
STATUTORY INSTRUMENTS

1992 No. 709

The Transfer of Functions (Magistrates' Courts and Family Law) Order 1992

Transfer of functions relating to magistrates' courts and related matters

2.—(1) The functions of the Secretary of State under—

- (a) the Justices of the Peace Act 1979⁽¹⁾,
- (b) any rules or regulations made under the Act of 1979, and
- (c) the provisions specified in Schedule 1 to this Order (which confer functions in respect of magistrates' courts committees, the committee of magistrates, juvenile courts, the powers of magistrates' courts, justices' clerks, proceedings in magistrates' courts and connected matters),

are hereby transferred to the Lord Chancellor.

(2) In paragraph (1) above the reference to rules and regulations made under the Act of 1979 includes a reference to any rules or regulations having effect as if made under that Act or which continue to have effect by virtue of any provision of that Act.

(3) In—

- (a) the provisions mentioned in paragraph (1) above, except the provisions mentioned in paragraph (4) below, and
- (b) section 20(5) of the Prosecution of Offences Act 1985⁽²⁾(application of section 61(4) of the Act of 1979 to the recovery, under regulations made under section 20, of sums paid by the Legal Aid Board or out of central funds),

for the words “Secretary of State”, wherever they occur, there shall be substituted “Lord Chancellor”.

(4) The provisions referred to in paragraph (3) above are—

- (a) section 38(4) of and Schedule 1 to the Act of 1979; and
- (b) in the Justices of the Peace Act 1949 (Compensation) Regulations 1978⁽³⁾, in regulation 2(1) (interpretation), the definition of local authority.

(5) In section 38(4) of the Act of 1979 (power of either the Lord Chancellor or the Secretary of State to require committee of magistrates to consider and report on certain matters) the words “or the Secretary of State” shall be omitted.

(6) In the Petty Sessions Areas (Divisions and Names) Regulations 1988⁽⁴⁾, in regulation 6, for the words “Home Office, Queen Anne’s Gate, London SW1H 9AT by a date” there shall be substituted “at an address and by a date”.

(1) 1979 c. 55.

(2) 1985 c. 23.

(3) S.I.1978/1682.

(4) S.I. 1988/1698.