



# Administration of Justice Act 1973

## 1973 CHAPTER 15

### PART III

#### SUPPLEMENTARY

#### **20 Commencement and transitional**

- (1) The following provisions shall have effect with respect to the coming into force of this Act:—
  - (a) Part I of this Act and the repeals made by Part II of Schedule 5 shall not come into force until the 1st April 1974 except in so far as provision to the contrary is made by order of the Lord Chancellor made by statutory instrument;
  - (b) sections 8, 17 and 18 shall not come into force until the expiration of one month beginning with the date this Act is passed ; and
  - (c) section 10 shall come into force on such day as may be appointed by order of the Lord Chancellor and the Secretary of State made by statutory instrument.
- (2) Any order of the Lord Chancellor under subsection (1)(a) above may make such consequential or transitional provision as appears to the Lord Chancellor to be necessary by reason of the bringing into force thereby of any provisions before 1st April 1974 (and in particular may make any provision that may be required so that the provisions in force before that date may operate without the provisions not in force, or may operate as regards local government or other matters in conjunction with the law as it is before that date), and may adapt accordingly any reference in this Act to that date or to the beginning of that month.
- (3) Notwithstanding subsection (1) above, section 1(1) to (3) of this Act shall apply to any commission of the peace issued or appointment of a justice made before the 1st April 1974 but taking effect only on or after that date; and, subject to section 217 of the Local Government Act 1972,—
  - (a) any other commission of the peace issued before that date, unless and until superseded by a commission taking effect on or after that date, shall thenceforth have effect as if addressed generally as required by section 1(1) above ; and

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- (b) any person holding office as justice of the peace on that date by virtue of any such commission shall thenceforth hold that office as if appointed in accordance with section 1(2), and shall be included accordingly in the records required by section 1(3) and (4).
- (4) Where immediately before the 1st April 1974 a person's name is entered in the supplemental list kept in connection with any commission of the peace by virtue of section 4 of the Justices of the Peace Act 1949, his name shall be treated as included in the supplemental list for England and Wales under this Act.
- (5) Any person who immediately before the 1st April 1974 holds office as stipendiary magistrate for any area under section 29 of the Justices of the Peace Act 1949 shall from the beginning of that month become stipendiary magistrate in any commission area comprising that area or part of it, and shall be treated for all purposes as if he had been appointed stipendiary magistrate in that commission area under section 2 above:

Provided that—

- (a) his salary shall not be less than that payable to him immediately before that date ; and
  - (b) contributions to his superannuation allowance under Part I of Schedule 1 to this Act and to any derivative benefit within the meaning of the Administration of Justice (Pensions) Act 1950 shall be paid and borne as if this Act had not been passed and his service as stipendiary magistrate after the beginning of April 1974 had been service as a metropolitan stipendiary magistrate; and
  - (c) for the purposes of paragraph 1 of Schedule 1 to this Act the date of his appointment shall be taken to have been that of his appointment to the office held by him immediately before the beginning of that month.
- (6) Nothing in Part I of this Act or in any repeal made by Part I or II of Schedule 5 shall affect—
    - (a) any superannuation or other benefits payable wholly in respect of service ending before 1st April 1974, or the person by whom or manner in which any such benefits are to be paid or borne ; or
    - (b) the division of any commission area into petty sessional divisions as existing at the beginning of that month ; or
    - (c) any regulations in force at the beginning of that month under section 8 of the Justices of the Peace Act 1949 ;

but any such regulations shall thereafter have effect as if made under Part III of Schedule 1 to this Act.