

## SCHEDULES

### SIXTH SCHEDULE

Section 30.

#### CONSEQUENTIAL PROVISIONS AS TO LOCAL ACT STIPENDIARIES

#### PART I

##### *Staffordshire stipendiaries*

- 1 (1) A magistrate appointed under the Staffordshire Potteries Stipendiary Justice Acts, 1839 to 1895, shall be by virtue of his office a justice of the peace for the county borough of Stoke-upon-Trent and for any non-county borough having for the time being a separate commission of the peace and magistrates' courts committee which is situated wholly or partly within the area for which he acts.
- (2) The place of the magistrate as a justice for any such borough shall not be supplied by another justice for the county of Stafford (as provided by section twenty of the Staffordshire Potteries Stipendiary Justice Act, 1871) but may when requisite be supplied by another justice for the borough.
- 2 The place of a magistrate appointed under the South Staffordshire Stipendiary Justice Act, 1899, when acting as a justice for the county borough of West Bromwich or for any non-county borough having for the time being a separate commission of the peace and magistrates' courts committee shall not be supplied by justices for the county of Stafford (as provided by section one hundred and one of the Wolverhampton Corporation Act, 1936) but, subject to section thirteen of this Act, may when requisite be supplied by two or more (but not exceeding five) justices for the borough.
- 3 (1) A magistrate appointed under the Staffordshire Potteries Stipendiary Justice Acts, 1839 to 1895, or under the South Staffordshire Stipendiary Justice Act, 1899, may exercise his jurisdiction as a county justice though sitting in a county borough or a borough having a separate commission of the peace and magistrates' courts committee, and may exercise his jurisdiction as justice for any such borough though not sitting in that borough.
- (2) The foregoing sub-paragraph shall apply to a county or borough justice taking the place of either of the said magistrates as it applies to the magistrate.
- 4 (1) Any provision of the Staffordshire Potteries Stipendiary Justice Acts, 1839 to 1895, or of the South Staffordshire Stipendiary Justice Act, 1899, as to a clerk of accounts appointed by the commissioners thereunder shall cease to have effect, and any functions which would apart from this provision be discharged by such a clerk shall be discharged instead by the clerk to the stipendiary magistrate.
- (2) The amount of the salary to be paid to the clerk to the stipendiary magistrate under any of the said Acts shall, notwithstanding anything in those Acts, be such as may

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from time to time be determined by the commissioners with the approval of the Secretary of State:

Provided that, until otherwise determined under this sub-paragraph, a clerk in office at the coming into force thereof shall continue to receive the salary to which he is then entitled.

- (3) The clerk to the stipendiary magistrate under any of the said Acts shall be deemed, for the purposes of the Local Government Superannuation Act, 1937, to be employed in that office by the commissioners paying his salary, and in the case of a clerk in office at the coming into force of this sub-paragraph to have been so employed since his appointment to that office, and paragraph 4 of the Fifth Schedule to this Act shall apply to the clerk to any such magistrate as it applies to a justices' clerk.
- 5 (1) If at any time the area in which the stipendiary magistrate under the Staffordshire Potteries Stipendiary Justice Acts, 1839 to 1895, or the South Staffordshire Stipendiary Justice Act, 1899, has jurisdiction (so far as not included in a county borough or borough having a separate commission of the peace and magistrates' courts committee) consists of one or more petty sessional divisions of the county of Stafford, and the commissioners agree to the making of an order under this sub-paragraph, the Secretary of State may by statutory instrument make an order directing that the provisions of the said Acts or Act, as the case may be, so far as they relate to a clerk to the stipendiary magistrate shall cease to have effect, and the order may include provision for the payment to any person of compensation for loss of office or employment or loss or diminution of emoluments in consequence of the order and for any other consequential or transitional matters and any such provision may be varied or revoked by a subsequent order made in the same manner.
- (2) If it appears to the Secretary of State that the area within which either of the magistrates referred to in the foregoing sub-paragraph has jurisdiction can conveniently be adjusted so as to enable an order to be made under that sub-paragraph, and the commissioners agree to the making of an order under this sub-paragraph, the Secretary of State may by statutory instrument make an order adjusting the boundaries of that area accordingly.
- (3) If after the making of an order under sub-paragraph (1) of this paragraph with respect to the clerk to either of the said magistrates any alteration is made under the Acts referred to in that sub-paragraph in the area in which the magistrate has jurisdiction, and as the result of the alteration that area (so far as not included in a county borough or borough having a separate commission of the peace and magistrates' courts committee) does not consist of one or more petty sessional divisions of the county of Stafford, the Secretary of State shall by statutory instrument make an order constituting the area (so far as not included as aforesaid) a petty sessional division or divisions of that county and making consequential provisions as to the remainder of the county, and subsections (4), (6) and (7) of section eighteen of this Act shall apply as if the order were an order under that section.
- 6 (1) If the commissioners under the South Staffordshire Stipendiary Justice Act, 1899, pass a statutory resolution under the Local Government Superannuation Act, 1937, specifying as a contributory employee a person holding at the coming into force of this paragraph any of the posts designated or purporting to have been designated by or under the admission agreement with Wolverhampton, then with the consent of that person and of the Wolverhampton borough council the resolution may direct that as respects that person it shall be deemed to have had effect at all times since

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the appointed day within the meaning of the said Act of 1937 at which he held any such post.

- (2) The reference in the foregoing sub-paragraph to the admission agreement with Wolverhampton refers to the admission agreement between the said commissioners and the said council dated the seventh day of July, nineteen hundred and thirty-seven (being an agreement which was entered into under the Local Government and other Officers' Superannuation Act, 1922, and became inoperative under the Local Government Superannuation Act, 1937).
- 7 Nothing in this Act shall be taken as imposing on any county or borough council any duties in relation to the provision of accommodation or other things for magistrates appointed under the Acts mentioned in this Part of this Schedule, or as affecting any power or duty in that behalf of the respective commissioners under those Acts.

## PART II

### *South Wales stipendiaries*

- 8 (1) The Merthyr Tydfil Stipendiary Justice Acts, 1843 to 1907, so far as they relate to clerks shall cease to have effect, and any clerk previously appointed thereunder shall be treated for the purposes of this Act as clerk to the justices for the petty sessional divisions of Caerphilly Higher and Miskin Higher of the county of Glamorgan and as clerk to the justices of the county borough of Merthyr Tydfil and any assistant or deputy clerk so appointed shall be treated for those purposes as a person employed by the clerk to assist him in the duties appertaining to his clerkships.
- (2) The Glamorgan county council and the Merthyr Tydfil county borough council shall provide any accommodation and other things required for the stipendiary magistrate under the said Acts and for the said clerk under the powers of this Act and any provision in that behalf of the said Acts shall cease to have effect.
- (3) The stipendiary magistrate under the said Acts shall be by virtue of his office a justice of the peace for any non-county borough having for the time being a separate commission of the peace and magistrates' courts committee which is situated wholly or partly within the area for which he acts.
- (4) If under section three of the Merthyr Tydfil Stipendiary Justice Act, 1907, any alteration is made in the area for which the stipendiary magistrate acts, and as the result of the alteration that area (exclusive of any county borough and any such non-county borough as aforesaid) does not consist of one or more petty sessional divisions of the county of Glamorgan, the Secretary of State shall by statutory instrument make an order constituting the area (exclusive of any such borough) a petty sessional division or divisions of that county and making consequential provisions as to the remainder of the county, and subsections (4), (6) and (7) of section eighteen of this Act shall apply as if the order were an order under that section.
- 9 (1) The provisions of the Pontypridd Stipendiary Magistrate Act, 1920, so far as they relate to clerks shall cease to have effect, and any clerk previously appointed thereunder shall be treated for the purposes of this Act as clerk to the justices for the Lower Miskin petty sessional division of the county of Glamorgan, and any assistant clerk so appointed shall be treated for this purpose as a person employed by the clerk to assist him in the duties appertaining to his clerkship.

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- (2) The Glamorgan county council shall provide any accommodation and other things required for the magistrate under the said Act of 1920 or for the said clerk under the powers of this Act, and any provision in that behalf of the said Act of 1920 shall cease to have effect.

### **PART III**

#### *Salford stipendiary*

- 10 Part II of the Manchester Division and Borough of Salford (Stipendiary Justices) Act, 1878, so far as it relates to the clerk for borough business shall cease to have effect, and any such clerk previously appointed shall be treated for the purposes of this Act as clerk to the justices for the county borough of Salford, notwithstanding that in that Act he is described as clerk to the stipendiary magistrate.