

Justices of the Peace Act 1949

1949 CHAPTER 101 12 13 and 14 Geo 6

F1

An Act to amend the law relating to justices of the peace (including stipendiary magistrates), justices' clerks and the administrative and financial arrangements for magistrates' courts, to provide for paying travelling and lodging allowances to members of probation committees and case committees and for enabling probation committees to hold land, to authorise the appointment of interim clerks of the peace in Scotland, and for purposes connected therewith. [16th December 1949]

Textual Amendments

F1 Act repealed (S.) by District Courts (Scotland) Act 1975 (c. 20), Sch. 2

PART I

PROVISIONS AS TO INDIVIDUAL JUSTICES

Textu	al Amendments

Textual Amendments

F3 Ss. 2, 11(1)–(4), 15(10), 30, 31(1), 31(4), Sch. 1 and Sch. 6 repealed by Justices of the Peace Act 1968 (c. 69), Sch. 5 Pt. II

F43	
Textu F4	Ss. 1, 3, 5, 13 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, Sch. 3
^{F5} 4	•••••
Text	ual Amendments
F5	Ss. 4, 8, 10, 29, and 32–34 repealed by Administration of Justice Act 1973 (c. 15), ss. 19(1), 20(6), Sch. 5 Pt. II
^{F6} 5	
Text	ual Amendments
F6	Ss. 1, 3, 5, 13 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, Sch. 3
^{F7} 6	
Texti	ual Amendments
F7	S. 6, Sch. 2 repealed by Administration of Justice Act 1973 (c. 15), ss. 19(1), 20(6), Sch. 5 Pt. I
^{F8} 7	
Textu F8	ual Amendments S. 7 repealed by Solicitors Act 1957 (c. 27), Sch. 3
^{F9} 8	•••••
Tovt	ual Amendments
F9	Ss. 4, 8, 10, 29, and 32–34 repealed by Administration of Justice Act 1973 (c. 15), ss. 19(1), 20(6), Sch. 5 Pt. II
F10 9	

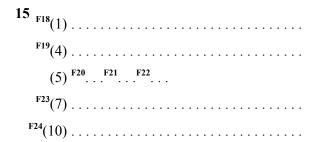
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F10	al Amendments Ss. 9, 40 repealed (S.) by virtue of District Courts (Scotland) Act 1975 (c. 20), Sch. 2
	PART II
¹¹ 10	
Textu F11	al Amendments Ss. 4, 8, 10, 29, and 32–34 repealed by Administration of Justice Act 1973 (c. 15), ss. 19(1), 20(6), Sch. 5 Pt. II
1 _{F12} (1)
	5)
F12	al Amendments Ss. 2, 11(1)–(4), 15(10), 30, 31(1), 31(4), Sch. 1 and Sch. 6 repealed by Justices of the Peace Act 1968 (c. 69), Sch. 5 Pt. II S. 11(5)–(8) repealed by Children and Young Persons Act 1963 (c. 37), Sch. 5 Ss. 11(9)–(11), 24, 31(2) and 39(4) repealed by Administration of Justice Act 1964 (c. 42), Sch. 5
¹⁵ 12	
Textu	al Amendments S. 12 repealed by Licensing Act 1953 (c. 46), Sch. 10
3	F16
Textu	al Amendments Ss. 1, 3, 5, 13 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, Sch. 3

Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1949 (repealed). (See end of Document for details)

Textua	al Amendments
F17	S. 14 repealed by Children and Young Persons Act 1969 (c. 54), Sch. 6



Textual Amendments

- F18 S. 15(1)–(3) repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(3), Sch. 9
- **F19** S. 15(4)(6) repealed by Magistrates' Courts Act 1952 (c. 55), **Sch. 6**
- F20 Words repealed by Administration of Justice Act 1973 (c. 15), ss. 19(1), 20(6), Sch. 5 Pt. I
- F21 Words repealed by Children and Young Persons Act 1963 (c. 37), Sch. 5
- F22 Words repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, Sch. 3
- **F23** S. 15(7)–(9) repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(3), **Sch. 9**
- **F24** Ss. 2, 11(1)–(4), 15(10), 30, 31(1), 31(4), Sch. 1 and Sch. 6 repealed by Justices of the Peace Act 1968 (c. 69), **Sch. 5 Pt. II**

PART III

MAGISTRATES' COURTS COMMITTEES AND JUSTICES' CLERKS

F ²⁵ 16—
19.
T-4-1 A 1
Textual Amendments
F25 Ss. 16–19 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, Sch. 3

20	F26(1)															

- (3) A person who has not been bound by and served under articles as required by [F27 regulations made under [F28 the M1 Solicitors Act 1974]], but has served as assistant to a justices' clerk, may be admitted a solicitor of the Supreme Court, subject to the following provisions—
 - (a) the person to be admitted shall have had not less than ten years' service as such an assistant and, out of that service, not less than five years shall have been before the first day of January, nineteen hundred and sixty, and not less than the required number of years shall have been approved service;

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- (b) for the purpose of the foregoing paragraph "approved service" means service either—
 - (i) as an articled clerk; or
 - (ii) with respect to which the person to be admitted has obtained from the Law Society a certificate under this section on an application made after he has had five years' service as such an assistant and before the said first day of January,

and the required number of years of approved service is the number which that person would, apart from this subsection, be required ^{F29}... to serve under articles entered into at the date of that application;

- (c) the Law Society may grant a person a certificate with respect to service in any employment as assistant to a justices' clerk if they are satisfied that at the time of granting the certificate it is not practicable for him to serve as an articled clerk in that employment, and the certificate shall relate to any service by him in that employment after that time;
- (d) subject to the foregoing paragraphs [F28 the M2 Solicitors Act 1974], shall apply, with any necessary modifications, in relation to a person's certificate under this section and a person applying for or obtaining such a certificate as if the certificate were articles of clerkship and the service to which it relates were service under those articles.

F26(4)																	
F30(6)																	
X1(7)															4	fif	4

XI(7) Subsection (2) of section one hundred and fifty-nine of the Municipal Corporations Act, 1882 (which relates to the qualification for being clerk to a borough justices), shall cease to have effect.

Editorial Information

X1 The text of s. 20(7) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Textual Amendments

- **F26** S. 20(1)(2)(4)(5) repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, **Sch. 3**
- F27 Words substituted by Solicitors (Amendment) Act 1956 (c. 41), Sch. 1 para. 5(a)
- F28 Words substituted by Solicitors Act 1974 (c. 47), Sch. 3 para. 4
- F29 Words repealed by Solicitors (Amendment) Act 1974 (c. 26), Sch. 3
- **F30** S. 20(6) and Sch. 3 repealed by Local Government Act 1972 (c. 70), Sch. 30

Marginal Citations

- **M1** 1974 c. 47.
- **M2** 1974 c. 47.

^{F31}21

Textual Amendments

F31 Ss. 21, 23 and 25–27 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, Sch. 3

F32 22
Textual Amendments F32 S. 22 and Sch. 5 repealed by Local Government Superannuation Act 1953 (c. 25), Sch. 3 Pt. I para. 8
F33 23
Textual Amendments F33 Ss. 21, 23 and 25–27 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, Sch. 3
F ³⁴ 24
Textual Amendments F34 Ss. 11(9)–(11), 24, 31(2) and 39(4) repealed by Administration of Justice Act 1964 (c. 42), Sch. 5
PART IV
F35 25 —
Textual Amendments F35 Ss. 21, 23 and 25–27 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, Sch. 3
F36 28
Textual Amendments F36 S.28 repealed by Criminal Justice Act 1972 (c.71), Sch. 6 Pt. II
PART V
F37 29

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Textu	al Amendments
F37	Ss. 4, 8, 10, 29, and 32–34 repealed by Administration of Justice Act 1973 (c. 15), ss. 19(1), 20(6),
	Sch. 5 Pt. II
F3830	
Textu	al Amendments
F38	Ss. 2, 11(1)–(4), 15(10), 30, 31(1), 31(4), Sch. 1 and Sch. 6 repealed by Justices of the Peace Act 1968 (c. 69), Sch. 5 Pt. II
31 _{F39}	1)
F40	2)
	2)
F41(3)
F39(4)
Textu	al Amendments
F39	Ss. 2, 11(1)–(4), 15(10), 30, 31(1), 31(4), Sch. 1 and Sch. 6 repealed by Justices of the Peace Act 1968 (c. 69), Sch. 5 Pt. II
F40	Ss. 11(9)–(11), 24, 31(2) and 39(4) repealed by Administration of Justice Act 1964 (c. 42), Sch. 5
F41	Ss. 31(3), 35 repealed by Criminal Justice Administration Act 1956 (c. 34), Sch. 3 Pt. II
F4222	
34.	
TD 4	
F42	al Amendments Ss. 4, 8, 10, 29, and 32–34 repealed by Administration of Justice Act 1973 (c. 15), ss. 19(1), 20(6), Sch. 5 Pt. II
F4335	
Textu F43	al Amendments Ss. 31(3), 35 repealed by Criminal Justice Administration Act 1956 (c. 34), Sch. 3 Pt. II

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PART VI

MISCELLANEOUS AND GENERAL

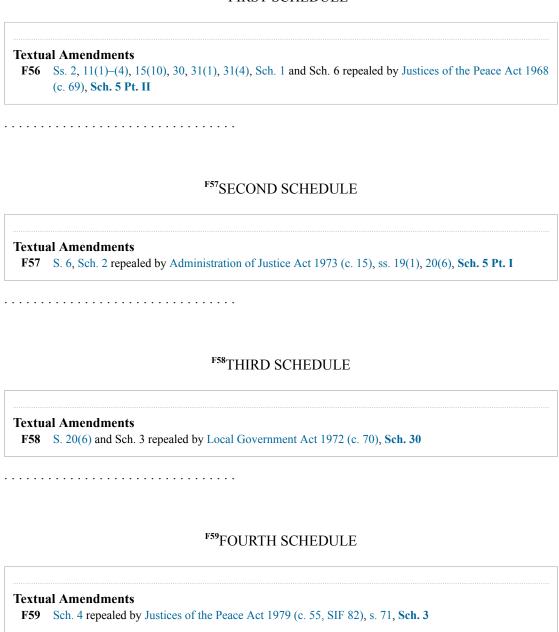
^{F44} 36,	
Textual Amendme F44 Ss. 36, 37 rep	nts ealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6
F4538	••••••
Textual Amendme F45 Ss. 38, 39(1)-	nts -(3) repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. IV
39 _{F46} (1)	
	nts -(3) repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. IV), 24, 31(2) and 39(4) repealed by Administration of Justice Act 1964 (c. 42), Sch. 5
F4840	••••••
Textual Amendme F48 Ss. 9, 40 repe	nts aled (S.) by virtue of District Courts (Scotland) Act 1975 (c. 20), Sch. 2
^{F49} 41	•••••
Textual Amendme F49 S. 41 repealed	nts d by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. I
F5042	

Textu F50	al Amendments S. 42 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, Sch. 3
F5143	
Textu F51	al Amendments S. 43 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1, Sch. 1 Pt. I
F5244	
	al Amendments S. 44 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, Sch. 3
F5345	
	al Amendments
F53	S. 45 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1, Sch. 1 Pt. I
46	Citation, repeal and extent.
(1) This Act may be cited as the Justices of the Peace Act 1949.
F54(2	2)
(.	3) This Act extends to England and Wales only F55
Textu F54 F55	al Amendments S. 46(2) repealed by Statute Law (Repeals) Act 1978 (c. 45), Sch. 1 Pt. I Words repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1, Sch. 1 Pt. I

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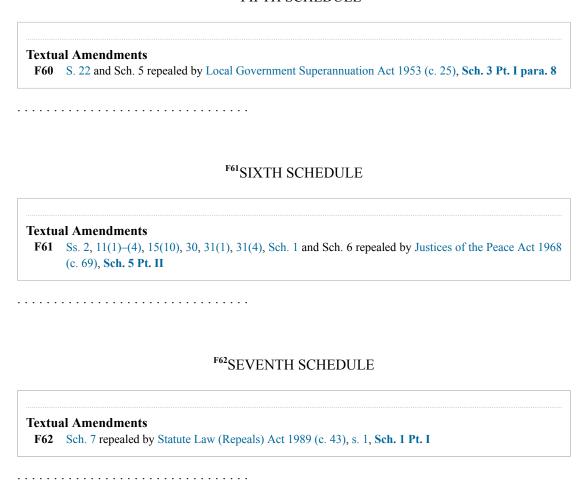
SCHEDULES

F56FIRST SCHEDULE



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F60FIFTH SCHEDULE



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