copies of any minutes which are open to inspection under subsection (8) above shall be made available to the public on payment of such reasonable fee as the magistrates' courts committee may in any case determine.
- (10) A magistrates' courts committee making a determination under subsection (8) above shall state their reasons for regarding the information in question as being of a confidential nature.”