

2007 No.1609

JUSTICES OF THE PEACE, ENGLAND AND WALES

**The Justices of the Peace (Training and Development
Committee) Rules 2007**

<i>Made</i> - - - -	<i>17th June 2007</i>
<i>Laid before Parliament</i>	<i>19th June 2007</i>
<i>Coming into force</i> - -	<i>13th July 2007</i>

The Lord Chief Justice makes the following Rules, in exercise of the powers conferred on him by:

sections 10(4), 18(6) and (7) and 19(1) and (2) of the Courts Act 2003(a), after consultation with the Lord Chancellor, the Criminal Procedure Rule Committee, the Family Procedure Rule Committee and the Magistrates' Courts Rule Committee in accordance with section 20(2) of that Act(b);

section 67(4) of the Magistrates' Court Act 1980(c) after consultation with the Lord Chancellor and after consultation with the Family Procedure Rule Committee in accordance with section 67(6) of that Act; and

section 45(4) of the Children and Young Persons Act 1933(d) with the concurrence of the Lord Chancellor and after consultation with the Criminal Procedure Rule Committee in accordance with section 45(6) of that Act:

Citation and commencement

1. These Rules may be cited as the Justices of the Peace (Training and Development Committee) Rules 2007 and shall come into force on 13th July 2007.

Interpretation

2.—(1) In these Rules—

“a BTDC” means a Bench Training and Development Committee; and references to justices, in relation to a BTDC, mean justices assigned to the local justice area or areas for which the BTDC is established;

(a) 2003 c.39; section 10 was amended by the Constitutional Reform Act 2005 (c.4), Schedule 4, Part I, paragraphs 308 and 313 and section 19 was amended by that Act, Schedule 4, Part I, paragraphs 308 and 320.
(b) section 20 was amended by the Constitutional Reform Act 2005, Schedule 4, Part I, paragraphs 308 and 321.
(c) 1980 c.43; section 67 was substituted by the Courts Act 2003, section 49(1) and amended by the Constitutional Reform Act 2005 Schedule 4, Part I, paragraphs 99 and 101.
(d) 1933 c.12; section 45 was substituted by the Courts Act 2003, section 50(1) and amended by the Constitutional Reform Act 2005, Schedule 4, Part I, paragraph 20.

“a FTDC” means a Family Training and Development Committee; and references to family justices, in relation to a FTDC, mean family justices assigned to the local justice area or areas for which the FTDC is established;

“a MATC” means a Magistrates’ Area Training Committee;

“approved court chairman” means a justice approved to preside in magistrates’ courts other than family proceedings courts, youth courts or licensing or betting licence committees in accordance with these Rules;

“approved family court chairman” means a family justice approved to preside in a family proceedings court in accordance with these Rules;

“approved youth court chairman” means a youth justice approved to preside in a youth court in accordance with these Rules;

“courts board area” means an area of England and Wales for which there is a courts board under section 4 of the Courts Act 2003;

“election meeting” means the meeting held in accordance with rule 11 of the Justices of the Peace (Size and Chairmanship of Bench) Rules 2005(a);

“family election meeting” means the meeting held in accordance with rule 4(2) of the Family Proceedings Courts (Constitution of Committees and Right to Preside) Rules 2007(b);

“family justice” means a justice who has been authorised to sit as a member of a family proceedings court;

“family panel” means the Committee established in accordance with rule 3 of the Family Proceedings Courts (Constitution of Committees and Right to Preside) Rules 2007; and where a combined family panel has been formed in accordance with rule 5 of those Rules means that combined family panel;

“Greater London area” means the local justice areas covering the London Boroughs listed in Part I of Schedule 1;

“Inner London area” means the local justice areas covering the London Boroughs listed in Part II of Schedule 1;

“justice” means a lay justice and, in relation to a local justice area, means a justice who is assigned to that area;

“justices’ clerk”, in relation to a local justice area, means a justices’ clerk assigned to that area and includes any person acting as such;

“MATC area” means an area of England and Wales for which there is a MATC established in accordance with rule 42;

“the ILYTDC” means the Inner London Youth Training and Development Committee; and references to youth justices, in relation to the ILYTDC mean the youth justices assigned to the local justice areas within the Inner London area;

“youth election meeting” means the meeting held in accordance with rule 4(2) of the Youth Courts (Constitution of Committees and Right to Preside) Rules 2007(c);

“youth panel” means the Committee established in accordance with rule 3 of the Youth Courts (Constitution of Committees and Right to Preside) Rules 2007; and where a combined youth panel has been formed in accordance with rule 5 of those Rules means that combined youth panel; and

“youth justice” means a justice who has been authorised to sit as a member of a youth court.

(2) A reference in these Rules to a BTDC, FTDC or MATC includes, where appropriate, a combined BTDC, FTDC or MATC.

(3) Where—

(a) S.I. 2005/553.
(b) S.I. 2007/1610.
(c) S.I. 2007/1611.

- (a) a rule requires consultation with, or reporting to, a person or body; and
- (b) in the context of the rule in question there is more than one such person or body to whom the rule could refer,

consultation shall take place with or, as the case may be, the report shall be made to, all the persons or bodies to whom the rule could refer.

Bench Training and Development Committees

Formation of a BTDC

- 3. There shall be a BTDC for each local justice area.

Membership of a BTDC

4.—(1) The membership of the BTDC shall consist of six or nine justices for the local justice area appointed in accordance with this rule.

(2) The membership of the BTDC must include—

- (a) at least one family justice if a FTDC has not been established for its local justice area; and
- (b) at least one youth justice if its local justice area is outside the Inner London area.

(3) The membership of the BTDC shall rotate by one third in each calendar year.

(4) Except as mentioned in rules 5(2), 8(2), 9(2), 10(3) and 10(4), a member of the BTDC shall be appointed to hold office for a term of three years beginning on 1st January following his appointment.

(5) At each election meeting the justices shall—

- (a) elect the members of the BTDC or choose a panel of justices who shall select the members of the BTDC; and
- (b) decide the method of filling casual vacancies.

(6) The BTDC shall hold a meeting as soon as practicable after 1st January each year.

(7) At that meeting the members shall, where rule 5 or rule 8(2) applies, decide the length of their terms of office and if they are unable to agree, the length of their terms shall be determined by lot conducted by the justices' clerk.

(8) At that meeting the members of the BTDC shall appoint a chairman whose term of office shall expire on 31st December of each year.

(9) Subject to rule 6, the BTDC may re-appoint a chairman.

(10) The justices' clerk may attend the meetings of the BTDC but, except where he is required to act under paragraph (7), he may act in an advisory capacity only.

(11) A chairman of the justices elected under the Justices of the Peace (Size and Chairmanship of Bench) Rules 2005 shall not be a member of the BTDC for the local justice area for which he was appointed.

Change of numbers of a BTDC

5.—(1) At an election meeting the justices may decide, subject to rule 4(1), to increase or reduce the number of members of the BTDC.

(2) If the justices decide to increase or reduce the number of members of the BTDC in accordance with paragraph (1)—

- (a) all the existing members of the BTDC shall retire on the 31st December of the calendar year in which the decision is made; and
- (b) members of the BTDC appointed in that year shall hold office from 1st January in the following year for the following periods—

- (i) one year, in the case of one third of the members;
- (ii) two years, in the case of one third of the members; and
- (iii) three years, in the case of the remaining third of the members.

Limit on length of service as member of BTDC

6.—(1) A justice may not serve as a member of a BTDC for more than a total of nine years.

(2) A member of the BTDC shall be eligible for reappointment if, at the end of his most recent term of office, he will have served as a member of the BTDC for a period or periods totalling less than nine years.

(3) If, on a date before the end of the period specified in rule 4(4) or (as the case may be) rules 5(2)(b) or 8(2)(b), a member will have served as a member of the BTDC for nine years that member's term of office shall end on that date.

Quorum of a BTDC meeting

7.—(1) Subject to the following paragraphs of this rule, a BTDC meeting shall be quorate if there are three members at the meeting.

(2) Where a BTDC is carrying out one of the functions referred to in rule 11 or rule 37 in relation to one or more family justices, a BTDC meeting shall only be quorate if a family justice is present unless—

- (a) a family justice is not present due to unforeseen circumstances; and
- (b) the members of the BTDC present at the meeting agree that it is appropriate to carry out the function in the absence of a family justice.

(3) Where a BTDC is carrying out one of the functions referred to in rule 11 or rule 37 in relation to one or more youth justices, a BTDC meeting shall only be quorate if a youth justice is present unless—

- (a) a youth justice is not present due to unforeseen circumstances; and
- (b) the members of the BTDC present at the meeting agree that it is appropriate to carry out the function in the absence of a youth justice.

(4) If—

- (a) a member leaves a meeting because he is the subject of discussion at the meeting; and
- (b) by reason of his absence there are less than three members at the meeting,

the meeting shall be quorate in relation to that discussion.

Establishment of a combined BTDC

8.—(1) The justices for two or more local justice areas may establish a combined BTDC, and—

- (a) the provisions of these Rules shall apply to a combined BTDC as they apply to a BTDC for a single local justice area subject to such modifications to rule 4(5) and 10(1) as are agreed by the justices for the local justice areas concerned; and
- (b) the justices for the local justice areas concerned shall, subject to rule 4(1), decide the number of members of a combined BTDC.

(2) If the justices for two or more local justice areas establish a combined BTDC in accordance with paragraph (1)—

- (a) all the existing members of the BTDCs which are combined to make the combined BTDC shall retire at the end of the calendar year in which the decision is made; and
- (b) members of the combined BTDC appointed in that year shall hold office from the 1st January in the following year for the following periods—
 - (i) one year, in the case of one third of the members;

- (ii) two years, in the case of one third of the members; and
- (iii) three years, in the case of the remaining third of the members.

Division of a combined BTDC

9.—(1) The justices for the local justice areas within a combined BTDC may decide to replace the combined BTDC with—

- (a) a single BTDC for each local justice area;
- (b) more than one combined BTDC; or
- (c) a combination of single and combined BTDCs.

(2) If the justices for two or more local justice areas replace a combined BTDC as mentioned in paragraph (1)—

- (a) the existing members of the combined BTDC shall retire at the end of the calendar year in which the decision is made; and
- (b) members of each single or combined BTDC appointed in that year shall hold office from the 1st January in the following year for the following periods—
 - (i) one year, in the case of one third of the members;
 - (ii) two years, in the case of one third of the members; and
 - (iii) three years, in the case of the remaining third of the members.

Casual vacancy

10.—(1) If a casual vacancy arises, it shall be filled as soon as practicable with the method of filling casual vacancies decided in accordance with rule 4(5)(b).

(2) If, but for rule 6(3), a member would have served for a longer term, a casual vacancy arises when that member's term of office ends.

(3) A member appointed to fill a casual vacancy described in paragraph (2) shall serve the remaining part of the period for which the member he is replacing would, but for rule 6(3), have served.

(4) A member appointed to fill a casual vacancy, other than one described in paragraph (2), shall serve for the remaining part of the period for which the member he is replacing was appointed.

(5) Any period served by a member filling a casual vacancy shall not count towards the period of nine years' service referred to in rule 6.

Functions of a BTDC

11.—(1) Each BTDC shall carry out the functions set out in this rule in relation to—

- (a) justices who sit in the adult court;
- (b) family justices, if a FTDC has not been established for its local justice area; and
- (c) youth justices, if its local justice area is outside the Inner London area.

(2) Each BTDC shall—

- (a) establish a scheme for appraising justices;
- (b) arrange for justices to attend the relevant training in accordance with rule 31;
- (c) identify the training needs of justices and, not later than 30th September in each year, give the relevant MATC a report of those training needs; and
- (d) maintain, as appropriate, a list of approved court chairmen, approved family court chairmen and approved youth court chairmen from among the justices, family justices and youth justices assigned to its local justice area.

(3) In paragraph (2), the relevant MATC means the MATC for the MATC area in which the local justice area covered by the BTDC is located.

(4) Where the BTDC is carrying out its functions in respect of family justices or youth justices it shall establish in consultation with the family or youth panel, Area Director and the justices' clerk for the local justice area the number of—

- (a) family justices and approved family court chairmen; or
- (b) youth justices and approved youth court chairmen,

as the case may be, needed for the local justice area.

Appraisal of justices

12.—(1) Every BTDC shall establish a scheme to appraise the performance on the bench of the justices, such as will enable it to—

- (a) determine their training and development needs;
- (b) report to the MATC on their training needs; and
- (c) maintain a list of approved court chairmen in accordance with rules 32, 33 and 34.

(2) The BTDC shall select justices to conduct appraisals (“the appraising justices”) and it may also arrange for a justice assigned to a different local justice area to conduct appraisals.

(3) The BTDC shall determine the intervals at which justices are to be appraised, having regard to the requirements of rule 34.

(4) The BTDC shall establish a procedure for conducting appraisals, which shall include the following elements—

- (a) the notification that will be given to the justice to be appraised (“the appraised justice”);
- (b) a procedure for the appraising justice to record his assessment and for notifying the appraised justice and the BTDC of that assessment;
- (c) a procedure for enabling the appraised justice to discuss the assessment with the appraising justice and a procedure enabling the appraised justice to challenge the assessment to a person other than the appraising justice; and
- (d) the time limits for those procedures.

(5) The BTDC shall publish its scheme to the justices.

(6) Where the BTDC is exercising its appraisal function in respect of family justices or youth justices—

- (a) a reference in this rule to “justice” shall be a reference to a family justice or youth justice as the case may be and “justices” shall be construed accordingly;
- (b) a reference in this rule to rule 34 shall be—
 - (i) in the case of family justices, a reference to rule 35; and
 - (ii) in relation to youth justices, a reference to rule 36; and
- (c) when complying with paragraph (3), the BTDC shall have regard also to the requirements of rule 38(b).

Family Training and Development Committees

Formation and dissolution of a FTDC

13.—(1) The family panel for the Greater London area shall establish a FTDC for that area from 13th July 2007 and, in relation to that FTDC the provisions of Schedule 2 shall apply.

(2) The Lord Chief Justice may direct that a family panel outside the Greater London area establish a FTDC for the local justice area or areas to which that family panel relates.

(3) The Lord Chief Justice may give the direction referred to in paragraph (2)—

- (a) of his own motion; or

(b) on the joint application of the family panel and all of the BTDCs for the local justice area or areas to which the family panel relates.

(4) Where the family panel establishing the FTDC is a combined family panel, the FTDC shall be a combined FTDC and rule 18(4) and (5) shall apply accordingly.

(5) The Lord Chief Justice may direct that a family panel outside the Greater London area dissolve a FTDC established by that family panel in accordance with paragraph (2).

Membership of a FTDC

14.—(1) The membership of the FTDC shall consist of six or nine family justices appointed in accordance with this rule.

(2) Except as mentioned in paragraph (5), the membership of the FTDC shall rotate by one third in each calendar year.

(3) Following the direction of the Lord Chief Justice referred to in rule 13(2), the family panel for the local justice area shall hold a meeting at which the family justices shall decide the number of members of the FTDC.

(4) At the meeting referred to in paragraph (3) and in the family election meeting of the following year and each subsequent family election meeting the family panel shall—

- (a) elect the members of the FTDC or choose a panel of family justices who shall select the members of the FTDC; and
- (b) decide the method of filling casual vacancies.

(5) Members of the FTDC appointed at the meeting referred to in paragraph (3) shall hold office for a term beginning on the date of appointment and consisting of the length of time between that date and 31st December in the year of appointment plus—

- (a) one year, in the case of one third of the members;
- (b) two years, in the case of one third of the members; and
- (c) three years, in the case of the remaining one third of the members.

(6) Except as mentioned in paragraph (5), and in rules 15(2), 16(3), 18(6), 19(2) and 20(3) and (4), a member of the FTDC shall be appointed to hold office for a term of three years beginning on 1st January following his appointment.

(7) The FTDC shall hold a meeting as soon as practicable after—

- (a) the meeting of the family panel referred to in paragraph (3); and
- (b) 1st January each year.

(8) At that meeting the members shall, where paragraph (5), or rule 15(2), 18(6) or 19(2) applies, decide the length of their terms of office and if they are unable to agree, the length of their terms shall be determined by lot conducted by the justices' clerk.

(9) At that meeting the members of the FTDC shall appoint a chairman whose term of office shall expire on 31st December of each year.

(10) Subject to rule 16, the FTDC may re-appoint a chairman.

(11) The justices' clerk may attend the meetings of the FTDC but, except where he is required to act under paragraph (8), he may act in an advisory capacity only.

(12) A chairman of the justices elected under the Justices of the Peace (Size and Chairmanship of Bench) Rules 2005(a) shall not be a member of the FTDC for the local justice area for which he was appointed.

(a) S.I. 2005/553.

Change of numbers of a FTDC

15.—(1) At a family election meeting the family justices may decide, subject to rule 14(1), to increase or reduce the number of members of the FTDC.

(2) If the family justices decide to increase or reduce the number of members of the FTDC in accordance with paragraph (1)—

- (a) all the existing members of the FTDC shall retire on 31st December of the calendar year in which the decision is made; and
- (b) members of the FTDC appointed in that year shall hold office from 1st January in the following year for the following periods—
 - (i) one year, in the case of one third of the members;
 - (ii) two years, in the case of one third of the members; and
 - (iii) three years, in the case of the remaining third of the members.

Limit on length of service as member of FTDC

16.—(1) A family justice may not serve as a member of a FTDC for more than a total of nine years.

(2) A member of the FTDC shall be eligible for reappointment if, at the end of his most recent term of office, he will have served as a member of the FTDC for a period or periods totalling less than nine years.

(3) If, on a date before the end of the period specified in rule 14(6) or (as the case may be) rules 15(2)(b), 18(6)(b) or 19(2)(b), a member will have served as a member of the FTDC for nine years that member's term of office shall end on that date.

Quorum of a FTDC meeting

17.—(1) Subject to paragraph (2), a FTDC meeting shall be quorate if there are three members at the meeting.

(2) If—

- (a) a member leaves a meeting because he is the subject of discussion at the meeting; and
 - (b) by reason of his absence there are less than three members taking part in the discussion,
- the meeting shall be quorate in relation to that discussion.

Establishment of a combined FTDC

18.—(1) The Lord Chief Justice may—

- (a) of his own motion; or
- (b) on the application of two or more FTDCs,

direct that the family panels for two or more local justice areas establish a combined FTDC.

(2) Paragraph (3) applies where—

- (a) two or more family panels form a combined family panel in accordance with the Family Proceedings Courts (Constitution of Committees and Right to Preside) Rules 2007; and
- (b) one or more FTDCs exist in relation to the local justice areas to which the family panels relate.

(3) Where this paragraph applies—

- (a) the FTDCs for the local justice areas to which the family panels relate; and
- (b) the BTDCs, if any, for the local justice areas to which the family panels relate in relation to which there is no existing FTDC,

shall apply to the Lord Chief Justice for a direction that the family panels concerned establish a combined FTDC.

(4) The provisions of these Rules shall apply to a combined FTDC as they apply to a FTDC for a single local justice area subject to such modifications to rule 14(4) and 20(1) as are agreed by the family panels for the local justice areas concerned.

(5) The family panels for the local justice areas concerned shall, subject to rule 14(1), decide the number of members of a combined FTDC.

(6) If the family panels for two or more local justice areas establish a combined FTDC in accordance with paragraph (1)—

- (a) the existing members of the FTDCs which are combined to make the combined FTDC shall retire at the end of the calendar year in which the decision is made; and
- (b) members of the combined FTDC appointed in that year shall hold office from the 1st January in the following year for the following periods—
 - (i) one year, in the case of one third of the members;
 - (ii) two years, in the case of one third of the members; and
 - (iii) three years, in the case of the remaining third of the members.

Division of a combined FTDC

19.—(1) The Lord Chief Justice may—

- (a) of his own motion; or
- (b) on the application of the combined FTDC in question,

direct that the family panels for the local justice areas within a combined FTDC replace the combined FTDC with—

- (i) a single FTDC for each local justice area or areas to which a family panel relates;
- (ii) more than one combined FTDC; or
- (iii) a combination of single and combined FTDCs.

(2) If the family panels for two or more local justice areas replace a combined FTDC as mentioned in paragraph (1)—

- (a) the existing members of the combined FTDC shall retire on 31st December of the calendar year in which the decision is made; and
- (b) members of each single or combined FTDC appointed in that year shall hold office from the 1st January in the following year for the following periods—
 - (i) one year, in the case of one third of the members;
 - (ii) two years, in the case of one third of the members; and
 - (iii) three years, in the case of the remaining third of the members.

Casual vacancy

20.—(1) If a casual vacancy arises, it shall be filled as soon as practicable with the method of filling casual vacancies decided in accordance with rule 14(4)(b).

(2) If, but for rule 16(3), a member would have served for a longer term, a casual vacancy arises when that member's term of office ends.

(3) A member appointed to fill a casual vacancy described in paragraph (2) shall serve the remaining part of the period for which the member he is replacing would, but for rule 16(3), have served.

(4) A member appointed to fill a casual vacancy, other than one described in paragraph (2), shall serve for the remaining part of the period for which the member he is replacing was appointed.

(5) Any period served by a member filling a casual vacancy shall not count towards the period of nine years' service referred to in rule 16.

Functions of a FTDC

21.—(1) Each FTDC shall—

- (a) establish a scheme for appraising family justices;
- (b) identify the training needs of family justices and, no later than 30th September in each year, give the relevant MATC a report of those training needs;
- (c) arrange for family justices to attend the relevant training in accordance with rule 31;
- (d) establish, in consultation with the family panel, the Area Director and the justices' clerk, the number of family justices and approved family court chairmen needed for the local justice area; and
- (e) maintain a list of approved family court chairmen among the family justices assigned to its local justice area.

(2) In paragraph (1), the relevant MATC means the MATC for the MATC area in which the local justice area covered by the FTDC is located.

Appraisal of family justices

22.—(1) The FTDC shall establish a scheme to appraise the performance on the bench of the family justices, such as will enable it to—

- (a) determine their training and development needs;
- (b) report to the MATC on their training needs; and
- (c) maintain a list of approved family court chairmen in accordance with rules 32, 33 and 35.

(2) The FTDC shall select family justices to conduct appraisals (“the appraising family justices”) and it may also arrange for a family justice assigned to a different local justice area to conduct appraisals.

(3) The FTDC shall determine the intervals at which family justices are to be appraised, having regard to the requirements of rules 35 and 38(b).

(4) The FTDC shall establish a procedure for conducting appraisals, which shall include the following elements—

- (a) the notification that will be given to the family justice to be appraised (“the appraised family justice”);
- (b) a procedure for the appraising family justice to record his assessment and for notifying the appraised family justice and the FTDC of that assessment;
- (c) a procedure for enabling the appraised family justice to discuss the assessment with the appraising family justice and a procedure enabling the appraised family justice to challenge the assessment to a person other than the appraising family justice; and
- (d) the time limits for those procedures.

(5) The FTDC shall publish its scheme to the family justices.

Inner London Youth Training and Development Committee

Formation of the ILYTDC

23. The youth panel for the Inner London area shall establish the ILYTDC for that area from 13th July 2007.

Membership of the ILYTDC

24.—(1) The membership of the ILYTDC shall consist of six or nine youth justices appointed in accordance with this rule.

(2) Except as mentioned in paragraph (5), the membership of the ILYTDC shall rotate by one third in each calendar year.

(3) As soon as practicable after 13th July 2007 the youth panel for the Inner London area shall hold a meeting at which the youth justices shall decide the number of members of the ILYTDC.

(4) At the meeting referred to in paragraph (3) and at the youth election meeting of the following year and at each subsequent youth election meeting the youth justices shall—

- (a) elect the members of the ILYTDC or choose a panel of youth justices who shall select the members of the ILYTDC; and
- (b) decide the method of filling casual vacancies.

(5) Members of the ILYTDC appointed in 2007 shall hold office for a term beginning on the date of appointment and ending on—

- (a) 31st December 2008, in the case of one third of the members;
- (b) 31st December 2009, in the case of one third of the members; and
- (c) 31st December 2010, in the case of the remaining third of the members.

(6) Except as mentioned in paragraph (5), and in rules 25(2), 26(3), and 28(3) and (4) a member of the ILYTDC shall be appointed to hold office for a term of three years beginning on 1st January following his appointment.

(7) The ILYTDC shall hold a meeting as soon as practicable after—

- (a) the youth panel meeting referred to in paragraph (3); and
- (b) 1st January each year.

(8) At that meeting the members shall, where paragraph (5) or rule 25 applies, decide the length of their terms of office and if they are unable to agree, the length of their terms shall be determined by lot conducted by the justices' clerk.

(9) At that meeting the members of the ILYTDC shall appoint a chairman whose term of office shall expire on 31 December of each year.

(10) Subject to rule 26, the ILYTDC may re-appoint a chairman.

(11) The justices' clerk may attend the meetings of the ILYTDC but, except where he is required to act under paragraph (8), he may act in an advisory capacity only.

(12) A chairman of the justices elected under the Justices of the Peace (Size and Chairmanship of Bench) Rules 2005(a) for a local justice area within the Inner London area shall not be a member of the ILYTDC.

Change of numbers of the ILYTDC

25.—(1) At a youth election meeting for the Inner London area the youth justices may decide, subject to rule 24(1), to increase or reduce the number of members of the ILYTDC.

(2) If the youth justices decide to increase or reduce the number of members of the ILYTDC in accordance with paragraph (1)—

- (a) all the existing members of the ILYTDC shall retire at the end of the calendar year in which the decision is made; and
- (b) members of the ILYTDC appointed in that year shall hold office from 1st January in the following year for the following periods—
 - (i) one year, in the case of one third of the members;

(a) S.I. 2005/553.

- (ii) two years, in the case of one third of the members; and
- (iii) three years, in the case of the remaining third of the members.

Limit on length of service as member of the ILYTDC

26.—(1) A youth justice may not serve as a member of the ILYTDC for more than a total of nine years.

(2) A member of the ILYTDC shall be eligible for reappointment if, at the end of his most recent term of office, he will have served as a member of the ILYTDC for a period or periods totalling less than nine years.

(3) If, on a date before the end of the period specified in rule 24(6) or 25(2)(b), a member will have served as a member of the ILYTDC for nine years, that member's term of office shall end on that date.

Quorum of an ILYTDC meeting

27.—(1) Subject to paragraph (2), an ILYTDC meeting shall be quorate if there are three members at the meeting.

(2) If—

- (a) a member leaves a meeting because he is the subject of discussion at the meeting; and
 - (b) by reason of his absence there are less than three members taking part in the discussion,
- the meeting shall be quorate in relation to that discussion

Casual vacancy

28.—(1) If a casual vacancy arises, it shall be filled as soon as practicable with the method of filling casual vacancies decided in accordance with rule 24(4)(b).

(2) If, but for rule 26(3), a member would have served for a longer term, a casual vacancy arises when that member's term of office ends.

(3) A member appointed to fill a casual vacancy described in paragraph (2) shall serve the remaining part of the period for which the member he is replacing would, but for rule 26(3), have served.

(4) A member appointed to fill a casual vacancy, other than one described in paragraph (2), shall serve for the remaining part of the period for which the member he is replacing was appointed.

(5) Any period served by a member filling a casual vacancy shall not count towards the period of nine years' service referred to in rule 26.

Functions of the ILYTDC

29.—(1) The ILYTDC shall—

- (a) establish a scheme for appraising youth justices;
- (b) identify the training needs of youth justices and, no later than 30th September in each year, give the relevant MATC a report of those training needs;
- (c) arrange for youth justices to attend the relevant training in accordance with rule 31;
- (d) establish, in consultation with the youth panel for the Inner London area, the Area Director and the justices' clerk, the number of youth justices and approved youth court chairmen needed for the Inner London area; and
- (e) maintain a list of approved youth court chairmen among the youth justices assigned to the local justice areas within the Inner London area.

(2) In paragraph (1), the relevant MATC means the MATC for the MATC area in which the local justice areas covered by the ILYTDC is located.

Appraisal of youth justices

30.—(1) The ILYTDC shall establish a scheme to appraise the performance on the bench of the youth justices, such as will enable it to—

- (a) determine their training and development needs;
- (b) report to the MATC on their training needs; and
- (c) maintain a list of approved youth court chairmen in accordance with rules 32, 33 and 36.

(2) The ILYTDC shall select youth justices to conduct appraisals (“the appraising youth justices”) and it may also arrange for a youth justice assigned to a different local justice area to conduct appraisals.

(3) The ILYTDC shall determine the intervals at which youth justices are to be appraised, having regard to the requirements of rules 36 and 38(b).

(4) The ILYTDC shall establish a procedure for conducting appraisals, which shall include the following elements—

- (a) the notification that will be given to the youth justice to be appraised (“the appraised youth justice”);
- (b) a procedure for the appraising youth justice to record his assessment and for notifying the appraised youth justice and the ILYTDC of that assessment;
- (c) a procedure for enabling the appraised youth justice to discuss the assessment with the appraising youth justice and a procedure enabling the appraised youth justice to challenge the assessment to a person other than the appraising youth justice; and
- (d) the time limits for those procedures.

(5) The ILYTDC shall publish its scheme to the youth justices.

Training courses

Required training courses

31. A justice shall not perform any of the following functions unless he has completed a training course approved by the Lord Chief Justice in respect of that function—

- (a) sitting as a justice in the adult court;
- (b) sitting as a chairman in the adult court;
- (c) sitting as a justice in the family proceedings court;
- (d) sitting as a chairman in the family proceedings court;
- (e) sitting as a justice in the youth court; and
- (f) sitting as a chairman in the youth court.

Lists of approved court chairmen, family court chairmen and youth court chairmen

List of approved chairmen

32.—(1) A BTDC shall maintain—

- (a) a list of approved court chairmen; and
- (b) if required to do so by rule 11—
 - (i) a list of approved family court chairmen;
 - (ii) a list of approved youth court chairmen.

(2) A FTDC shall maintain a list of approved family court chairmen.

(3) The ILYTDC shall maintain a list of approved youth court chairmen.

Matters to be considered in maintaining the list of approved chairmen

33.—(1) This rule shall apply to each list which is maintained under rule 32 and, in respect of each list—

- (a) a reference to the committee is a reference to the committee maintaining the list;
- (b) a reference to a court is a reference to the type of court in which the chairmen on the list are approved to preside;
- (c) a reference to an approved chairman is a reference to an approved chairman of the type for which the list is being maintained and “approved chairmen” shall be construed accordingly; and
- (d) a reference to a justice is a reference to a justice eligible to be included in that list.

(2) The committee shall consider the number of approved chairmen necessary to—

- (a) enable each court to sit under the chairmanship of an approved chairman; and
- (b) ensure that each approved chairman has the opportunity to sit as chairman sufficiently often to maintain an appropriate level of competence.

(3) The committee—

- (a) shall regularly review the list or lists which it maintains under rule 32; and
- (b) may at any time remove a justice’s name from, or add a justice’s name to, the list.

Inclusion in list of approved court chairmen

34.—(1) A justice may only be included in the list of approved court chairmen if—

- (a) he has been appraised as competent to sit in the adult court—
 - (i) in two appraisals; and
 - (ii) the most recent of those appraisals took place within the three years preceding the date when the BTDC considers the suitability of the justice for inclusion in the list of approved court chairmen;
- (b) he has completed a chairmanship training course in accordance with rule 31(b);
- (c) he has been appraised on a minimum of three and a maximum of six separate occasions, by a different appraising justice on at least one such occasion, while presiding in court in accordance with rule 4 of the Justices of the Peace (Size and Chairmanship of Bench) Rules 2005; and
- (d) the BTDC has decided to add the justice concerned to the list of approved court chairmen.

(2) A BTDC may include a justice in the list of approved court chairmen for its local justice area without complying with paragraph (1) if—

- (a) the justice is, or was, assigned to another local justice area and is now assigned to its local justice area; and
- (b) immediately before he was assigned to its local justice area he was included in the list of approved court chairmen for the other area.

Inclusion in list of approved family court chairmen

35.—(1) In this rule “approving Committee” means the committee maintaining the list of approved family court chairmen in accordance with rule 32.

(2) Subject to paragraphs (5) and (6), a family justice may only be included in the list of approved family court chairmen if—

- (a) he has been a family justice for at least two years;
- (b) he has been appraised as competent to sit in the family proceedings court within the three years preceding the date when the approving Committee considers the suitability of the justice for inclusion in the list of approved family court chairmen;

- (c) he has completed a chairmanship training course in accordance with rule 31(d);
- (d) he has met the appropriate appraisal requirements set out in paragraph (3) or (4) while presiding in a family proceedings court; and
- (e) the approving Committee has decided to add the family justice concerned to the list of approved family court chairmen.

(3) The appraisal requirement for a family justice who is on the list of approved court chairmen, is that he has been appraised on a minimum of one and a maximum of three separate occasions while presiding in a family proceedings court in accordance with rule 10(2) of the Family Proceedings Courts (Constitution of Committees and Right to Preside) Rules 2007.

(4) The appraisal requirement for a family justice who is not on the list of approved court chairmen, is that he has been appraised on a minimum of three and a maximum of six separate occasions, by a different appraising justice on at least one such occasion, while presiding in a family proceedings court in accordance with rule 10(2) of the Family Proceedings Courts (Constitution of Committees and Right to Preside) Rules 2007.

(5) The approving Committee may include a family justice in the list of approved family court chairman without complying with the conditions set out in paragraphs (2) to (4) above if—

- (a) the family justice is or was assigned to a local justice area for which another approving Committee maintained a list and is now assigned to a local justice area for which the approving Committee maintains a list; and
- (b) immediately before he was assigned to the new local justice area he was included in the list of approved family court chairmen maintained by the other approving Committee.

(6) The approving Committee must include a family justice assigned to its local justice area in the list of approved family court chairmen if the family justice was eligible to act as a court chairman in a family proceedings court on 12th July 2007.

Inclusion in list of approved youth court chairmen

36.—(1) In this rule “approving Committee” means the committee maintaining the list of approved youth court chairmen in accordance with rule 32.

(2) Subject to paragraphs (4) and (5), a youth justice may only be included in the list of approved youth court chairmen if—

- (a) he is on the list of approved court chairmen;
- (b) he has been a youth justice for at least two years;
- (c) he has been appraised as competent to sit in the youth court within the three years preceding the date when the approving Committee considers the suitability of the justice for inclusion in the list of approved youth court chairmen;
- (d) he has completed a chairmanship training course in accordance with rule 31(f);
- (e) he has met the appraisal requirement set out in paragraph (3) while presiding in a youth court; and
- (f) the approving Committee has decided to add the youth justice concerned to the list of approved youth court chairmen.

(3) The appraisal requirement is that the youth justice has been appraised on a minimum of one and a maximum of three separate occasions while presiding in a youth court in accordance with rule 11(2) of the Youth Courts (Constitution of Committees and Right to Preside) Rules 2007.

(4) The approving Committee may include a youth justice in the list of approved youth court chairman without complying with the conditions set out in paragraphs (2) and (3) above if—

- (a) the youth justice is or was assigned to a local justice area for which another approving Committee maintained a list and is now assigned to a local justice area for which the approving Committee maintains a list; and
- (b) immediately before he was assigned to the new local justice area he was included in the list of approved youth court chairmen maintained by the other approving Committee.

(5) The approving Committee must include a youth justice assigned to its local justice area in the list of approved youth court chairmen if the youth justice was eligible to act as a court chairman in a youth court on 12th July 2007.

Authorisations to sit as a member of a family proceedings court or a youth court

Authorising Body

37.—(1) This rule provides for the BTDC, the FTDC and the ILYTDC to grant an authorisation, on behalf of the Lord Chief Justice, for a justice to sit as a member of a family proceedings court or a youth court.

(2) The FTDC shall grant an authorisation for a justice assigned to its local justice area to sit as a member of a family proceedings court.

(3) The BTDC shall grant an authorisation for a justice assigned to its local justice area to sit as a member of a family proceedings court if there is no FTDC established for that area.

(4) The ILYTDC shall grant an authorisation for a justice assigned to a local justice area within the Inner London area to sit as a member of a youth court.

(5) The BTDC shall grant an authorisation for a justice assigned to its local justice area to sit as a member of a youth court if its local justice area is not within the Inner London area.

(6) In rules 38 to 41 ‘authorising body’ means the body which has power to grant an authorisation, in accordance with this rule, for a justice to sit as member of a family proceedings court or a youth court as the case may be.

Requirements for authorisation

38. A justice may only be authorised to sit as a member of a family proceedings court or a youth court if —

- (a) he has sat in the adult court for at least two years;
- (b) he has been appraised as competent on at least one occasion in the adult court in accordance with the scheme established under rule 12;
- (c) he has observed proceedings, on at least two occasions, in the type of court for which the authorisation is being considered; and
- (d) the authorising body has decided that the justice is suitable to be so authorised.

Assessment of suitability

39.—(1) A justice who wishes to be authorised to sit as a member of a family proceedings court or youth court shall submit a written application to the authorising body.

(2) The authorising body shall assess the suitability of a justice by—

- (a) considering the written application submitted by the justice; and
- (b) interviewing the justice, if it considers it appropriate.

Review of authorisation

40. An authorising body must review the authorisation of a justice assigned to its local justice area if —

- (a) where a minimum sitting requirement in the family proceedings court or youth courts as the case may be, has been laid down in directions made by the Lord Chief Justice, the justice has not met that requirement; or
- (b) where no minimum sitting requirement has been laid down as mentioned in paragraph (a), the justice has not sat in the type of court for which he is authorised for a continuous period of 12 months preceding the date of the review.

Revocation of authorisation

41. An authorising body may recommend to the Lord Chief Justice that he revoke the authorisation of a justice to sit as a member of a family proceedings court or youth court, as the case may be —

- (a) following a review under rule 40;
- (b) if, in the opinion of the authorising body, the justice is no longer suitable to sit as a member of the type of court in which he is authorised to sit; or
- (c) if, in the opinion of the authorising body, the justice persistently fails to meet the required level of competence in the type of court in which he is authorised to sit.

Magistrates' Area Training Committees

Formation of a Magistrates' Area Training Committee

42.—(1) Subject to paragraphs (3) and (4) there shall be a MATC for each courts board area in existence on 1st January 2006.

(2) A MATC may apply to the Lord Chancellor to establish more than one MATC in its MATC area.

(3) If, after consulting the Lord Chief Justice, the Lord Chancellor agrees to an application made under paragraph (2), he shall determine the membership of the MATCs and the terms of office of its members having regard, as far as practicable, to the requirements of rules 43 to 45.

(4) Two or more MATCs may establish a combined MATC and the composition of a combined MATC shall be in accordance with rule 44.

Membership of a MATC

43.—(1) The membership of a MATC shall consist of justices assigned within the MATC area (referred to in this rule and rules 44 and 45 as “justice members”) and other members as follows—

- (a) enough justices for them to be a majority of the membership;
- (b) a justices' clerk assigned to a local justice area within the MATC area;
- (c) a District Judge (Magistrates' Courts) who sits regularly in the MATC area, if such a judge is available;
- (d) a designated family judge, if such a judge is available;
- (e) a Crown Court liaison judge, if such a judge is available.

(2) There shall be no maximum number of justice members.

(3) The MATC may appoint additional justice members and shall do so where it is necessary for the MATC to comply with paragraph (1)(a).

(4) If the number of justice members has fallen so that paragraph (1)(a) is not complied with, the MATC may nevertheless act for the purpose of appointing additional justice members.

(5) The justice members shall include—

- (a) every BTDC chairman whose bench is in the MATC area;
- (b) the chairman of every FTDC within the MATC area;
- (c) the chairman of the ILYTDC if all or part of the Inner London area lies within the MATC area; and
- (d) a justice nominated by the Magistrates' Association.

(6) If there is more than one justices' clerk assigned within the MATC area, the Area Director or Area Directors, in whose area or areas the MATC lies shall appoint one of the justices' clerks to the MATC.

(7) At its first meeting of the calendar year, the MATC shall appoint a chairman from amongst its justice members.

(8) Any Area Director in whose area a MATC lies may attend the meetings of the MATC in an advisory capacity only.

Composition of a combined MATC

44.—(1) The membership of a combined MATC shall consist of justices within the MATC area for which the combined MATC is established (“the combined area”) and other members as follows—

- (a) enough justices for them to be a majority of the membership;
- (b) a justices’ clerk assigned to a local justice area within the combined area;
- (c) a District Judge (Magistrates’ Courts) who sits regularly in the combined area, if such a judge is available;
- (d) a designated family judge, if such a judge is available;
- (e) a Crown Court liaison judge, if such a judge is available.

(2) There shall be no maximum number of justice members.

(3) The MATC may appoint additional justice members and shall do so where it is necessary for the MATC to comply with paragraph (1)(a).

(4) If the number of justice members has fallen so that paragraph (1)(a) is not complied with, the MATC may nevertheless act for the purpose of appointing additional justice members.

(5) The justice members shall include—

- (a) every BTDC chairman whose bench is in the combined area;
- (b) the chairman of every FTDC within the combined area;
- (c) the chairman of the ILYTDC if all or part of the Inner London area lies within the combined area; and
- (d) a justice nominated by the Magistrates’ Association.

(6) If there is more than one justices’ clerk assigned within the combined area, the Area Director or Area Directors in whose area or areas the combined MATC lies shall appoint one of the justices’ clerks to the combined MATC.

(7) Any Area Director in whose area a combined MATC lies may attend the meetings of the combined MATC in an advisory capacity only.

Term of office of members of MATC

45.—(1) The term of office for the chairman of a BTDC, FTDC or the ILYTDC as member of a MATC shall be the same as his term of office as chairman of the BTDC, FTDC or ILYTDC as the case may be.

(2) The justice nominated by the Magistrates’ Association shall have a renewable term of office of three years, but may not serve for more than a total of six years.

(3) Any justice member who is not a BTDC, FTDC or ILYTDC chairman shall have a renewable term of office of three years, but may not serve for more than a total of six years.

(4) The chairman of the MATC shall have a renewable term of office, which shall expire on 31st December of each year.

(5) This rule applies to members of a MATC which is combined under rule 42(4); and where a member of a combined MATC has previously served in a MATC, the length of that previous service shall count for the purposes of paragraphs (2) and (3).

Quorum of a MATC meeting

46. A MATC meeting shall be quorate if—

- (a) the number of members present at the meeting is a number which, if multiplied by four, exceeds the total number of members of the MATC; and
- (b) a majority of the members present are justices.

Functions of a MATC

47.—(1) A MATC shall—

- (a) consider the training needs identified by BTDCs, and, where appropriate, FTDCs and the ILYTDC in accordance with rules 11(2)(c), 21(1)(b) and 29(1)(b); and
- (b) produce, no later than the end of February each year, a training plan for the period of the following April to March.

(2) The content of the training plan shall include—

- (a) the proposed types of training;
- (b) the number of justices who are to receive training;
- (c) the place or places where the training is likely to be provided; and
- (d) the proposed dates of the training.

(3) Each MATC shall also provide, no later than 30th September each year, an annual report to the Lord Chief Justice on training which was undertaken in the preceding April to March, which shall include—

- (a) information on the types of training that have taken place in that period;
- (b) an evaluation of the training that has taken place;
- (c) the cost of the training;
- (d) information on the number of magistrates who attended the training; and
- (e) any substantial respects in which the training that has taken place has differed from the training that was proposed in the training plan for that period.

(4) A MATC, when producing a training plan under paragraph (1)(b) or providing an annual report under paragraph (3), shall have regard to any guidance issued by the Lord Chief Justice as to the form or content of the training plan or report.

Transitional Provisions

Existing BTDCs with a membership of three

48.—(1) This rule applies where, on 12th July 2007, the membership of a BTDC consists of three members.

(2) The BTDC may consist of three members until 31st December 2007.

(3) At the election meeting in October 2007 the justices shall increase the number of members to six or nine justices and rule 5 shall apply.

(4) A meeting of a BTDC which has three members shall be quorate if there are two members at the meeting.

Quorum of existing BTDCs without a family justice or youth justice member

49.—(1) This rule applies if, immediately before the coming into force of these Rules—

- (a) the membership of a BTDC does not include a family justice in circumstances where rule 4 requires a family justice to be a member; or
- (b) the membership of a BTDC does not include a youth justice in circumstances where rule 4 requires a youth justice to be a member.

(2) Rules 4(2)(a) and 7(2) or rules 4(2)(b) and 7(3), as the case may be, shall not apply to that BTDC until 1st January 2008.

(3) At the election meeting in October 2007 the justices shall make the necessary provision to comply with rule 4(2) with effect from the 1st January 2008.

Existing combined BTDCs and MATCs

50.—(1) In this rule, and rule 51, “the 2005 Rules” means the Justices of the Peace (Training and Appraisal) Rules 2005(a).

(2) A combined BTDC or a combined MATC—

- (a) established in accordance with the 2005 Rules; and
- (b) in existence immediately before the coming into force of these Rules,

shall be treated as a combined BTDC or a combined MATC, as the case may be, for the purposes of these Rules.

Appointments to and by existing BTDCs and MATCs

51.—(1) Appointments to BTDCs made under the 2005 Rules shall continue for the term specified in those Rules as if they were still in force.

(2) Appointments to MATCs and combined MATCs made under the 2005 Rules shall continue as if those Rules were still in force and where the appointment was for a specified term, shall continue for the term so specified.

(3) An appointment of a chairman by a BTDC or a MATC made under the 2005 Rules shall continue for the term specified in those Rules as if they were still in force.

Revocation

52. The Justices of the Peace (Training and Appraisal) Rules 2005 are hereby revoked.

13th June 2007

Phillips of Worth Matravers, C.J.

I concur

Falconer of Thoroton, C.

17th June 2007

SCHEDULE 1

Rule 2

PART 1

Greater London Area

<i>North Area</i>	<i>West</i>	<i>North East Area</i>	<i>South East Area</i>	<i>South Area</i>	<i>West</i>	<i>Central Area</i>
Brent		Waltham Forest	Southwark	Merton		Westminster
Barnet		Redbridge	Lambeth	Kingston		City of London
Camden		Havering	Lewisham	Richmond		

(a) S.I.2005/564; as amended by S.I. 2006/680 and 2007/1177.

Islington	Barking and Dagenham	Greenwich	Hounslow
Haringey	Newham Tower Hamlets	Bexley	Ealing
Enfield	Hackney	Bromley	Hammersmith and Fulham
Harrow	Tower Hamlets	Croydon	Kensington and Chelsea
Hillingdon		Sutton	Wandsworth

PART 2

Inner London Area

Camden

Islington

City of London

City of Westminster

Greenwich

Lewisham

Hackney and Tower Hamlets

Hammersmith and Fulham

Kensington and Chelsea

Lambeth

Southwark

Wandsworth

SCHEDULE 2

Rule 13

FTDC for the Greater London area

1. The provisions of this Schedule shall apply to the combined FTDC for the Greater London area.

2. In this Schedule “former Greater London Panel” means the panel established by the Family Proceedings Courts (Constitution) (Greater London) Rules 2003.

3. The membership of the combined FTDC for the Greater London area shall, on 13th July 2007, be the members of the body established by the former Greater London Panel to deal with the training and appraisal of family justices.

4. The members of the first combined FTDC for the Greater London area shall hold office from 13th July 2007 until 31st December 2007.

5.—(1) The provisions of this paragraph shall apply in place of rule 14(3) to (5).

(2) At the family election meeting in 2007, the family justices shall decide the future number of members of the FTDC for the Greater London area.

(3) At each family election meeting the family justices shall—

- (a) elect the members of the FTDC or choose a panel of family justices who shall select the members of the FTDC; and
- (b) decide the method of filling casual vacancies.

(4) Members of the FTDC appointed following the election meeting in 2007 shall hold office for a term beginning on 1st January 2008 and ending on—

- (a) 31st December 2008, in the case of one third of the members;
- (b) 31st December 2009, in the case of one third of the members; and
- (c) 31st December 2010, in the case of the remaining third of the members.

6. In rule 14(2), (6) and (8), the reference to paragraph (5) shall be treated as a reference to paragraphs 4 and 5(4) of this Schedule.

7. In rule 18(4) and 20(1), the reference to rule 14(4) shall be treated as a reference to paragraph 5(3) of this Schedule.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules replace the Justices of the Peace (Training and Appraisal) Rules 2005.

The Rules re-enact the provisions relating to the establishment of Bench Training and Development Committees (“BTDCs”) and Magistrates’ Area Training Committees with minor changes consequential on the additional provisions referred to below.

The Rules provide for the establishment of Family Training and Development Committees (“FTDCs”), outside the Greater London area, on the direction of the Lord Chief Justice. In relation to the Greater London area, the rules provide that a FTDC will be established on the coming into force of the Rules. The FTDC will have similar training and appraisal functions, in relation to family justices, to that which the existing BTDCs have in relation to justices who sit in the adult court. Each FTDC will maintain a list of approved family court chairmen among the family justices assigned to its local justice area.

The Rules also provide for the establishment of the Inner London Youth Training and Development Committee which will have training and appraisal functions in relation to youth justices in the Inner London area. It will maintain a list of approved youth court chairmen among the youth justices assigned to the local justice areas within the Inner London area.

The Rules further confer on the relevant Committees power to authorise justices to sit in the type of court for which they are responsible in the local justice area for which they are established.

The BTDC will retain the functions mentioned above in relation to family justices where a FTDC not been established for its local justice area and in relation to youth justices if its local justice area is outside the Inner London area.

2007 No.1609

JUSTICES OF THE PEACE, ENGLAND AND WALES

The Justices of the Peace (Training and Development
Committee) Rules 2007

£4.00

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0887 6/2007 170887T 19585

