



Justices of the Peace Act 1979 (repealed 19.6.1997)

1979 CHAPTER 55

PART II

ORGANISATION OF FUNCTIONS OF JUSTICES

Modifications etc. (not altering text)

- C1** Pt. II (ss. 17-30) extended (1.11.1994 for specified purposes and 1.4.1995 for all remaining purposes) by 1994 c. 29, s. 79(2)(6); S.I. 1994/2594, art. 4; S.I. 1995/685, art. 3.

General provisions

17 Chairman and deputy chairmen of justices.

- (1) In any petty sessions area there shall be a chairman and one or more deputy chairmen of the justices chosen from amongst themselves by the magistrates for the area [^{F1}; and any contested election for the purposes of this section shall be held] by secret ballot.
- (2) Subject to [^{F2}subsections (2A) and (3)] below, if the chairman or a deputy chairman of the justices for a petty sessions area is present at a meeting of those justices, he shall preside unless he requests another justice to preside in accordance with rules made under the next following section.
- [^{F3}(2A) Subsection (2) above shall not confer on any chairman or deputy chairman of the justices the right to preside in court if, under rules made under the next following section, he is ineligible to preside in court.]
- (3) Subsection (2) above shall not confer on the chairman and deputy chairmen of the justices as such any right to preside in a juvenile or [^{F4}family proceedings court] or at meetings of a committee or other body of justices having its own chairman, or at meetings when any stipendiary magistrate is engaged as such in administering justice.

Status: Point in time view as at 01/04/1995.

Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997), Part II. (See end of Document for details)

Textual Amendments

- F1** Words in s. 17(1) inserted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 2(2)**; S.I. 1994/2594, **art.6**
- F2** Words in s. 17(2) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 2(3)**; S.I. 1994/2594, **art.6**
- F3** S. 17(2A) inserted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 2(4)**; S.I. 1994/2594, **art.6**
- F4** Words in S. 17(3) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 92(11), 108(6), **Sch. 11 Pt. II para. 7(b)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

Modifications etc. (not altering text)

- C2** S. 17(2) restricted by S.I. 1990/1554, **rule 12**

18 Rules as to chairmanship and size of bench.

- (1) The number of justices (other than metropolitan stipendiary magistrates) sitting to deal with a case as a magistrates' court shall not be greater than the number prescribed by rules made under this section.
- (2) Rules made under this section may make provision as to the manner in which section 17 of this Act and this section are to be administered, and in particular—
 - (a) as to the arrangements to be made for securing the presence on the bench of enough, but not more than enough, justices;
 - (b) as to the term of office and the procedure at an election of the chairman or a deputy chairman of the justices in a petty sessions area [^{F5}(including any procedure for nominating candidates at any such election)], and the number of deputy chairmen to be elected in any such area, ^{F6} . . .
 - [^{F7}(c) as to courses of instruction to be completed by justices before they may preside in court;
 - (d) as to the approval of justices, by committees of justices constituted in accordance with the rules, before they may preside in court, as to the justices who may be so approved and as to the courts to which the approval relates; and
 - (e) as to circumstances in which a justice may preside in court even though requirements imposed by virtue of paragraph (c) or (d) above are not satisfied in relation to him.]
- (3) The right of magistrates to vote at an election of the chairman or a deputy chairman of the justices in a petty sessions area may, by rules made under this section, be restricted with a view to securing that the election is made by magistrates experienced as such in the area.
- (4) No rules shall be made under this section except on the advice of, or after consultation with, the rule committee established under [^{F8}section 144 of the Magistrates' Courts Act 1980].
- (5) Rules under this section shall be made by the Lord Chancellor by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Subordinate Legislation Made

- P1** S. 18: power exercised by S.I. 1991/1966.

Status: Point in time view as at 01/04/1995.

Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997), Part II. (See end of Document for details)

Textual Amendments

- F5** Words in s. 18(2)(b) inserted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 3(a)**; S.I. 1994/2594, **art.6**
- F6** Word in S. 18(2)(b) repealed (1.11.1994) by 1994 c. 29, s. 93, **Sch. 9 Pt.II**; S.I. 1994/2594, **art.7**
- F7** S. 18(2)(c)-(e) substituted for s. 18(2)(c) (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 3(b)**; S.I. 1994/2594, **art.6**
- F8** Words substituted by **Magistrates' Courts Act 1980 (c.43, SIF 82)**, s. 154(1), **Sch. 7 para. 192**

Magistrates' courts committees

19 General provisions as to magistrates' courts committees.

- (1) There shall continue to be committees (to be called “magistrates’ courts committees”) set up in accordance with the following provisions of this Part of this Act, with such functions [^{F9}as are or may be conferred on them by or under this or any other Act and such other functions relating to matters of an administrative character] as they may be authorised by the [^{F10}Lord Chancellor] to undertake.
- (2) Subject to [^{F11}section 69 of the Police and Magistrates’ Courts Act 1994 and to any order made under subsection (3) of this section before the commencement of that section], there shall be a magistrates’ courts committee for each area to which this subsection applies, that is to say—
 - (a) every non-metropolitan county;
 - (b) every metropolitan district;
 - (c) [^{F12}every outer London borough];
 - [^{F13}(cc) the inner London area; and]
 - (d) the City of London.

^{F14}(3)

^{F14}(4)

Textual Amendments

- F9** Words in s. 19(1) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 4(2)**; S.I. 1994/2594, **art.6**
- F10** Words in s. 19(1)(3)(a)(4) substituted (1.4.1992) by virtue of S.I. 1992/709, **art. 2(3)**.
- F11** Words in s. 19(2) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 4(3)**; S.I. 1994/2594, **art.6**
- F12** Words substituted by **Local Government Act 1985 (c.51, SIF 81:1)**, s. 12(4)(b)
- F13** Words in s. 19(2) substituted (1.11.1994 for specified purposes and 1.4.1995 for all remaining purposes) by 1994 c. 29, s. 79(4); S.I. 1994/2594, **art.4**; S.I. 1995/685, **art. 3**.
- F14** S. 19(3)(4) repealed (1.11.1994) by 1994 c. 29, ss. 91, 93, Sch. 8 Pt. I para. 4(4), **Sch. 9 Pt.II**; S.I. 1994/2594, **arts.6, 7**

Modifications etc. (not altering text)

- C3** Power to amend s. 19 conferred (5.7.1994) by 1994 c. 19, s. 55(3)(b).

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[^{F15}20 Constitution of magistrates' courts committees.

- (1) A magistrates' courts committee shall, subject to subsections (2) to (4) below, be composed of magistrates for the area to which the committee relates, chosen in accordance with regulations under section 21 of this Act.
- (2) Not more than two other members, who need not be justices of the peace, may be either—
 - (a) co-opted by a magistrates' courts committee to the committee with the approval of the Lord Chancellor, or
 - (b) appointed by the Lord Chancellor to the committee.
- (3) The chief metropolitan stipendiary magistrate shall by virtue of his office be a member of the inner London magistrates' courts committee.
- (4) Until such day as the Lord Chancellor may by order made by statutory instrument appoint, two members of the inner London magistrates' courts committee shall be other metropolitan stipendiary magistrates appointed by the chief metropolitan stipendiary magistrate.
- (5) In subsections (3) and (4) above “the inner London magistrates' courts committee” means the magistrates' courts committee for an area consisting of or including the whole of the inner London area or, if there is no such committee, every magistrates' courts committee for any area which consists of or includes any part of the inner London area.]

Textual Amendments

F15 S. 20 substituted (1.11.1994 subject to saving in art. 5 of S.I. 1994/2594) by 1994 c. 29, s.70; S.I. 1994/2594, art. 3

Modifications etc. (not altering text)

C4 S. 20(3)(4) excluded (1.4.1995) by 1994 c. 29, s. 88(6); S.I. 1995/685, art. 4

21 Powers of [^{F16}Lord Chancellor] in relation to magistrates' courts committees.

- (1) The [^{F16}Lord Chancellor] may by statutory instrument make general regulations about the constitution, procedure and quorum of magistrates' courts committees; but ^{F17}. . . any such regulations shall have effect subject to the provisions of section 20 of this Act.
- [^{F18}(1A) Any such regulations shall provide for the members referred to in section 20(1) of this Act to be chosen by a selection panel constituted in accordance with the regulations.]
- [^{F19}(2) Any such 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 subsections (2), (3) and (4) of section 20 of this Act), 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 subsection (2) of that section are to be left out of account in applying the upper limit.

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- (2A) Any such regulations may also make different provision in relation to the magistrates' courts committees for areas which consist of or include the whole or any part of the inner London area from that made in relation to other committees.]
- (3) Any such 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.
- (4) The [^{F16}Lord Chancellor] may give general or special directions with respect to summoning the first meeting of magistrates' courts committees.

Textual Amendments

- F16** Words in s. 21 substituted (1.4.1992) by virtue of S.I. 1992/709, **art. 2(3)**.
- F17** Words in s. 21(1) repealed (1.11.1994) by 1994 c. 29, s. 93, **Sch. 9 Pt.II**; S.I. 1994/2594, **art.7**
- F18** S. 21(1A) inserted (1.11.1994 subject to saving in art. 5 of S.I. 1994/2594) by 1994 c. 29, s. 71(2); S.I. 1994/2594, **art.3**
- F19** S. 21(2)(2A) substituted for s. 21(2) (1.11.1994 subject to saving in art. 5 of S.I. 1994/2594) by 1994 c. 29, s. 71(3); S.I. 1994/2594, **art.3** (with art. 5)

22 Supplementary provisions as to magistrates' courts committees.

[^{F20}(1) Subject to subsection (1A) below, a magistrates' courts committee shall appoint one of their members to be chairman of the committee.

(1A) Until such day as the Lord Chancellor may by order made by statutory instrument appoint, the chief metropolitan stipendiary magistrate shall by virtue of his office be the chairman of any magistrates' courts committee for an area which consists of or includes the whole of the inner London area.]

[^{F21}(2)

(3) Where the magistrates for a petty sessions area are required to meet for the purpose of carrying out any functions under [^{F22}section 21] of this Act, a meeting shall be convened by the magistrates' courts committee or, if there is no such committee in being or the [^{F23}Lord Chancellor] considers it appropriate, by the [^{F23}Lord Chancellor].

(4) A magistrates' courts committee may act through sub-committees appointed by them [^{F24}which may, if they include at least one member of the committee, also include persons who are not members].

[^{F25}(4A) 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 shall have power to regulate its own procedure, including quorum.

(6) The proceedings of a magistrates' courts committee shall not be invalidated by reason of any vacancy therein or of any defect in the appointment of a member.

(7) A magistrates' courts committee shall be a body corporate.

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- [^{F26}(8) A magistrates' courts committee shall, on at least one occasion in every calendar year, admit members of the public to a meeting of the committee.
- (9) The minutes of proceedings of every meeting of 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.
- (10) Copies of any minutes which are open to inspection under subsection (9) above shall be made available to the public on payment of such reasonable fee as the magistrates' courts committee may in any case determine.
- (11) A magistrates' courts committee making a determination under subsection (9) above shall state their reasons for regarding the information in question as being of a confidential nature.]

Textual Amendments

- F20** S. 22(1)(1A) substituted for s. 21(1) (1.4.1995) by 1994 c. 29, s. 72(2); S.I. 1995/685, art.4(a)
- F21** S. 22(2) repealed (1.4.1995) by 1994 c. 29, s. 72(3), Sch. 9 Pt.II; S.I. 1995/685, art.4(a)
- F22** Words in s. 22(3) substituted (1.4.1995) by 1994 c. 29, s. 91, Sch. 8 Pt. I para.5; S.I. 1995/685, art.7(a)
- F23** Words in s. 22(1)(3) substituted (1.4.1992) by virtue of S.I. 1992/709, art. 2(3).
- F24** Words in s. 22(4) inserted (1.4.1995) by 1994 c. 29, s. 72(4); S.I. 1995/685, art.4(a)
- F25** S. 22(4A) inserted (1.4.1995) by 1994 c. 29, s. 72(5); S.I. 1995/685, art.4(a)
- F26** S. 22(8)-(11) added (1.4.1995, 1.10.1995, 1.1.1996 in relation to areas as specified in art. 5(1)-(3) of S.I. 1995/685) by 1994 c. 29, s. 72(6); S.I. 1995/685, arts.4(a), 5(1)-(3)

Modifications etc. (not altering text)

- C5** S. 22 extended (1.11.1994) by 1994 c. 29, s. 69(8)(c); S.I. 1994/2594, art.3

[^{F27}22A General powers and duties of magistrates' courts committees.

- (1) A magistrates' courts committee shall be responsible for the efficient and effective administration of the magistrates' courts for their area.
- (2) A magistrates' courts committee may, in particular—
- (a) allocate administrative responsibilities among the justices' chief executive, the justices' clerks and the staff of the committee, and
 - (b) determine the administrative procedures to be followed by any of the persons mentioned in paragraph (a) above.
- (3) It shall be the duty of every magistrates' courts committee to provide courses of instruction for justices' clerks and for staff of the committee.
- (4) The Lord Chancellor may give directions to magistrates' courts committees requiring each of them, in discharging their responsibilities under subsection (1) above, to meet specified standards of performance.
- (5) The Lord Chancellor may also give directions to magistrates' courts committees requiring each of them to take specified steps, at such intervals as may be specified—
- (a) for the purpose of keeping the magistrates for their area informed as to the activities of the committee, or

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- (b) for the purpose of ascertaining the views of those magistrates on particular matters related to the functions of the committee.
- (6) In discharging their responsibilities under subsection (1) above, a magistrates' courts committee shall have regard to the needs of court users who are disabled; and so long as any direction under subsection (4) above is in force the standards of performance required under that subsection must include standards relating to the provision made for such court users.
- (7) A direction under this section may be given to all magistrates' courts committees or to one or more particular committees.
- (8) The Lord Chancellor shall arrange for any direction given under this section to be published in such manner as he thinks fit.]

Textual Amendments

F27 S. 22A inserted (1.4.1995) by 1994 c. 29, s.73; S.I. 1995/685, art. 4(b).

23 Powers and duties of committee as to petty sessional divisions.

- (1) Subject to the provisions of this and the next following section, a magistrates' courts committee ^{F28} . . . may at any time submit to the [^{F29}Lord Chancellor] a draft order making such provision about the division of [^{F30}their area] or any part thereof into petty sessional divisions as the committee think fit.
- (2) It shall be the duty of such a committee, if directed to do so by the [^{F29}Lord Chancellor], to review the division of [^{F31}their area], or any part thereof into petty sessional divisions and, on completion of the review, to submit to the [^{F29}Lord Chancellor] either a draft order under subsection (1) above or a report giving reasons for making no change.
- (3) Subject to the provisions of this and the next following section—
- (a) where such a committee submit a draft order to the [^{F29}Lord Chancellor] under this section, he may by statutory instrument make the order either in the terms of the draft or with such modifications as he thinks fit; and
- (b) where such a committee fail to comply within six months with a direction of the [^{F29}Lord Chancellor] under subsection (2) above, or the [^{F29}Lord Chancellor] is dissatisfied with the draft order or report submitted in pursuance of such a direction, he may by statutory instrument make such order as he thinks fit about the division into petty sessional divisions of the area to which the direction related.
- (4) An order under this section may provide for [^{F32}an area] ceasing to be divided into petty sessional divisions, and a direction under subsection (2) above may be given with respect to the division of [^{F32}an area] which is not for the time being so divided.
- (5) Any order under this section may contain transitional and other consequential provisions.

Textual Amendments

F28 Words in s. 23(1) repealed (1.11.1994) by 1994 c. 29, ss. 91, 93, Sch. 8 Pt. I para. 6(2)(a), Sch. 9 Pt. II; S.I. 1994/2594, art.6

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Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997), Part II. (See end of Document for details)

- F29** Words in s. 23(1)(2)(3)(a)(b) substituted (1.4.1992) by virtue of S.I. 1992/709, **art. 2(3)**.
- F30** Words in s. 23(1) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 6(2)(b)**; S.I. 1994/2594, **art.6**
- F31** Words in s. 23(2) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 6(3)**; S.I. 1994/2594, **art.6**
- F32** Words in s. 23(4) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 6(4)**; S.I. 1994/2594, **art.6**

24 Procedure relating to s. 23.

- (1) Before submitting to the [^{F33}Lord Chancellor] a draft order or a report under section 23 of this Act about any area, a magistrates’ courts committee—
 - (a) shall consult the [^{F34}council of every] non-metropolitan county [^{F35}, metropolitan district or ^{F36}. . . London borough][^{F37}which includes all or part of the area] and the magistrates for any existing petty sessional division in the area; and
 - (b) in the case of a draft order [^{F38}concerning a non-metropolitan county], after complying with paragraph (a) above, shall send a copy of their proposals to every interested authority and take into consideration any objections made in the prescribed manner and within the prescribed time.
- (2) A magistrates’ courts committee submitting to the [^{F33}Lord Chancellor] a draft order or a report under section 23 of this Act shall comply with such requirements (if any) as to notice as may be prescribed; and the [^{F33}Lord Chancellor], before making an order under that section about any area otherwise than in accordance with a draft submitted to him by the magistrates’ courts committee, shall send a copy of his proposals to the committee, to the [^{F39}council of every] non-metropolitan county [^{F40}, metropolitan district or ^{F41}. . . London borough [^{F42}which includes all or part of the area], to the magistrates for any existing petty sessional division in the area and, if a non-metropolitan county is concerned, to every interested authority].
- (3) Before making any order under section 23 of this Act the [^{F33}Lord Chancellor] shall take into consideration any objections made in the prescribed manner and within the prescribed time, and may cause a local inquiry to be held.
- (4) ^{F43}
- (5) Subject to the provisions of Schedule 1 to this Act, the powers conferred by section 23 of this Act shall be in substitution for any other power to create or alter petty sessional divisions ^{F44}. . . , except powers conferred by any other provision of this Act [^{F45}or by section 69 of the Police and Magistrates’ Courts Act 1994].
- (6) For the purposes of this section—
 - (a) “interested authority”, in relation to any order or draft order [^{F46}concerning a non-metropolitan county, means the council of any district in the county which is wholly or partly included in the area to which the order or draft order relates; and]
 - (b) an order shall be deemed to be made in accordance with a draft order if either it is made in terms of the draft order or the departures from the draft order do not, in the opinion of the [^{F33}Lord Chancellor], effect important alterations in the draft order.

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Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997), Part II. (See end of Document for details)

Textual Amendments

- F33** Words in s. 24(1)(2)(3)(6)(b) substituted (1.4.1992) by virtue of S.I. 1992/709, **art. 2(3)**.
- F34** Words in s. 24(1)(a) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 7(2)(a)**; S.I. 1994/2594, **art.6**
- F35** Words substituted by **Local Government Act 1985** (c.51, SIF 81:1), **s. 12(8)(a)(i)**
- F36** Word in s. 24(1)(a) repealed (1.11.1994) by 1994 c. 29, ss. 91, 93, Sch. 8 Pt. I para. 7(2)(b), **Sch. 9 Pt.II**; S.I. 1994/2594, **arts.6, 7**
- F37** Words in s. 24(1)(a) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 7(2)(c)**; S.I. 1994/2594, **art.6**
- F38** Words inserted by **Local Government Act 1985** (c.51, SIF 81:1), **s. 12(8)(a)(ii)**
- F39** Words in s. 24(2) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 7(3)(a)**; S.I. 1994/2594, **art.6**
- F40** Words substituted by **Local Government Act 1985** (c.51, SIF 81:1), **s. 12(8)(b)**
- F41** Word in s. 24(2) repealed (1.11.1994) by 1994 c. 29, ss. 91, 93, Sch. 8 Pt. I para. 7(3)(b), **Sch. 9 Pt.II**; S.I. 1994/2594, **arts.6, 7**
- F42** Words in s. 24(2) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 7(3)(c)**; S.I. 1994/2594, **art.6**
- F43** S. 24(4) repealed by **Local Government Act 1985** (c.51, SIF 81:1), s. 102, **Sch. 17**
- F44** Words in s. 24(5) repealed (1.11.1994) by 1994 c. 29, ss. 91, 93, Sch. 8 Pt. I para. 7(4)(a), **Sch. 9 Pt.II**; S.I. 1994/2594, **arts.6, 7**
- F45** Words in s. 24(5) inserted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 7(4)(b)**; S.I. 1994/2594, **art.6**
- F46** Words substituted by **Local Government Act 1985** (c.51, SIF 81:1), **s. 12(8)(d)**

[^{F47}24A Alteration of names of petty sessions areas outside inner London Area.

- (1) Subject to the provisions of this and the next section, a magistrates' courts committee^{F48} . . . may at any time submit to the [^{F49}Lord Chancellor] a draft order altering the name of the petty sessions area for which they are the committee or, if they are the committee for more than one petty sessions area, the name of any of those areas.
- (2) Subject to the provisions of this and the next following section, where such a committee submit a draft order to the [^{F49}Lord Chancellor] under this section, he may by statutory instrument make the order either in the terms of the draft or with such modifications as he thinks fit.

[Nothing in this section shall enable the name of the petty sessions area consisting of^{F50}(2A) the City of London to be changed.]

- (3) Any order under this section may contain transitional and other consequential provisions.]

Textual Amendments

- F47** Ss. 24A, 24B inserted by **Criminal Justice Act 1988** (c.33, SIF 39:1), ss. 123(6), 164(1)(2), **Sch. 8 para. 16**
- F48** Words in s. 24A(1) repealed (1.11.1994) by 1994 c. 29, ss. 91, 93, Sch. 8 Pt. I para. 8(2), **Sch. 9 Pt.II**; S.I. 1994/2594, **arts.6, 7**
- F49** Words in s. 24A(1)(2) substituted (1.4.1992) by virtue of S.I. 1992/709, **art. 2(3)**.
- F50** S. 24A(2A) inserted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 8(3)**; S.I. 1994/2594, **art.6**

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24B Procedure relating to s. 24A.

- (1) Before submitting to the [^{F51}Lord Chancellor] a draft order under section 24A of this Act, a magistrates' courts committee—
 - (a) shall consult the council of the non-metropolitan county, metropolitan district or [^{F52}London borough] concerned and the magistrates of the petty sessions area to which their proposals relate; and
 - (b) after complying with paragraph (a) above, shall send a copy of their proposals to every interested authority and take into consideration any objections made in the prescribed manner and within the prescribed time.
- (2) A magistrates' courts committee submitting to the [^{F51}Lord Chancellor] a draft order under section 24A of this Act shall comply with such requirements (if any) as to notice as may be prescribed; and the [^{F51}Lord Chancellor], before making an order under that section otherwise than in accordance with a draft submitted to him by the magistrates' court committee, shall send a copy of his proposals to the committee, to the council of the non-metropolitan county, metropolitan district or [^{F52}London borough] concerned and, if a non-metropolitan county is concerned, every interested authority.
- (3) Before making any order under section 24A of this Act the [^{F51}Lord Chancellor] shall take into consideration any objections made in the prescribed manner and within the prescribed time, and may cause a local inquiry to be held.
- (4) For the purposes of this section—
 - (a) “interested authority”, in relation to any order or draft order concerning a non-metropolitan county, means the council of any district in the county which is wholly or partly included in the area to which the order or draft order relates; and
 - (b) an order shall be deemed to be made in accordance with a draft order if either it is made in terms of the draft order or the departures from the draft order do not, in the opinion of the [^{F51}Lord Chancellor], effect important alterations in the draft order.

Textual Amendments

F51 Words in s. 24B(1)(2)(3)(4)(b) substituted (1.4.1992) by virtue of S.I. 1992/709, **art. 2(3)**.

F52 Words in s. 24B(1)(a)(2) substituted (1.11.1994) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para.9**; S.I. 1994/2594, **art.6**

[^{F53}24C Reports and plans.

- (1) The Lord Chancellor may by regulations made by statutory instrument require magistrates' courts committees to submit to him such reports and plans, in relation to matters for which they are responsible, as may be prescribed.
- (2) Any report or plan required by regulations under this section—
 - (a) shall be prepared in the prescribed manner, after such consultation as may be prescribed, and within such time as may be prescribed,
 - (b) shall be in the prescribed form,
 - (c) shall be sent to such persons as may be prescribed, and
 - (d) shall be made available to the public on payment of such reasonable fee as the magistrates' courts committee may in any case determine.

Status: Point in time view as at 01/04/1995.

Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997), Part II. (See end of Document for details)

- (3) The Lord Chancellor may direct any one or more magistrates' courts committees to produce such additional reports or plans in relation to matters for which they are responsible as may be specified in the direction.]

Textual Amendments

F53 S. 24C inserted (1.11.1994) by 1994 c. 29, s.74; S.I. 1994/2594, art.3

[^{F54} Justices' chief executives, justices' clerks and staff]

Textual Amendments

F54 Cross heading and ss. 24D, 24E inserted (1.4.1995 except in relation to specified purposes) by 1994 c. 29, s.75; S.I. 1995/685, arts. 4(C), 5(4).

^{F55}**24D Appointment of justices' chief executive.**

- (1) Every magistrates' courts committee shall appoint a justices' chief executive.
- (2) A person may not be appointed as justices' chief executive unless—
 - (a) the magistrates' courts committee have submitted to the Lord Chancellor, in accordance with regulations, an application for approval of one or more persons offering themselves for the appointment,
 - (b) the Lord Chancellor has approved one or more of those persons, and
 - (c) the person appointed is a person so approved.
- (3) For the purposes of subsection (2) above, appointment as justices' chief executive does not include, in relation to a person employed as such under a contract for a fixed term, re-appointment on the expiry of that term.
- (4) Where the Lord Chancellor declines to approve any person who is named in an application under subsection (2)(a) above, he shall inform the magistrates' courts committee of the reasons for his decision.
- (5) A person may not be appointed as justices' chief executive unless he is eligible under section 26 of this Act for appointment as justices' clerk.
- (6) A person may not be appointed both as justices' chief executive and as justices' clerk for a petty sessions area unless the Lord Chancellor has agreed that he may hold both appointments.
- (7) Where, in accordance with subsection (6) above, a person holds an appointment as justices' chief executive with an appointment as justices' clerk for a petty sessions area, he shall not exercise any functions as justices' clerk for the petty sessions area unless authorised to do so (either generally or in any particular case) by the magistrates' courts committee for the area which includes that petty sessions area.
- (8) In this section "regulations" means regulations made by the Lord Chancellor by statutory instrument.

Status: Point in time view as at 01/04/1995.

Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997), Part II. (See end of Document for details)

Textual Amendments

F55 Ss. 24D, 24E inserted (1.4.1995 except in relation to specified purposes) by 1994 c. 29, s.75; S.I. 1995/685, arts.4(c), 5(4).

Modifications etc. (not altering text)

C6 S. 24D modified (1.4.1995) by 1994 c. 29, s. 80(2); S.I. 1995/685, art.4(f)

^{F56}24E Functions of justices' chief executive.

- (1) The justices' chief executive in relation to any magistrates' courts committee shall—
 - (a) act as clerk to the committee, and
 - (b) subject to and in accordance with any directions given by the committee, carry on the day to day administration of the magistrates' courts for the area to which the committee relates.
- (2) A justices' chief executive may arrange for his functions under subsection (1)(a) above to be exercised by any member of the staff of the magistrates' courts committee.
- (3) It shall be the duty of the justices' chief executive to make arrangements for discussions relating to law, practice and procedure among the justices' clerks for petty sessions areas within the area of the committee.

Textual Amendments

F56 Ss. 24D, 24E inserted (1.4.1995 except in relation to specified purposes) by 1994 c. 29, s.75; S.I. 1995/685, arts. 4(c), 5(4).

Justices' clerks and their staffs

[^{F57}25 Appointment and removal of justices' clerks.

- (1) Justices' clerks shall be appointed by the magistrates' courts committee; and a magistrates' courts committee may appoint more than one justices' clerk for any petty sessions area.
- (2) A person may not be appointed as justices' clerk unless—
 - (a) the magistrates' courts committee have submitted to the Lord Chancellor, in accordance with regulations, an application for approval of one or more persons offering themselves for the appointment,
 - (b) the Lord Chancellor has approved one or more of those persons, and
 - (c) the person appointed is a person so approved.
- (3) For the purposes of subsection (2) above, appointment as justices' clerk does not include, in relation to a person employed as such under a contract for a fixed term, re-appointment on the expiry of that term.
- (4) Where the Lord Chancellor declines to approve any person who is named in an application under subsection (2)(a) above, he shall inform the magistrates' courts committee of the reasons for his decision.

Status: Point in time view as at 01/04/1995.

Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997), Part II. (See end of Document for details)

- (5) The approval of the Lord Chancellor shall be required—
- (a) for any decision to increase the number of justices’ clerks in a petty sessions area or to have more than one justices’ clerk in a new petty sessions area, or
 - (b) for the removal of the justices’ clerk for a petty sessions area where the magistrates for the area do not consent to the removal.
- (6) A magistrates’ courts committee shall consult the magistrates for any petty sessions area—
- (a) on the appointment of a justices’ clerk for the area, except in the case of a re-appointment on the expiry of a fixed term, or
 - (b) on the removal of a justices’ clerk for the area.
- (7) Before—
- (a) approving any persons under subsection (2) above, or
 - (b) approving the removal of a justices’ clerk,
- the Lord Chancellor shall consider any representations made to him by the magistrates for the petty sessions area concerned; and before approving the removal of a justices’ clerk the Lord Chancellor shall also consider any representations made to him by the clerk.
- (8) For the purposes of subsections (5) to (7) above, removal as justices’ clerk shall be taken to include, in relation to a person employed as such under a contract for a fixed term, the expiry of that term without renewal in any case where the clerk has not consented to the failure to renew.
- (9) In this section “regulations” means regulations made by the Lord Chancellor by statutory instrument.]

Textual Amendments

F57 S. 25 substituted (1.4.1995) by 1994 c. 29, s.76; S.I. 1995/685, art.4(d)

Modifications etc. (not altering text)

C7 S. 25 modified (1.4.1995) by 1994 c. 29, s. 80(3); S.I. 1995/685, art.4(f)

26 Qualifications for appointment as justices’ clerk.

- (1) Except as provided by this section, no person shall be appointed as justices’ clerk ^{F58} . . . unless either—
- (a) at the time of appointment he [^{F59} has a 5 year magistrates’ court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990,]. . . , or
 - (b) he then is or has previously been a justices’ clerk.

^{F60}(2)

[^{F61}(3) A person not having the qualification which is required by subsection (1)(a) above may be appointed as justices’ clerk if at the time of the appointment he is a barrister or solicitor and has served for not less than five years as assistant to a justices’ clerk.]

^{F60}(4)

Status: Point in time view as at 01/04/1995.

Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997), Part II. (See end of Document for details)

F60(5)

Textual Amendments

- F58** Words in s. 26(1) repealed (1.4.1995) by 1994 c. 29, ss. 91, 93, Sch. 8 Pt. I para. 10(2), **Sch. 9 Pt.II**; S.I. 1995/685, **arts. 7(1)(b)**,8(f)
- F59** Words substituted by Courts and Legal Services Act 1990 (c.41, SIF 37), s. 71(2), **Sch. 10 para. 45**
- F60** S. 26(2)(4)(5) repealed (1.4.1995) by 1994 c. 29, ss. 91, 93, Sch. 8 Pt. I para. 10(4), **Sch. 9 Pt.II**; S.I. 1995/685, **arts. 7(1)(b)**,8(f)
- F61** S. 26(3) substituted (1.4.1995) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 10(3)**; S.I. 1995/685, **art.7(1)(b)**

[^{F62}**26A Justices’ chief executives and justices’ clerks to be employed under contracts of service.**

- (1) Except as provided by this Act, a justices’ chief executive or justices’ clerk—
 - (a) shall be employed by the magistrates’ courts committee, on such terms as they may determine, and
 - (b) shall hold and vacate office in accordance with the terms of his contract of service.
- (2) Subsection (1) above shall not have effect in relation to any person appointed by a magistrates’ courts committee before the commencement of this section as justices’ clerk for a petty sessions area so long as he—
 - (a) continues to hold office as a justices’ clerk for that area or for any one or more petty sessions areas including any part of that area, and
 - (b) has not entered into a contract of service after the commencement of this section.
- (3) Any justices’ clerk in relation to whom, by virtue of subsection (2) above, subsection (1) above does not have effect shall hold office during the pleasure of the magistrates’ courts committee concerned.]

Textual Amendments

- F62** S. 26A inserted (1.4.1995) by 1994 c. 29, s.77; S.I. 1995/685, **art.4(e)**

27 Conditions of service and staff of justices’ clerks.

- F63(1)
- F63(2)
- F63(3)
- F63(4)
- F63(5)
- [^{F64}(6) A magistrates’ courts committee may employ staff on such terms as they think fit.]
- F63(7)

Status: Point in time view as at 01/04/1995.

Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997), Part II. (See end of Document for details)

- (8) The power conferred by [^{F65}section 144 of the Magistrates' Courts Act 1980] to make rules for regulating and prescribing the procedure and practice to be followed by justices' clerks shall, without prejudice to the generality of subsection (1) of that section, include power to provide that, subject to any exceptions prescribed by the rules, persons shall not be employed to assist a justices' clerk in any capacity so prescribed, or shall not be permitted to do on behalf of a justices' clerk any such acts as may be so prescribed, unless those persons are qualified (any age limits apart) to be appointed justices' clerk or have such other qualifications as may for any purpose be allowed by the rules [^{F66}or approved by the Lord Chancellor in accordance with the rules].

^{F63}(9)

Textual Amendments

- F63** S. 27(1)-(5)(7)(9) repealed (1.4.1995) by 1994 c. 29, ss. 91, 93, Sch. 8 Pt. I para. 11(2), **Sch. 9 Pt. II**; S.I. 1995/685, **arts. 7(1)(c), 8(g)**
- F64** S. 27(6) substituted (1.4.1995) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 11(3)**; S.I. 1995/685, **art. 7(1)(c)**
- F65** Words substituted by Magistrates' Courts Act 1980 (c.43, SIF 82), s. 154(1), **Sch. 7 para. 193**
- F66** Words in s. 27(8) inserted (1.4.1995) by 1994 c. 29, s. 91, **Sch. 8 Pt. I para. 11(4)**; S.I. 1994/685, **art. 7(1)(c)**

28 General powers and duties of justices' clerks.

- (1) Rules made in accordance with [^{F67}section 144 of the Magistrates' Courts Act 1980] may (except in so far as any enactment passed after the 25th October 1968 otherwise directs) make provision enabling things authorised to be done by, to or before a single justice of the peace to be done instead by, to or before a justices' clerk.
- [^{F68}(1A) Such rules may also make provision enabling things authorised to be done by, to or before a justices' clerk (whether by virtue of subsection (1) above or otherwise) to be done instead by, to or before—
- (a) a person appointed by a magistrates' courts committee to assist him;
 - ^{F69}(b)
 - ^{F69}(c)
- (2) Any enactment (including any enactment contained in this Act) or any rule of law regulating the exercise of any jurisdiction or powers of justices of the peace, or relating to things done in the exercise or purported exercise of any such jurisdiction or powers, shall apply in relation to the exercise or purported exercise thereof by virtue of subsection (1) above by the clerk to any justices as if he were one of those justices.
- (3) It is hereby declared that the functions of a justices' clerk include the giving to the justices to whom he is clerk or any of them, at the request of the justices or justice, of advice about law, practice or procedure on questions arising in connection with the discharge of their or his functions, including questions arising when the clerk is not personally attending on the justices or justice, and that the clerk may, at any time when he thinks he should do so, bring to the attention of the justices or justice any point of law, practice or procedure that is or may be involved in any question so arising.

Status: Point in time view as at 01/04/1995.

Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997), Part II. (See end of Document for details)

In this subsection the reference to the functions of justices or a justice is a reference to any of their or his functions as justices or a justice of the peace, other than functions as a judge of the Crown Court.

- (4) The enactment of subsection (3) above shall not be taken as defining or in any respect limiting the powers and duties belonging to a justices' clerk or the matters on which justices may obtain assistance from their clerk.

Textual Amendments

- F67** Words in s. 28(1) substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(1), **Sch. 7 para. 194**
- F68** S. 28(1A) inserted (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 117; S.I. 1991/1364, art. 2, **Sch.**
- F69** S. 28(1A)(b)(c) repealed (1.4.1995) by 1994 c. 29, ss. 91, 93, Sch. 8 Pt. I para. 12, **Sch. 9 Pt.II**; S.I. 1995/685, **arts. 7(1)(d),8(h)**

29 Functions of justices' clerk as collecting officer.

- (1) A justices' clerk shall by virtue of his office be collecting officer of any magistrates' court of which he is the clerk.
- (2) In his capacity as such a collecting officer, a justices' clerk—
- shall discharge all such functions as are conferred by any enactment on a collecting officer appointed by the justices for a petty sessional division under the ^{M1}Affiliation Orders Act 1914; and
 - shall act under any order directing the payment of money to him which was made by any court under section 30 of the ^{M2}Criminal Justice Administration Act 1914 (which provided for periodical payments under court orders to be made through an officer of the court or other third party) and which continues to have effect in accordance with the provisions of paragraph 14 of Schedule I to this Act.
- (3) Subsections (1) and (2) above shall have effect without prejudice to the provisions of [^{F70}[^{F71}sections 59 and 59A] of the Magistrates' Courts Act 1980](periodical payments through justices' clerk [^{F72}and proceedings by the clerk, etc.]) or [^{F70}section 62 of that Act](relating to payments required to be made to a child).

Textual Amendments

- F70** Words in s. 29(3) substituted by Magistrates' Courts Act 1980 (c.43, SIF 82), s. 154(1), **Sch. 7 para. 195**
- F71** Words in s. 29(3) substituted (1.4.1992) by Maintenance Enforcement Act 1991 (c. 17, SIF 49:3), s. 11(1), **Sch. 2 para. 4(a)**; S.I. 1992/455, **art.2**
- F72** Words in s. 29(3) inserted (1.4.1992) by Maintenance Enforcement Act 1991 (c. 17, SIF 49:3), s. 11(1), **Sch. 2 para. 4(b)**; S.I. 1992/455, **art.2**

Marginal Citations

- M1** 1914 c. 6.
- M2** 1914 c. 58.

Status: Point in time view as at 01/04/1995.

Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997), Part II. (See end of Document for details)

30 Person acting as substitute clerk to justices.

- (1) The provisions of this section shall have effect where, in any petty sessions area ^{F73} . . . , a person who is not the justices' clerk or one of the justices' clerks appointed in that petty sessions area by the magistrates' courts committee acts as clerk to the justices for that petty sessions area.
- (2) Subject to any rules made under [^{F74}section 144 of the Magistrates' Courts Act 1980]and to subsection (3) below, the person so acting shall be treated as having acted as deputy to the justices' clerk appointed by the magistrates' courts committee in that petty sessions area, and shall make a return to the justices' clerk so appointed of all matters done before the justices and of all matters that the clerk to the justices is required to register or record.
- (3) In relation to a petty sessions area in which there are two or more justices' clerks appointed by the magistrates' courts committee, any reference in subsection (2) above to the justices' clerk so appointed shall be construed as a reference to such one of them as may be designated for the purpose by the committee.

Textual Amendments

- F73** Words in s. 30(1) repealed (1.4.1995) by 1994 c. 29, ss. 91, 93, Sch. 8 Pt. I para. 13, **Sch. 9 Pt.II**; S.I. 1995/685, **arts. 7(1)(e), 8(i)**
- F74** Words substituted by **Magistrates' Courts Act 1980 (c.43, SIF 82)**, s. 154(1), **Sch. 7 para. 196**

[^{F75}30A Independence of justices' clerk and staff in relation to legal functions.

- (1) When exercising the functions specified in subsection (2) below or giving advice to justices of the peace in an individual case—
 - (a) a justices' clerk shall not be subject to the direction of the magistrates' courts committee, the justices' chief executive or any other person, and
 - (b) any member of the staff of a magistrates' courts committee shall not be subject to the direction of that committee or of the justices' chief executive (when acting as such).
- (2) The functions referred to in subsection (1) above are functions conferred by rules made in accordance with section 144 of the ^{M3}Magistrates' Courts Act 1980 by virtue of section 28(1) or (1A) of this Act.]

Textual Amendments

- F75** S. 30A inserted (1.11.1994) by 1994 c. 29, **s.78**; S.I. 1994/2594, **art.3**

Marginal Citations

- M3** 1980 c. 43.

Status:

Point in time view as at 01/04/1995.

Changes to legislation:

There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997), Part II.