



Justices of the Peace Act 1997

1997 CHAPTER 25

PART III

MAGISTRATES' COURTS COMMITTEES

32 Alteration of magistrates' courts committee areas

- (1) A magistrates' courts committee may at any time submit to the Lord Chancellor written proposals—
 - (a) for the replacement of two or more magistrates' courts committees (including the committee submitting the proposals) with a single magistrates' courts committee or with two or more magistrates' courts committees in relation to areas different from the existing magistrates' courts committee areas; or
 - (b) for the replacement of the committee submitting the proposals with two or more magistrates' courts committees.
- (2) Before submitting such proposals, the magistrates' courts committee shall consult—
 - (a) the magistrates for their area or any other existing magistrates' courts committee area to which the proposal relates;
 - (b) any other magistrates' courts committee to which the proposal relates; and
 - (c) every interested authority.
- (3) Whether or not proposals have been submitted to him under subsection (1) above, the Lord Chancellor may by order made by statutory instrument provide—
 - (a) for the replacement of two or more magistrates' courts committees with a single magistrates' courts committee or with two or more magistrates' courts committees relating to areas which are different from the existing magistrates' courts committee areas; or
 - (b) for the replacement of a magistrates' courts committee with two or more magistrates' courts committees.
- (4) The Lord Chancellor shall not make an order under subsection (3) above unless he is satisfied that the making of the order is likely to contribute to an overall increase in the

Status: This is the original version (as it was originally enacted).

efficiency of the administration of the magistrates' courts for the magistrates' courts committee area or areas to which the order relates.

- (5) Before making an order under subsection (3) above, other than an order which implements proposals submitted to him under subsection (1) above, the Lord Chancellor shall consult—
- (a) the magistrates for each of the existing magistrates' courts committee areas to which the order relates;
 - (b) the magistrates' courts committees to which the proposal relates; and
 - (c) every interested authority.
- (6) For the purposes of subsection (5) above, an order shall be taken to implement proposals if it implements them without alteration or any departures from the proposals do not, in the opinion of the Lord Chancellor, effect important alterations in the proposals.
- (7) Where proposals under subsection (1) above or an order under subsection (3) above would (apart from this subsection) divide a petty sessions area between the areas of two or more magistrates' courts committees, the proposals or order shall provide for a consequential alteration of petty sessions areas.
- (8) An order under subsection (3) above may contain such consequential and transitional provisions as appear to the Lord Chancellor to be necessary or expedient, including—
- (a) provision for the transfer of property, rights and liabilities;
 - (b) provision for the management or custody of transferred property (whether real or personal); and
 - (c) provision for any magistrates' courts committee coming into existence by virtue of the order to be constituted under section 30 above as a body corporate, and to incur liabilities, before the date on which the functions of any existing magistrates' courts committee are transferred to it.
- (9) A statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) In this section—
- “existing magistrates' courts committee area” means a magistrates' courts committee area existing by virtue of—
- (a) section 27(2) or (3) above;
 - (b) an order made under section 69 of the Police and Magistrates' Courts Act 1994 before the commencement of this Act; or
 - (c) a previous order under subsection (3) above;
- “interested authority”, in relation to a proposal or order, means any relevant authority whose area includes all or any part of any of the existing magistrates' courts committee areas to which the proposal or order relates; and
- “relevant authority” means—
- (a) a county council;
 - (b) a county borough council;
 - (c) the council of a unitary district;
 - (d) a London borough council; or
 - (e) the Common Council of the City of London.