



Administration of Justice Act 1964

1964 CHAPTER 42

PART I

GREATER LONDON

Quarter sessions

4 Whole-time chairmen and deputy chairmen

- (1) Her Majesty may on the recommendation of the Lord Chancellor appoint for the court of quarter sessions for each London commission area a whole-time chairman and one or more whole-time deputy chairmen:

Provided that the number of deputy chairmen appointed under this subsection for the courts of quarter sessions for all the London commission areas shall not exceed twenty-five.

- (2) A person shall not be qualified to be appointed a whole-time chairman or deputy chairman under this section unless he is a barrister or solicitor of not less than ten years' standing.
- (3) The following provisions shall apply to each whole-time chairman and deputy chairman, that is to say—
- he shall by virtue of his office be a justice of the peace for each of the London commission areas and may act as deputy chairman of the court of quarter sessions for a London commission area other than the court for the area for which he was appointed ;
 - he shall be paid by the Greater London Council a yearly salary at such rate as the Lord Chancellor may, after consultation with the Greater London Council and with the consent of the Treasury, determine ;
 - he shall not during his continuance in office practise as a barrister or solicitor;
 - he may be removed from office by the Lord Chancellor for inability or misbehaviour ;

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- (e) he shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy-two unless the Lord Chancellor considers it desirable in the public interest to retain him in office after that year, and in that event the Lord Chancellor may from time to time authorise him to continue in office to such age (not exceeding seventy-five years) as the Lord Chancellor thinks fit.

5 County court judges as deputy chairmen

- (1) The Lord Chancellor may appoint any county court judge for a district wholly or partly situated in Greater London to act during such period or on such occasions as the Lord Chancellor thinks fit as deputy chairman of the court or courts of quarter sessions for one or more of the London commission areas.
- (2) The limit imposed by section 4(1) of the County Courts Act 1959 on the total number of county court judges shall be increased from eighty to ninety and the number of judges who may be assigned to a district under section 4(4) of that Act shall, in the case of a district situated wholly or partly in a London commission area, be increased from two to three.
- (3) Every county court judge for the time being assigned to a district wholly or partly situated in a London commission area shall by virtue of his office be a justice of the peace for each of those areas; and section 11 of the County Courts Act 1959 (which provides for including county court judges in the commission of the peace for a county or borough in their district) shall not apply in relation to any of the London commission areas.
- (4) The Greater London Council shall, subject to subsection (5) of this section, pay to the Lord Chancellor by way of contribution towards the salary of a county court judge who has been appointed to act as deputy chairman of a court or courts of quarter sessions under this section, and towards the pension and other benefits payable under the Administration of Justice (Pensions) Act 1950 in respect of the service as a county court judge of a person who has so acted, such sums at such times as the Lord Chancellor may, after consultation with the Greater London Council and with the consent of the Treasury, determine.
- (5) Contributions shall not be required to be made under subsection (4) of this section in respect of any county court judges in excess of the relevant limit for any period during which that limit is exceeded; and for the purposes of this subsection the relevant limit at any time is a number equal to the difference between twenty-five and the number of whole-time deputy chairmen at that time of all the courts of quarter sessions for the London commission areas.

6 Temporary deputy chairmen

- (1) If it appears to the Lord Chancellor that it is expedient to do so in order to avoid delays in disposing of the business of the court of quarter sessions for a London commission area, he may appoint a person qualified to be a deputy chairman of the court to act as such during such period or on such occasions as the Lord Chancellor thinks fit.
- (2) The Greater London Council shall pay to any person appointed under this section such remuneration as the Lord Chancellor may, after consultation with the Greater London Council and with the consent of the Treasury, determine.

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7 Proceedings and jurisdiction of quarter sessions

- (1) The court of quarter sessions for a London commission area may sit in more than one division simultaneously, and may sit at any place within Greater London or an adjoining county, notwithstanding that the place is not within the area for which the court is set up; and for the purposes of this subsection a county borough surrounded by or adjoining a county shall be treated as forming part of that county.
- (2) Section 4(1) of the Criminal Justice Administration Act 1962 (times for holding quarter sessions) shall apply to the court of quarter sessions for a London commission area as it applies to a court of quarter sessions for a county elsewhere in England and Wales.
- (3) For the purposes of section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1938 (extended jurisdiction of quarter sessions) and of this section a person shall be deemed to be a legally qualified chairman in relation to the court of quarter sessions for a London commission area if he is a whole-time chairman or deputy chairman of that or of another such court or is a person appointed to act as deputy chairman of that court under section 5 or 6 of this Act, and not otherwise.
- (4) The court of quarter sessions for a London commission area shall not be properly constituted for the purpose of any sitting unless a legally qualified chairman of the court is present and presiding, and in the case of the court of quarter sessions for any such area the Lord Chancellor may direct that the court or any division of the court shall, for the purpose of dealing with persons committed to the court for trial, persons committed to the court under section 5 of the Vagrancy Act 1824 or persons committed to the court for sentence or order by any court other than a juvenile court, be held before a legally qualified chairman of the court sitting alone.
- (5) Section 4(5) of the Criminal Justice Administration Act 1962 (power of legally qualified chairman to sit alone if no other members of the court are available) shall apply to the court of quarter sessions for a London commission area as it applies to a court of quarter sessions for a county elsewhere in England and Wales.
- (6) Subject to subsection (4) of this section, and to any directions given thereunder, the court of quarter sessions for a London commission area when sitting for the purpose of—
 - (a) hearing appeals of any description ;
 - (b) hearing applications under section 21 of the Firearms Act 1937; or
 - (c) dealing with persons committed for sentence or order,shall be constituted in like manner and in accordance with the like arrangements as a court of quarter sessions for a county elsewhere in England and Wales when sitting for the like purpose; and section 8 of the Summary Jurisdiction (Appeals) Act 1933 shall cease to have effect.
- (7) The powers of the court of quarter sessions for a London commission area under section 84(3) of the Magistrates' Courts Act 1952 (extension of (time for appealing) shall be exercised by a legally qualified chairman of the court.

8 Clerks of the peace and other officers

- (1) It shall be the duty of the court of quarter sessions for each London commission area to appoint a clerk of the peace for that area, a deputy clerk of the peace for that area and

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such other officers of the court as may be determined by the court after consultation with the Greater London Council to be necessary.

- (2) A person shall not be qualified to be appointed a clerk of the peace for a London commission area unless he is a barrister or solicitor of not less than five years' standing.
- (3) The salaries and other terms and conditions of service of the clerk of the peace and the deputy clerk of the peace for a London commission area and the other officers of the court of quarter sessions for such an area, and the grades in which those other officers are employed, shall be such as may from time to time be determined by the court after consultation with the Greater London Council.
- (4) The sums payable by way of salary or expenses to the said clerks and other officers, together with any employer's contributions payable in respect of those officers under the National Insurance Acts 1946 to 1963, shall be paid by the Greater London Council.
- (5) The salary paid to the clerk of the peace for a London commission area shall be deemed to be remuneration for all business which he may by reason of his office of clerk of the peace be called upon to perform, and all fees and costs payable to the clerk of the peace, except any fees and costs expressly excluded when his salary is determined, shall, in accordance with such directions as may be given by the Greater London Council, be accounted for and paid to the Council.
- (6) If the Greater London Council are aggrieved by any determination of a court of quarter sessions under this section, or if the clerk of the peace for a London commission area is aggrieved by any such determination with respect to his salary, the Council or the clerk, as the case may be, may appeal to the Secretary of State.
- (7) The clerk of the peace and the deputy clerk of the peace for a London commission area and the other officers of the court of quarter sessions for such an area shall be treated for the purposes of section 75 of the London Government Act 1963 as if they were whole-time officers of the Greater London Council.
- (8) The Minister of Housing and Local Government may by regulations provide that the Local Government Superannuation Acts 1937 to 1953 and any regulations made thereunder shall apply, subject to such adaptations, modifications, and exceptions as may be prescribed by the regulations, to clerks of the peace and deputy clerks of the peace for a London commission area and other officers of the court of quarter sessions for such an area or to any class of such officers; and any such regulations may make different provision with respect to different classes of officers and may contain such incidental, consequential or supplementary provisions as appear to the Minister to be necessary or expedient.
- (9) Any regulations under subsection (8) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) The Local Government (Clerks) Act 1931, except sections 4(5) and (7) and 5(2) and (3), shall not apply to a London commission area or the clerk or deputy clerk of the peace thereof.
- (11) The Recorders, Stipendiary Magistrates, and Clerks of the Peace Act 1906 shall not apply in relation to a London commission area.