

SCHEDULES

SCHEDULE 3

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Status: This is the original version (as it was originally enacted).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