



Justices of the Peace Act 1968

1968 CHAPTER 69

1 Appointment of justices, oaths of office, etc.

- (1) Subject to subsection (2) below, no person shall be justice of the peace for any area unless either—
 - (a) he is appointed by name (and not by office) to be a justice for the area by a commission of the peace for the area; or
 - (b) he is made a justice of the peace for the area by or under any of the enactments mentioned in Schedule 1 to this Act (which relate to the offices specified in column 2 of the Schedule), and the area is one specified in relation to the enactment in column 3 (which excludes county court judges in London from being justices *ex officio* unless appointed deputy chairmen of quarter sessions for a period, but otherwise reproduces the effect of those enactments).
- (2) The Lord Mayor and aldermen of the City of London shall by virtue of the charter granted by His late Majesty King George II dated the 25th August 1741 continue to be justices of the peace for the City of London ; but notwithstanding anything in the charters of the City or in section 10(1) of the Justices of the Peace Act 1949 a commission of the peace may be issued for the City as a county of itself, and—
 - (a) Schedule 2 to this Act shall have effect to regulate the position as justices in the City of those holding the office by virtue of the charter and under the commission respectively; and
 - (b) Parts I and III of Schedule 3 to this Act shall have effect for the adaptation or clarification of the law and other transitional purposes relating to justices of the peace for the City.
- (3) A person shall not be required, on becoming a justice of the peace for any area, to take the oath of allegiance and judicial oath in accordance with the Promissory Oaths Act 1868 and the Promissory Oaths Act 1871, if he has at any time done so as justice of the peace for whatever area; and in the Municipal Corporations Act 1882 there shall cease to have effect so much of section 157(2) or 163(4) as requires a borough justice or recorder of a borough to make a declaration before the mayor or two other members of the council.

- (4) A person's appointment as justice of the peace shall not be affected by his promotion to any dignity, nor shall proceedings before justices of the peace or process of justices of the peace be affected by the issue of a new commission of the peace or any alteration of the names of the justices; and the justices of the peace for the time being named in the commission of the peace for any area may proceed in all respects as if they had at all material times been so named.
- (5) There shall continue to be in counties a keeper of the rolls for the county appointed by Her Majesty's letters patent; but the holder of the office need not be a justice of the peace, and shall not by virtue of the office be a member of a magistrates' courts committee or, in the inner London area, of the committee of magistrates.
- (6) Any act which by virtue of section 4(3) of the Justices of the Peace Act 1949 may be done by a person as justice of the peace notwithstanding that his name is entered in the supplemental list, that is—
- (a) signing any document for the purpose of authenticating another person's signature;
 - (b) taking and authenticating by his signature any written declaration not made on oath ; and
 - (c) giving a certificate of facts within his knowledge or of his opinion as to any matter;

may, subject to any express provision made to the contrary by any enactment or instrument relating to that act, be done also by any person who is mayor of any borough (including a borough included in a rural district), chairman of the Greater London Council or chairman of a county council or district council (within the meaning of the Local Government Act 1933).

- (7) It is hereby declared that any court of record having a criminal jurisdiction has, as ancillary to that jurisdiction, the power to bind over to keep the peace, and power to bind over to be of good behaviour, a person who or whose case is before the court, by requiring him to enter into his own recognisances or to find sureties or both, and committing him to prison if he does not comply; but there is hereby abolished any power to commit to prison, or to issue warrants of arrest or search warrants, which may have been exercisable at common law by the Sovereign in person, or by the Privy Council, members of the Privy Council or the Secretary of State, whether on their or his own authority or on the special direction of the Sovereign.
- (8) A person who at the coming into force of this section holds any office as a stipendiary magistrate not referred to in Schedule 1 to this Act shall continue in office as if he had, on the appropriate petition, been duly appointed under section 29 of the Justices of the Peace Act 1949, and references to the council or councils on whose petition he was appointed shall be construed accordingly; but—
- (a) Parts II and III of Schedule 3 to this Act shall have effect to allow the reduction or adjustment of the area for which a magistrate is to continue in office by virtue of this subsection, and for other transitional purposes in connection with this subsection; and
 - (b) section 29(8) of the Justices of the Peace Act 1949 shall cease to have effect in so far as it precludes a stipendiary magistrate appointed under that section from acting as a member of a court of quarter sessions.