

## SCHEDULES

### SCHEDULE 4

Section 40.

#### TRANSITIONAL PROVISIONS

##### *Commissions of the peace*

- 1 Each commission granted under section 2 of this Act shall be issued in time to enable persons mentioned in the commission to exercise all such administrative functions as may be necessary for the purpose of enabling courts of quarter sessions and magistrates' courts for the London commission areas to begin to exercise their jurisdiction on 1st April 1965, but until that date shall not confer on those courts any right to exercise jurisdiction or affect the jurisdiction of any existing court.

##### *Quarter sessions*

- 2 As from the issuing of a commission of the peace for a London commission area specified in column 1 of the following Table until the appointment of a clerk of the peace for that area under the arrangements mentioned in paragraph 3(1) of this Schedule or until 1st April 1965, whichever first occurs, the clerk specified in relation to that area in column 2 of that Table shall act as clerk of the peace for that area, and references in the following paragraphs of this Schedule to the clerk of the peace shall be construed accordingly.

#### TABLE

<i>Area</i>	<i>Acting Clerk of the peace</i>
Inner London area.	Clerk of the peace for the county of London.
North-east London area.	Clerk of the peace for Essex.
South-east London area.	Clerk of the peace for Kent.
South-west London area.	Clerk of the peace for Surrey.
Middlesex area.	Clerk of the peace for Middlesex.

- 3 (1) After the issue of a commission of the peace for a London commission area and before 1st April 1965 the court of quarter sessions for that area shall make all such arrangements, including the making of appointments, the holding of elections and the making of rules with respect to the procedure of the court, to compensation committees and to other matters, as are necessary for the purpose of enabling the court to begin to exercise their jurisdiction on that date, of establishing committees of the court before that date and of enabling any such committee to exercise all their functions not later than that date.
- (2) The Lord Chancellor may at any time after the issue of a commission of the peace for a London commission area and before 1st April 1965 appoint a person to act

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as chairman of the court of quarter sessions for that area until the appointment of a whole-time chairman of the court under this Act or until 1st April 1965, whichever first occurs, and any person appointed under this paragraph shall while acting as aforesaid exercise all the administrative functions of the whole-time chairman and be a member and, if the case so requires, chairman of any committee of which the whole-time chairman would be a member or, as the case may be, chairman.

- 4 (1) After the issue of a commission of the peace for a London commission area and before 1st April 1965 the Greater London Council shall make all necessary arrangements for satisfying the initial requirements of the court of quarter sessions for that area as to accommodation and equipment, and subsections (2) to (4) and (12) of section 29 of this Act shall apply for that purpose notwithstanding that that section has not come into force.
- (2) In the case of the court of quarter sessions for the north-east, south-east or south-west London area, if the county council of Essex, Kent or Surrey, as the case may be, are requested by the Greater London Council to provide any accommodation or equipment necessary for the purposes of the said arrangements and decline to do so or fail to agree with the Greater London Council about the terms or conditions on which it is to be provided, the dispute shall be referred to the Secretary of State who may give such directions in the matter as he thinks fit, but no county council shall be required by virtue of this sub-paragraph to provide any accommodation or equipment for those purposes after 1st April 1970.

*Petty sessional divisions*

- 5 (1) The Secretary of State shall as soon as may be after the passing of this Act make the following orders :—
- (a) an order under section 14 of this Act dividing the inner London area into petty sessional divisions ;
  - (b) an order dividing each of the outer London areas into petty sessional divisions ;
  - (c) an order creating such new petty sessional divisions of a county adjoining Greater London or such alterations of existing petty sessional divisions in any such county as he thinks appropriate in consequence of the changes effected in the area of that county by section 3 of the London Government Act 1963.
- (2) Any order made under or by virtue of sub-paragraph (1) of this paragraph may contain transitional and other consequential provisions.
- (3) Any order under section 14 of this Act making the initial division of the inner London area into petty sessional divisions may be made without the recommendation or consultation required by that section.
- (4) An order under sub-paragraph (1)(b) or (c) of this paragraph shall be treated for the purposes of the Justices of the Peace Act 1949 as if it had been made under section 18 of that Act.

*Magistrates' courts, etc.*

- 6 (1) Subject to paragraph 14 of this Schedule, after the division of a London commission area into petty sessional divisions and before 1st April 1965 the justices of the respective divisions of that area shall make all such arrangements, including the

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making of appointments and the holding of elections, as are necessary for the purpose of enabling magistrates' courts for the area to begin to exercise their jurisdiction on that date and of establishing before that date the several committees and other bodies to which members fall to be appointed or elected by the justices for that area or any division thereof.

- (2) Without prejudice to sub-paragraph (1) of this paragraph, but subject as aforesaid, any committee or other body to which members are appointed or elected by justices of the peace for a London commission area or any petty sessional division thereof shall after being established and before 1st April 1965 make all such arrangements for the area or division for which they act, including the making of appointments and holding of elections, as are necessary for the purpose of enabling the magistrates' courts for that area to begin to exercise their jurisdiction on that date and of enabling that body to exercise all their functions not later than that date.
  - (3) In particular, a magistrates' courts committee for an outer London area shall before 1st April 1965 consider the desirability of, and if necessary make recommendations under Schedule 2 to the Children and Young Persons Act 1963 for, forming combined juvenile court panels for two or more petty sessional divisions in that area.
- 7
- (1) The Lord Chancellor shall after the issue of a commission of the peace for the inner London area and before 1st April 1965 appoint persons to be members of the juvenile court panel for that area and the City and to be chairmen of juvenile courts for that area and the City.
  - (2) For the purpose of establishing the committee of magistrates for the inner London area—
    - (a) the persons appointed in pursuance of sub-paragraph (1) of this paragraph shall as soon as practicable after being appointed choose members of the panel in accordance with section 13(3)(b) of this Act to be members of the committee of magistrates ;
    - (b) the chief metropolitan stipendiary magistrate shall as soon as practicable after the issue of a commission of the peace for that area nominate metropolitan stipendiary magistrates in accordance with section 13(3)(c) of this Act to be members of that committee; and
    - (c) the lay justices elected to the committee under paragraph 6(1) of this Schedule or paragraph (a) of this sub-paragraph shall as soon as practicable after being elected choose a person in accordance with section 13(5) of this Act to be deputy chairman of the committee.
- 8
- (1) This paragraph applies to a petty sessional division of a county adjoining Greater London, being a division which has been created or altered by an order under paragraph 5 of this Schedule and with respect to which the Secretary of State has directed that this paragraph shall apply thereto.
  - (2) After the making of an order under paragraph 5 of this Schedule with respect to a petty sessional division to which this paragraph applies and before 1st April 1965 the justices for the division and any committee or other body to which they appoint or elect members shall, subject to sub-paragraph (3) of this paragraph, make the like arrangements as are required to be made under paragraph 6 of this Schedule in the case of a petty sessional division of an outer London area.
  - (3) Sub-paragraph (2) of this paragraph shall not be construed as requiring the magistrates' courts committee for a county comprising a petty sessional division to which this paragraph applies to be reconstituted for any purpose before 1st April

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1965, but until that date the magistrates' courts committee when considering any matter or taking any action affecting any such division shall afford an opportunity to persons chosen by the justices for the division under the arrangements made by virtue of the said sub-paragraph (2) to attend and take part in the proceedings of the committee.

- 9 (1) The chairman and deputy chairman of the justices for a petty sessional division of an outer London area elected under arrangements mentioned in paragraph 6 of this Schedule shall hold office until 31st December 1965.
- (2) A member of a magistrates' courts committee for an outer London area appointed under any such arrangements shall hold office until 1st December 1965.
- (3) A member of a juvenile court panel for an outer London area appointed under any such arrangements shall hold office until 31st October 1967.
- (4) A member of a juvenile court panel for one or more petty sessional divisions of a county adjoining Greater London appointed under arrangements mentioned in paragraph 8 of this Schedule shall hold office until 31st October 1967.
- (5) Any requirements imposed by the foregoing provisions of this paragraph shall have effect subject to the provisions of any instrument made under any enactment, including this Act.
- 10 (1) The clerk of the peace for the inner London area or a person appointed by him shall act as justices' clerk for each petty sessional division of that area and for the juvenile courts of that area until a chief clerk is appointed for those divisions or those courts by the committee of magistrates under arrangements mentioned in paragraph 6 of this Schedule or until 1st April 1965, whichever first occurs.
- (2) An order under paragraph 5(1)(b) of this Schedule and an order under paragraph 5(1)(c) thereof creating a new petty sessional division shall specify the clerk to the justices for an existing petty sessional division who is to act as clerk to the justices for the new petty sessional division until a clerk for the new division is appointed by the magistrates' courts committee under arrangements mentioned in paragraph 6 or 8 of this Schedule or until 1st April 1965, whichever first occurs.
- (3) The clerk of the peace for a London commission area shall act as clerk to the committee of magistrates or the magistrates' courts committee, as the case may be, until a clerk is appointed by the committee or until 1st April 1965, whichever first occurs.
- 11 Unless the justices for a petty sessions area which will be abolished or altered by this Act otherwise resolve—
- (a) the election of a chairman or deputy chairman of the justices for that area due apart from this paragraph to take place in October 1964 shall not be held, and the persons holding office as chairman or deputy chairman at the time at which the election would apart from this paragraph have been held shall continue to hold office until 1st April 1965 ;
- (b) no appointments shall be made after the passing of this Act to a juvenile court panel for that area and the persons who are members of the existing panel shall continue in office until 1st April 1965.
- 12 Any person who—
- (a) is a member of a magistrates' courts committee for the county of Essex, Kent, Surrey or Hertfordshire or of any other body which has functions in

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relation to that county or any part thereof and will continue to exist after 1st April 1965; and

- (b) is such a member by virtue of his being a justice of the peace acting for an existing petty sessional division the area of which on that date will be wholly or partly included in Greater London ;

shall on that date cease to be a member of that committee or other body.

#### *Juries*

- 13 (1) The jurors book prepared during 1964 for the area of the county of London, Middlesex, Essex, Kent, Surrey or Hertfordshire shall, notwithstanding the abolition of the county or the alteration of its area as from 1st April 1965, continue to be the jurors book for the area constituting the county before that date until it is superseded by the new jurors book on 15th August 1965.
- (2) A person whose name is included in a jurors book continued in force by sub-paragraph (1) of this paragraph by virtue of his residence in an area within Greater London shall not after 1st April 1965 be liable to serve on a jury for a county outside Greater London, and a person whose name is included as aforesaid by virtue of his residence in an area outside Greater London shall not after that date be liable to serve on a jury for Greater London or a London commission area.
- (3) Precepts shall be issued before 1st April 1965—
- (a) by the High Court and the Central Criminal Court for the summoning and return of jurors from any area of Greater London to serve after that date as jurors at the High Court or the Central Criminal Court, as the case may be ;
- (b) by the court of quarter sessions for a London commission area for the summoning and return of jurors from that area to serve after that date as jurors at the court;
- and any precept issued under this sub-paragraph with respect to jurors from any area shall be directed to the sheriff having jurisdiction in that area at the time of the issue of the precept.
- (4) On or about 1st April 1965—
- (a) there shall be handed over to the sheriff of Greater London so much of the jurors books for any county mentioned in sub-paragraph (1) of this paragraph as relates to any area which as from that date forms part of Greater London;
- (b) there shall be handed over to the sheriff of Surrey or the sheriff of Hertfordshire so much of the jurors book for the county of Middlesex as relates to any area which as from that date forms part of the county of Surrey or of the county of Hertfordshire, as the case may be.

#### *Probation*

- 14 (1) An order under paragraph 1 of Schedule 5 to the Criminal Justice Act 1948 (whether as originally enacted or extended by section 22 of this Act) combining in any probation area two or more petty sessional divisions of a London commission area may be made at any time after the issuing of a commission of the peace for that area, and if any such order is made paragraph 6(1) and (2) of this Schedule shall not apply in relation to the petty sessional divisions comprised in a probation area established by the order or to probation committees for that area or case committees for those divisions.

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- (2) Any probation or case committee for a petty sessions area abolished or altered by this Act shall remain in being until 1st April 1965.

*Licensing*

- 15 (1) Any order made, licence granted or other thing done under the Licensing Act 1964 by the licensing justices for a licensing district which will be abolished or altered by this Act, being an order or licence in force or a thing having effect immediately before that date, shall continue to have the like effect on and after that date as if the district had not been abolished or altered on that date, but shall be treated as if it had been made, granted or done by the licensing justices for the new licensing district comprising the first-mentioned district or, if there is more than one new licensing district, that in which the premises concerned are situated.
- (2) Any compensation committee for a county or borough abolished by section 3 of the London Government Act 1963 and any licensing committee for a licensing district the area of which will on 1st April 1965 be wholly or partly included in Greater London shall continue in being until that date and shall continue until that date to act for the area of the county or borough or that district, as the case may be.
- (3) Any proceedings before a compensation committee or licensing committee mentioned in sub-paragraph (2) of this paragraph, being proceedings which have not been finally disposed of before 1st April 1965, shall be continued and disposed of as if the London Government Act 1963 and this Act had not been passed, and sub-paragraph (1) of this paragraph shall with necessary modifications apply to things done by any such committee for the purpose of disposing of proceedings in pursuance of this sub-paragraph.

*Preliminary expenditure*

- 16 (1) Any expenditure incurred before 1st April 1965 in connection with the following matters, that is to say—
- (a) the court of quarter sessions for a London commission area and the clerk of the peace and other officers of any such court;
  - (b) magistrates' courts for an outer London area, the magistrates' courts committee for any such area, justices' clerks and other officers appointed by any such committee, and any other body having functions in relation to that area or any part thereof and composed wholly or mainly of justices of the peace for that area ;
- shall be defrayed by the Greater London Council.
- (2) Any existing authority shall be entitled to recover from the Greater London Council in respect of work undertaken in connection with any of the matters mentioned in sub-paragraph (1) of this paragraph by a person acting as clerk of the peace or by any other person remunerated by them such sum as may be agreed between that authority and the Greater London Council or, in default of agreement, determined by the Secretary of State.
- (3) Any expenditure incurred by the Greater London Council under this paragraph in connection with any of the matters mentioned in sub-paragraph (1)(b) of this paragraph shall be chargeable only on the outer London boroughs.

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- 17 Any expenditure incurred before 1st April 1965 in connection with the following matters, that is to say, magistrates' courts for the inner London area, the committee of magistrates, justices' clerks and other officers appointed by that committee, and any other body having functions in relation to that area or any part thereof and composed wholly or mainly of justices of the peace for that area, shall be defrayed by the Receiver out of the metropolitan police fund.
- 18 Any expenditure of the Greater London Council or the Receiver under paragraph 16 or 17 of this Schedule—
- (a) shall, so far as it relates to probation committees, be treated for the purposes of section 77(3) of the Criminal Justice Act 1948 as having been incurred under Schedule 5 to that Act;
  - (b) shall, so far as it relates to any functions mentioned in section 27(2) of the Justices of the Peace Act 1949, be treated for the purposes of that section as having been incurred in connection with those functions.

*Pending proceedings*

- 19 (1) Any proceedings the hearing of which has begun but is not completed before 1st April 1965 before the court of quarter sessions for a county or borough abolished by section 3 of the London Government Act 1963 shall be continued and disposed of as if that Act and this Act had not been passed.
- (2) Any expenses incurred by a court exercising jurisdiction or other powers by virtue of the foregoing sub-paragraph, including such sums in respect of the remuneration and allowances of the chairman, recorder and officers of the court as may be agreed between the persons to be remunerated and the Greater London Council or, in default of agreement, as may be determined by the Secretary of State, shall be defrayed by the Greater London Council.
- 20 Subject to paragraph 19 of this Schedule, any person who immediately before 1st April 1965 stands committed for trial or sentence or order to the court of quarter sessions for a county or borough abolished by section 3 of the London Government Act 1963 shall be deemed to have been committed to the court of quarter sessions for the London commission area in which the county or borough is wholly or mainly situated and may be tried, sentenced or otherwise dealt with by the last-mentioned court as if he had originally been committed thereto by a magistrates' court for that area ; and any recognizance entered into in connection with the committal shall have effect accordingly.
- 21 (1) The inclusion in a London commission area of any existing part of the county of Essex, Kent, Surrey or Hertfordshire shall not affect the jurisdiction or other powers of a court of assize or quarter sessions for that county to hear and determine any proceedings of which the court has cognizance immediately before 1st April 1965.
- (2) The inclusion in the county of Surrey or Hertfordshire of any part of the existing district of the Central Criminal Court shall not affect the jurisdiction of that Court to hear and determine any proceedings of which the Court has cognizance immediately before 1st April 1965.
- (3) For the purposes of this paragraph the court shall be deemed to have cognizance of any proceedings immediately before 1st April 1965 if—
- (a) in the case of criminal proceedings, the accused has before that date been committed to the court for trial, sentence or order or under section 5 of the Vagrancy Act 1824 or otherwise been ordered to be tried before the court;

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- (b) in the case of an appeal to a court of quarter sessions, notice of appeal has been given before that date ;
  - (c) in any other case, the proceedings have been instituted before that date ;
- and the proceedings have not been concluded.

22 Any documents in the custody, by virtue of his office as such, of the custos rotularum or the clerk of the peace for a county or borough abolished by section 3 of the London Government Act 1963 shall be transferred to the custody of the custos rotularum or the clerk of the peace, as the case may be, for the London commission area in which that county or borough is wholly or mainly situated.

*Miscellaneous*

23 A deputy lieutenant of the county of London or of Middlesex holding office immediately before 1st April 1965 shall on and after that date be treated for the purposes of section 18 of this Act and the enactments applied by that section as if he had been appointed a deputy lieutenant of Greater London under section 30 of the Militia Act 1882.

24 (1) A person who immediately before 1st April 1965 is qualified to be appointed sheriff of a county adjoining the county of London by reason of holding land in that adjoining county shall notwithstanding that that land becomes part of Greater London, continue until the 1st April 1967, to be qualified to be appointed sheriff of that adjoining county.

(2) The persons required to be nominated under section 6 of the Sheriffs Act 1887 to serve as sheriff of Greater London in the year 1965 shall be three persons nominated by the great officers mentioned in that section from the lists of persons nominated to serve as sheriff of the county of London or of the county of Middlesex for the year 1964.

(3) On or about 1st April 1965 the sheriff of the county of London, Middlesex, Essex, Kent, Surrey or Hertfordshire shall perform all the duties required by section 28(1) of the Sheriffs Act 1887 to be performed by a sheriff at the expiration of his term of office so far as they relate to persons or things in or for an area which as from that date forms part of Greater London or of a county of which it does not form part before that date ; and accordingly—

- (a) that sheriff shall transfer to the custody of the sheriff of Greater London the prisoners in a prison which as from that date is within Greater London and all documents relating to an area which as from that date forms part of Greater London :
- (b) the sheriff of Middlesex shall transfer to the custody of the sheriff of Surrey or the sheriff of Hertfordshire all documents which relate to an area which as from that date forms part of the county of Surrey or of the county of Hertfordshire, as the case may be ;
- (c) any reference in that section, so far as it applies by virtue of this sub-paragraph, to an incoming sheriff shall be construed as a reference to any sheriff to whose custody prisoners or documents are transferred by virtue of this sub-paragraph.

25 (1) A person who—

- (a) immediately before 1st April, 1965 is a justice of the peace (whether by virtue of any office or otherwise) for an area wholly or partly included in one of the London commission areas; and



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- (b) has taken the oath of allegiance and judicial oath before that date as a justice of the peace for the first-mentioned area ; and
- (c) is on that date a justice of the peace for one of the London commission areas ;
- shall be treated for the purposes of the Promissory Oaths Act 1868, the Promissory Oaths Act 1871 and this Act as if he had duly taken those oaths on accepting the office of justice of the peace for the last-named London commission area.
- (2) Sub-paragraph (1) of this paragraph shall apply to a justice of the peace for a petty sessional division of the county of Middlesex which as from 1st April 1965 forms part of the county of Surrey or the county of Hertfordshire as it applies to an area wholly or partly included in one of the London commission areas and as if for the references (except in paragraph (a) of that sub-paragraph) to a London commission area there were substituted references to the county of Surrey or the county of Hertfordshire, as the case may require.
- 26 Any person serving as metropolitan stipendiary magistrate immediately before 1st April 1965 shall be deemed to have been appointed to that office under section 10 of this Act and, in the case of the chief metropolitan stipendiary magistrate, shall be deemed to have been designated as such under that section.
- 27 Any person serving as clerk to the Central Criminal Court or other officer of that Court immediately before 1st April 1965 shall be deemed to have been appointed to that office under paragraph 15 of Schedule 1 to this Act.
- 28 (1) Subject to the following provisions of this paragraph, anything done by or in relation to—
- (a) a court of quarter sessions for a county or borough abolished by section 3 of the London Government Act 1963 ; or
- (b) a magistrates' court or any other body exercising jurisdiction or functions in or for a petty sessions area which, or an area including a petty sessions area which, will be abolished or altered by this Act;
- shall, for the purposes of any subsequent proceedings in relation to that thing or any other thing subsequently done in relation thereto, be deemed to have been done by or in relation to the corresponding court or body and, in the case of a thing in process of being done, may accordingly be continued by or in relation to that corresponding court or body.
- (2) For the purposes of this paragraph " the corresponding court or body " means—
- (a) in relation to a court of quarter sessions for a county or borough abolished as aforesaid, the court of quarter sessions for the London commission area in which that county or borough is wholly or mainly situated ;
- (b) in relation to a magistrates' court or other body, such other court or body as is declared by an order under paragraph 5 of this Schedule to correspond to the first-mentioned court or body.
- (3) The foregoing provisions of this paragraph shall have effect subject to the provisions of paragraphs 15, 19(1) and 21(1) of this Schedule and to any provision contained in an order made by virtue of section 35 of this Act.

*Supplemental*

- 29 Any requirement imposed by this Schedule on any body of persons to make appointments, hold elections or do any other thing shall be construed as a requirement to make those appointments, hold those elections and do those things,

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and no others, which that body would be required or empowered to make, hold or do under Part I of this Act, or the enactments thereby applied, if the said Part I had come into force on the passing of this Act.

30 Any person appointed to any office under arrangements mentioned in any provision of this Schedule shall enter upon the office on a date specified in his appointment notwithstanding that the provision of Part I of this Act by virtue of which he is appointed has not come into force.

31 Any reference in this Schedule to a petty sessions area, petty sessional division or licensing district which will be abolished or altered by this Act shall be construed as a reference to an existing petty sessions area, petty sessional division or licensing district which will on 1st April 1965 cease to exist in consequence of section 2(1) of this Act or will be altered by, or in consequence of, an order under paragraph 5 of this Schedule.

32 If any order under section 41(2) of this Act appoints a day earlier than 1st April 1965 for the commencement of any provision of Part I of this Act, the order may make consequential amendments of references in this Schedule to 1st April 1965.