

## SCHEDULES

### SCHEDULE 3

Sections 1 and 7.

#### SUPPLEMENTARY PROVISIONS AS TO CITY OF LONDON AND LOCAL ACT STIPENDIARIES

#### PART I

##### PRINCIPAL PROVISIONS AS TO CITY OF LONDON

##### *General*

- 1 In this Part of this Schedule and in Part III—
- (a) " the City " means the City of London ; and
  - (b) " the Corporation " means the Corporation of the City, and except in so far as the context otherwise requires references to the Corporation are references to the Corporation acting through the Common Council.
- 2 (1) Section 1 of this Act shall not be taken as constituting new courts for the City, and the jurisdiction and powers of the justices of the peace holding office as provided by that section shall be in continuation of those belonging to the justices appointed by the charters of the City; and section 1(4) of this Act shall apply in relation to the first commission of the peace issued for the City as it applies where a new commission of the peace supersedes an existing commission.
- (2) Accordingly the justices for the City shall continue as heretofore to have power, notwithstanding anything in any enactment, to commit a person for trial at the Central Criminal Court for an offence triable at quarter sessions.
- 3 Subject to the provisions of this Part of this Schedule, in any enactment relating to justices of the peace, quarter sessions, magistrates' courts, the clerk of the peace, justices' clerks or matters connected therewith.—
- (a) any reference to a county or to county justices shall be taken to include the City or justices for the City, notwithstanding that the reference was heretofore a reference to an administrative county or to justices for an administrative county; and
  - (b) any reference to a county council shall be taken to include the Corporation, and references to a county fund shall be taken to include the general rate fund of the City.

##### *Savings and amendments for particular matters*

- 4 (1) Paragraph 3 above shall not affect—
- (a) the appointment of the clerk of the peace (which shall in the City continue to belong to the Corporation); or
  - (b) the fund required to bear payments made under or in accordance with the Costs in Criminal Cases Act 1952 or payments to which sections 8(1) and

---

*Status: This is the original version (as it was originally enacted).*

---

11(1) of that Act are applied by any enactment (which fund, except as provided by any such enactment, shall in relation to the City continue to be the general fund of the Greater London Council).

- (2) As regards the clerk of the peace in the City, the following provisions of the Local Government (Clerks) Act 1931, namely, sections 3, 4(5) and (7) and 5(2) and (3) shall apply in accordance with paragraph 3 above, as they apply in relation to a clerk of the peace who is not clerk of the county council, but the remaining provisions of that Act shall not be taken as applying; and section 83(4) of the Local Government Act 1888 shall apply in relation to a deputy clerk of the peace as it applies in the case of an administrative county (any appointment thereunder being made by the Corporation) and in relation to a deputy clerk of the peace appointed thereunder section 7(2) of the Local Government (Clerks) Act 1931 shall apply in accordance with paragraph 3 above:
- Provided that the salary of the clerk of the peace, and that of any deputy clerk of the peace so appointed, may be paid out of the poor rates as provided by section 18(2) of the City of London (Union of Parishes) Act 1907 for the expenses of the office of the clerk of the peace, and accordingly any such fees and costs payable to the clerk of the peace as in accordance with paragraph 3 above would be required by section 3(3) of the Local Government (Clerks) Act 1931 to be paid to the general rate fund shall be applicable instead in aid of the poor rates.
- (3) As regards costs in criminal proceedings, section 18 of the Criminal Justice Administration Act 1962 shall be amended by the insertion after subsection (5) of a new subsection (5A)—
- “(5A) In subsections (2) and (5) of this section references to a county, and to justices for a county or the council of a county, shall have effect as if Greater London were a county, the Greater London Council a county council and justices for any part of Greater London justices for the whole of it”;
- and in section 81(1)(b) of the Criminal Justice Act 1967 for the words " a London commission area " there shall be substituted the words " any part of Greater London ".
- (4) In section 16 of the Justices of the Peace Act 1949, as it has effect in relation to the City by virtue of paragraph 3 above, the proviso to subsection (2) (which provides for the establishment of a single magistrates' courts committee for a joint committee area extending beyond a single county or county borough) shall not apply in relation to the City ; nor shall paragraph 3 above authorise the making of an order under section 18 of that Act for the division of the City into petty sessional divisions.
- 5        In the City of London Police Act 1839 for the definition of " justice " in section 2 (by which the word is defined to mean the Lord Mayor or any alderman or the recorder of the City) there shall be substituted—
- “ justice ' means a justice of the peace for the City of London ” .
- 6        In the City of London (Union of Parishes) Act 1907, in section 26 (under which the jury list prepared by the Secondary is to be examined and certified by justices of the City in special sessions) for the words " justices of the said City in special sessions " there shall be substituted the words " the court of the mayor and aldermen in the inner chamber or a committee of that court " .
- 7        In the Criminal Justice Act 1948, in section 37(5) (which provides for the exercise by the persons mentioned in paragraphs (a) to (c) of the power of quarter sessions under subsection (1)(b) to release an appellant from custody), there shall be substituted for paragraphs (a) to (c):—

- “(a) in the case of quarter sessions for a borough, by the recorder or any deputy recorder ;
- (b) in the case of quarter sessions for a London commission area, by any person who is a legally qualified chairman of the court for the purposes of section 7 of the Administration of Justice Act 1964 ;
- (c) in the case of any other quarter sessions by the chairman or a deputy chairman of the quarter sessions”.

8 In the Magistrates' Courts Act 1952 for section 118(4) there shall be substituted—

“(4) Subsections (1) and (2) of this section shall apply to the justices' clerks for the inner London area as if the reference in subsection (2) to the magistrates' courts committee were a reference to the committee of magistrates, but subsection (3) shall not apply in relation to that area.”.

#### *Transitional*

- 9 (1) Without prejudice to the operation of section 37 of the Interpretation Act 1889, if Her Majesty is pleased, before the time when by virtue of section 1 of this Act persons appointed by a commission of the peace are to take office as justices of the peace for the City, to issue a commission of the peace appointing persons to be justices for the City from that time, then the persons designated as justices by the commission shall be deemed to be justices of the peace for the City for all purposes connected with the establishment of a magistrates' courts committee for the City and the making of arrangements (by that committee or otherwise) for the exercise from that time of the jurisdiction and powers of justices for the City.
- (2) If a commission of the peace is so issued, then the justices for the City shall proceed with all convenient speed to the establishment in accordance with this paragraph of a magistrates' courts committee for the City, and for that purpose anything required in accordance with Schedule 4 to the Justices of the Peace Act 1949 to be done in quarter sessions may be done at any meeting of those justices summoned in accordance with such general or special directions (if any) as may be given by the Secretary of State.
- (3) A person may act by virtue of this paragraph before he has taken the oaths required by law as a justice of the peace.
- 10 (1) At the time from which persons are first appointed justices of the peace for the City by a commission of the peace in accordance with section 1 of this Act.—
- (a) any person then holding office as clerk at either of the justice rooms of the City shall become clerk to the justices for the City as if he had been duly appointed by the magistrates' courts committee ; and
  - (b) any person then employed whole-time to assist either or both of the clerks in the performance of the duties of his clerkship shall be transferred to the employment of the magistrates' courts committee for the City.
- (2) Part I of Schedule 3 to the Local Government Superannuation Act 1953 shall apply to a person becoming justices' clerk in the City by virtue of sub-paragraph (1) above as if he had been duly appointed by the magistrates' courts committee ; and any regulations made in relation to the City under paragraph 6 of that Schedule (which provides for the modification of local Act schemes in their application to justices' clerks and their staffs) may include transitional provisions for the benefit of the persons mentioned in sub-paragraph (1)(a) and (b) above.

## PART II

### PRINCIPAL PROVISIONS AS TO LOCAL ACT STIPENDIARIES

- 11 (1) Where under section 1(8) of this Act a person holding office as stipendiary magistrate of any area is to continue in office as if appointed under section 29 of the Justices of the Peace Act 1949, the Secretary of State may by order made by statutory instrument direct that he shall continue in office for such reduced area as may be specified in the order (being an area for which a new appointment could be made on petition under section 29) or may, for the purpose of adjusting any magistrate's area to the requirements of section 29, make such other transitional provision as appears to the Secretary of State expedient.
- (2) Where there is a reduction under this paragraph in the duties of a stipendiary magistrate, section 32(3) of the Justices of the Peace Act 1949 shall not apply to prevent a reduction in the salary of the magistrate if it appears to the Lord Chancellor that the magistrate's consent to the reduction in his salary is unreasonably withheld, having regard to the reduction in his duties and any payment to be made to him by way of compensation for the reduction in salary.
- 12 (1) Where under section 1(8) of this Act a person holding office as stipendiary magistrate continues in office as if appointed on the joint petition of two or more councils, his salary shall be borne by those councils in the proportions, until otherwise agreed between them, in which his salary would have been borne by them or their areas if he had continued to hold office under the enactments applying to him immediately before the appointed day (that is to say, the day appointed under section 7(1) of this Act).
- (2) If in the case of any magistrate the councils referred to in sub-paragraph (1) above include both a borough council and the council of a county comprising the borough, the borough shall be treated for purposes of that sub-paragraph as not forming part of the county.
- 13 (1) The person holding office at the appointed day as clerk to the magistrate under the South Staffordshire Stipendiary Justice Act 1899, or as clerk to the magistrate under the Staffordshire Potteries Stipendiary Justice Acts 1839 to 1895, and any person then employed whole-time to assist either of the clerks in the performance of the duties of his clerkship, shall be transferred to the employment of the magistrates' courts committee in such capacity and on such terms as the committee, with the approval of the Secretary of State, may determine.
- (2) In sub-paragraph (1) above "the magistrates' courts committee" means the committee for the relevant county or county borough, and for this purpose the relevant county or county borough is that of which the council becomes liable under section 29 of the Justices of the Peace Act 1949 for the magistrate's salary or, if there is more than one, such one of them as the Secretary of State may determine.
- (3) A person transferred by sub-paragraph (1) above to the employment of a magistrates' courts committee may at any time within six months from the appointed day be transferred by that committee, with the agreement of any other magistrates' courts committee and of that person, to the employment of the other magistrates' courts committee.
- (4) For purposes of the Local Government Superannuation, Act 1937 on a person's transfer by virtue of this paragraph to the employment of a magistrates' courts committee the employment from which he is transferred shall be treated as having

been employment by that committee; but this shall not affect the operation of section 29 of that Act (payment of transfer values).

- 14 The Secretary of State may by statutory instrument make regulations containing such provision as appears to him to be necessary or expedient for winding-up the affairs of the South Staffordshire Stipendiary Justice Commissioners or of the Staffordshire Potteries Stipendiary Justice Commissioners, and for the transfer and (if need be) apportionment of their property and liabilities, and with respect to the making and revision of any equitable adjustment between county and county borough councils in connection therewith.

### PART III

#### PROTECTION OF OFFICERS AND EMPLOYEES

- 15 (1) Every transferred officer or employee, so long as he continues in the employment of the magistrates' courts committee by virtue of the transfer, shall enjoy terms and conditions of employment not less favourable than those he enjoyed immediately before the appointed day (that is to say, the day appointed under section 7(1) of this Act), except as regards the scale of his salary or remuneration if on the transfer or afterwards he ceases to be engaged in duties reasonably comparable to those in which he was engaged immediately before the appointed day; and in the event of his ceasing to be so engaged, this sub-paragraph shall nevertheless apply to the scale of his salary or remuneration equally with the other terms and conditions of his employment so long as he has not been served with a statement in writing of new terms and conditions of employment.
- (2) A written statement given in accordance with section 4 of the Contracts of Employment Act 1963 shall not be regarded as a statement of new terms and conditions of employment for the purposes of sub-paragraph (1) above unless the statement indicates that it is to be.
- (3) In this paragraph " transferred officer or employee " means a person transferred to the employment of a magistrates' courts committee by virtue of paragraph 10(1) or of paragraph 13(1) or (3) above, and this paragraph shall apply to a person becoming justices' clerk in the City by virtue of paragraph 10(1)(a) as if in that capacity he were employed by the magistrates' courts committee.
- 16 (1) The Secretary of State shall by statutory instrument make regulations providing, subject to any exceptions or conditions provided for by the regulations, for the payment of compensation to individuals suffering any loss of office or employment, or loss or diminution of emoluments, which is attributable to the operation of section 1 of this Act in relation to the City or in relation to the South Staffordshire Stipendiary Justice Act 1899 or the Staffordshire Potteries Stipendiary Justice Acts 1839 to 1895.
- (2) The regulations shall not apply to any person unless at the appointed day—
- (a) he is the holder of an office or employment in respect of which he is paid a salary by the Corporation or by the South Staffordshire Stipendiary Justice Commissioners or the Staffordshire Potteries Stipendiary Justice Commissioners ; or
- (b) he is employed by the holder of such an office or employment to assist him in the performance of the duties of that office or employment.

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

---

- (3) The compensation payable under the regulations shall be paid by such county or borough council or councils and, if by more than one council, in such shares as may be prescribed by the regulations or, as regards the City, by the Corporation.
- (4) The regulations may include provision as to the manner in which, and the persons to whom, any claim for compensation thereunder is to be made and for the determination of questions arising thereunder.