



# Justices of the Peace Act 1979

## 1979 CHAPTER 55

An Act to consolidate certain enactments relating to justices of the peace (including stipendiary magistrates), justices' clerks and the administrative and financial arrangements for magistrates' courts, and to matters connected therewith, with amendments to give effect to recommendations of the Law Commission. [6th December 1979]

### Modifications etc. (not altering text)

- C1** Functions of the Secretary of State under this Act transferred to the Lord Chancellor (1.4.1992) by [S.I. 1992/709, art.2\(1\)\(a\)](#)
- C2** By [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 101(1), [Sch. 12 para. 23](#); [S.I. 1991/2208](#), art. 2(1), [Sch.1](#) it is provided (14.10.1991) that in relation to any time before the commencement of s. 70 of that 1991 Act (which came into force on 1.10.1992 by [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#)) references in any enactment amended by that 1991 act, to youth courts shall be construed as references to juvenile courts.

### Commencement Information

- II** Act wholly in force 6.3.1980 see [s. 72\(2\)](#)

## PART I

### GENERAL

#### *Areas and commissions of the peace*

#### **1 Commission areas.**

There shall in England and Wales be a commission of the peace for the following areas (in this Act referred to as "commission areas") and no others, that is to say—

- (a) every county;
- (b) every London commission area; and

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*Changes to legislation:* There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997). (See end of Document for details)

- (c) the City of London.

**Modifications etc. (not altering text)**

**C3** Power to amend s. 1 conferred (5.7.1994) by 1994 c. 19, s. 55(3)(a)

**2 London commission areas.**

(1) Subject to the provisions of section 3 of this Act, the following areas of Greater London, that is to say—

- (a) an area to be known as the “inner London area”, consisting of the inner London boroughs;
- (b) an area to be known as the “north-east London area”, consisting of the London boroughs of Barking, Havering, Newham, Redbridge and Waltham Forest;
- (c) an area to be known as the “south-east London area”, consisting of the London boroughs of Bexley, Bromley and Croydon;
- (d) an area to be known as the “south-west London area”, consisting of the London boroughs of Kingston upon Thames, Merton, Richmond upon Thames and Sutton; and
- (e) an area to be known as the “Middlesex area”, consisting of the London boroughs of Barnet, Brent, Ealing, Enfield, Haringey, Harrow, Hillingdon and Hounslow.

are in this Act referred to as “London commission areas”, and the areas specified in paragraphs (b) and (e) above are in this Act referred to as the “outer London areas”.

(2) ..... <sup>F1</sup>

**Textual Amendments**

**F1** S. 2(2)(3) repealed by Local Government Act 1985 (c.51, SIF 81:1), s. 102, Sch. 17

**3 Power to adjust London commission areas.**

- (1) Her Majesty may by Order in Council substitute for any one or more of the areas specified in section 2(1) above any other area or areas comprising the whole or part of Greater London, or alter the boundaries of any area so specified; but the City of London shall not by virtue of any such Order be included in a London commission area.
- (2) An Order in Council made under this section may contain such incidental, consequential, transitional or supplementary provisions as may be necessary or expedient for the purposes of the Order (including provisions amending this Act or any other enactment).
- (3) Any statutory instrument made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**4 Petty sessions areas.**

(1) The following areas outside Greater London are petty sessions areas, that is to say—

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- (a) every non-metropolitan county which is not divided into petty sessional divisions;
  - (b) every petty sessional division of a non-metropolitan county;
  - (c) every metropolitan district which is not divided into petty sessional divisions; and
  - (d) every petty sessional division of a metropolitan district.
- (2) In the following provisions of this Act “petty sessions area” means any of the following, that is to say—
- (a) any of the areas outside Greater London specified in subsection (1) above;
  - [<sup>F2</sup>(b) the inner London area if it is not divided into petty sessional divisions;
  - (c) any petty sessional division of the inner London area;
  - (d) any outer London borough which is not divided into petty sessional divisions;
  - (e) any petty sessional division of an outer London borough; and
  - (f) the City of London.]

#### Textual Amendments

**F2** S. 4(2)(b)–(f) substituted for paras. (b)–(d) by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), s. 12(2)

#### Modifications etc. (not altering text)

**C4** Power to amend s. 4 conferred (5.7.1994) by [1994 c. 19](#), s. 55(3)(b).

## 5 General form of commissions of the peace.

- (1) The commission of the peace for any commission area shall be a commission under the Great Seal addressed generally, and not by name, to all such persons as may from time to time hold office as justices of the peace for the commission area.
- (2) A commission of the peace issued after the commencement of this Act shall be framed so as to take account of the abolition of courts of quarter sessions by section 3 of the <sup>M1</sup>Courts Act 1971.

#### Modifications etc. (not altering text)

**C5** S. 5 excluded by [Social Security Act 1986 \(c.50, SIF 113:1\)](#), s. 25(3)

#### Marginal Citations

**M1** [1971 c. 23](#).

### *Justices other than stipendiary magistrates*

## 6 Appointment and removal of justices of the peace.

- (1) Subject to the following provisions of this Act, justices of the peace for any commission area shall be appointed [<sup>F3</sup>by the Lord Chancellor by instrument on behalf and in the name of Her Majesty], and a justice so appointed may be removed from office in like manner.

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- (2) The preceding subsection does not apply to stipendiary magistrates and shall be without prejudice to the position of the Lord Mayor and aldermen as justices for the City of London by virtue of the charters of the City.

#### Textual Amendments

**F3** Words substituted by [Administration of Justice Act 1982 \(c.53, SIF 37\)](#), s. 65

### 7 Residence qualification.

- (1) Subject to the provisions of this section, a person shall not be appointed as a justice of the peace for a commission area in accordance with section 6 of this Act, nor act as a justice of the peace by virtue of any such appointment, unless he resides in or within fifteen miles of that area.
- (2) If the Lord Chancellor is of opinion that it is in the public interest for a person to act as a justice of the peace for a particular area though not qualified to do so under subsection (1) above, he may direct that, so long as any conditions specified in the direction are satisfied, that subsection shall not apply in relation to that person's appointment as a justice of the peace for the area so specified.
- (3) Where a person appointed as a justice of the peace for a commission area in accordance with section 6 of this Act is not qualified under the preceding provisions of this section to act by virtue of the appointment, he shall be removed from office as a justice of the peace in accordance with section 6 of this Act if the Lord Chancellor is of opinion that the appointment ought not to continue having regard to the probable duration and other circumstances of the want of qualification.
- (4) No act or appointment shall be invalidated by reason only of the disqualification or want of qualification under this section of the person acting or appointed.

### 8 Supplemental list for England and Wales.

- (1) There shall be kept in the office of the Clerk of the Crown in Chancery a supplemental list for England and Wales as provided for by this Act (in this Act referred to as "the supplemental list").
- (2) Subject to the following provisions of this section, there shall be entered in the supplemental list—
- (a) the name of any justice of the peace who is of the age of 70 years or over and neither holds nor has held high judicial office within the meaning of the <sup>M2</sup>Appellate Jurisdiction Act 1876, and
  - (b) the name of any justice of the peace who holds or has held such office and is of the age of 75 years or over.
- (3) A person who on the date when his name falls to be entered in the supplemental list in accordance with subsection (2) above holds office as chairman of the justices in a petty sessions area (whether by an election made, or having effect as if made, under section 17 of this Act, or, in the City of London, as Chief Magistrate or acting Chief Magistrate) shall have his name so entered on the expiry or sooner determination of the term for which he holds office on that date.

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- (4) The Lord Chancellor may direct that the name of a justice of the peace for any area shall be entered in the supplemental list if the Lord Chancellor is satisfied either—
  - (a) that by reason of the justice's age or infirmity or other like cause it is expedient that he should cease to exercise judicial functions as a justice for that area, or
  - (b) that the justice declines or neglects to take a proper part in the exercise of those functions.
- (5) On a person's appointment as a justice of the peace for any area the Lord Chancellor may direct that his name shall be entered in the supplemental list, if that person is appointed a justice for that area on ceasing to be a justice for some other area.
- (6) The name of a justice of the peace shall be entered in the supplemental list if he applies for it to be so entered and the application is approved by the Lord Chancellor.
- (7) Nothing in this section shall apply to a person holding office as stipendiary magistrate.

#### Marginal Citations

M2 1876 c. 59.

### 9 Removal of name from supplemental list.

- (1) A person's name shall be removed from the supplemental list if he ceases to be a justice of the peace.
- (2) The name of any person, if not required to be entered in the supplemental list by subsection (2) or subsection (3) of section 8 of this Act, shall be removed from the list if so directed by the Lord Chancellor.

### 10 Effect of entry of name in supplemental list.

- (1) Subject to the following subsections, a justice of the peace for any area, while his name is entered in the supplemental list, shall not by reason of being a justice for that area be qualified as a justice to do any act or to be a member of any committee or other body.
- (2) Subsection (1) above shall not preclude a justice from doing all or any of the following acts as a justice, that is to say—
  - (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.
- (3) The entry of a person's name in the supplemental list shall also not preclude him, if so authorised by the Lord Chancellor, from acting as a judge of the Crown Court so long as he has not attained the age of 72 years.
- (4) No act or appointment shall be invalidated by reason of the disqualification under this section of the person acting or appointed.

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## 11 Records of justices of the peace.

- (1) In each commission area, other than the City of London, such one of the justices as may be designated by the Lord Chancellor shall be keeper of the rolls.
- (2) There shall be transmitted to the keeper of the rolls for each commission area, and be enrolled in the records of the justices for that area, a copy of any instrument appointing or removing a justice of the peace in that area in accordance with section 6 of this Act; and the keeper of the rolls shall be notified, in such manner as the Lord Chancellor may direct, of any resignation or death of a justice so appointed, and shall cause to be kept, and from time to time rectified, a record of those for the time being holding office by virtue of any such appointment.
- (3) There shall be kept in the office of the Clerk of the Crown in Chancery a record of all persons for the time being holding office as justices of the peace by virtue of appointments made in accordance with section 6 of this Act, together with the instruments of appointment or removal.

## 12 Travelling, subsistence and financial loss allowances.

- (1) Subject to the provisions of this section, a justice of the peace shall be entitled—
  - (a) to receive payments by way of travelling allowance or subsistence allowance where expenditure on travelling or, as the case may be, on subsistence is necessarily incurred by him for the purpose of enabling him to perform any of his duties as a justice, and
  - (b) to receive payments by way of financial loss allowance where for that performance there is incurred by him any other expenditure to which he would not otherwise be subject or there is suffered by him any loss of earnings or of benefit under the enactments relating to social security which he would otherwise have made or received.
- (2) For the purposes of this section, a justice following a course of instruction under a scheme made in accordance with arrangements approved by the Lord Chancellor, or a course of instruction provided by the Lord Chancellor, shall be deemed to be acting in the performance of his duties as a justice.
- (3) A justice shall not be entitled to any payment under this section in respect of any duties, if in respect of those duties a payment of the like nature may be paid to him under arrangements made apart from this section or if regulations provide that this section shall not apply; and a stipendiary magistrate shall not be entitled to any payment under this section in respect of his duties as such.
- (4) Allowances payable under this section shall be paid at rates determined by the Secretary of State with the consent of the Minister for the Civil Service.
- (5) An allowance payable under this section in respect of duties as a justice in the Crown Court shall be paid by the Lord Chancellor; and an allowance otherwise payable under this section to a justice for any commission area in respect of his duties as such shall be paid by the appropriate authority in relation to that area, that is to say—
  - (a) in relation to the City of London, the Common Council;
  - (b) in relation to the inner London area, the Receiver;
  - (c) in relation to any of the outer London areas, [<sup>F4</sup>the council of the outer London borough which is or includes the petty sessions area for which the justice acts];
  - (d) in relation to a non-metropolitan county, the county council;

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- (e) in relation to a metropolitan county, the council of the metropolitan district which is or includes the petty sessions area for which the justice acts.
- (6) Regulations may make provision as to the manner in which this section is to be administered, and in particular—
  - (a) for prescribing the forms to be used and the particulars to be provided for the purpose of claiming payment of allowances; and
  - (b) for avoiding duplication between payments under this section and under other arrangements where expenditure is incurred for more than one purpose, and otherwise for preventing abuses.
- (7) Regulations for the purposes of this section shall be made by the Secretary of State by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F4** Words substituted by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), s. 12(3)

*Stipendiary magistrates other than metropolitan stipendiary magistrates*

### 13 Appointment and removal of stipendiary magistrates.

- (1) It shall be lawful for Her Majesty to appoint a [<sup>F5</sup>person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990,]to be, during Her Majesty's pleasure, a whole-time stipendiary magistrate in any commission area or areas outside the inner London area and the City of London, and to appoint more than one such magistrate in the same area or areas.
- (2) A person so appointed to be a magistrate in any commission area shall by virtue of his office be a justice of the peace for that area.
- (3) Any appointment of a stipendiary magistrate under this section shall be of a person recommended to Her Majesty by the Lord Chancellor, and a stipendiary magistrate appointed under this section shall not be removed from office except on the Lord Chancellor's recommendation.
- (4) The number of stipendiary magistrates appointed under this section shall not at any time exceed forty or such larger number as Her Majesty may from time to time by Order in Council specify.
- (5) Her Majesty shall not be recommended to make an Order in Council under subsection (4) above unless a draft of the Order has been laid before Parliament and approved by resolution of each House.

#### Textual Amendments

**F5** Words substituted by [Courts and Legal Services Act 1990 \(c.41, SIF 37\)](#), s. 71(2), [Sch. 10 para. 44\(1\)](#)

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#### 14 Retirement of stipendiary magistrates.

- (1) A stipendiary magistrate appointed on or after the 25th October 1968 shall vacate his office at the end of the completed year of service in the course of which he attains the age of 70:  
 Provided that where the Lord Chancellor considers it desirable in the public interest to retain him in office after that time, the Lord Chancellor may from time to time authorise him to continue in office up to such age not exceeding 72 as the Lord Chancellor thinks fit.
- (2) A stipendiary magistrate appointed before the 25th October 1968 shall vacate his office at the end of the completed year of service in the course of which he attains the age of 72:  
 Provided that where the Lord Chancellor considers it desirable in the public interest to retain him in office after that time, the Lord Chancellor may from time to time authorise him to continue in office up to such age not exceeding 75 as the Lord Chancellor thinks fit.

#### 15 Acting stipendiary magistrate.

- (1) Where it appears to the Lord Chancellor that it is expedient to do so in order to avoid delays in the administration of justice in any commission area in which a stipendiary magistrate can be appointed under section 13 of this Act, the Lord Chancellor—
- (a) may authorise any person qualified to be so appointed to act as a stipendiary magistrate in that area during such period (not exceeding three months at one time) as the Lord Chancellor thinks fit, or
  - (b) may require so to act any stipendiary magistrate appointed under that section in another commission area.
- (2) While acting as a stipendiary magistrate in any commission area under subsection (1) above, a person shall have the same jurisdiction, powers and duties as if he had been appointed stipendiary magistrate in that area and were a justice of the peace for that area.
- [<sup>F6</sup>(2A) Sections 44, 45 and 53 of this Act shall apply to a person acting as a stipendiary magistrate under subsection (1) as they apply to a stipendiary magistrate.]
- (3) The Lord Chancellor may, out of moneys provided by Parliament, pay to any person authorised to act under this section, not being a stipendiary magistrate, such remuneration as he may, with the approval of the Minister for the Civil Service, determine.

#### Textual Amendments

**F6** S. 15(2A) inserted by Courts and Legal Services Act 1990 (c.41, SIF 76:1), ss. 108(4), 125(6), **Sch. 19 para. 16**

#### 16 Place of sitting and powers of stipendiary magistrates.

- (1) Subject to subsection (5) below, nothing in [<sup>F7</sup>the Magistrates' Courts Act 1980] requiring a magistrates' court to be composed of two or more justices, or to sit in a petty sessional court-house or an occasional court-house, or limiting the powers of a magistrates' court composed of a single justice, or when sitting elsewhere than



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in a petty sessional court-house, shall apply to any stipendiary magistrate sitting in a place appointed for the purpose.

- (2) A stipendiary magistrate appointed under section 13 of this Act in any commission area shall sit at such court houses in the area, on such days and at such times as may be determined by, or in accordance with, directions given by the Lord Chancellor from time to time.
- (3) Subject to subsection (5) below, a stipendiary magistrate so appointed, sitting at a place appointed for the purpose, shall have power to do any act, and to exercise alone any jurisdiction, which can be done or exercised by two justices under any law, other than any law made after the 2nd August 1858 which contains an express provision to the contrary; and all the provisions of any Act which are auxiliary to the jurisdiction exercisable by two justices of the peace shall apply also to the jurisdiction of such a stipendiary magistrate.
- (4) Subsection (3) above shall apply to cases where the act or jurisdiction in question is expressly required to be done or exercised by justices sitting or acting in petty sessions as it applies to other cases; and any enactment authorising or requiring persons to be summoned or to appear at petty sessions shall in the like cases authorise or require persons to be summoned or to appear before such a stipendiary magistrate at the place appointed for his sitting.
- (5) Nothing in this section shall apply to the hearing or determination of [<sup>F8</sup>domestic proceedings][<sup>F8</sup>family proceedings] within the meaning of [<sup>F9</sup>section 65 of the Magistrates' Courts Act 1980]; and nothing in subsection (3) above shall apply to any act or jurisdiction relating to the grant or transfer of any licence.

#### Textual Amendments

- F7** Words substituted by Magistrate's Courts Act 1980 (c.43, SIF 82), s. 154(1), **Sch. 7 para. 191(a)**
- F8** Words "family proceedings courts" substituted (*prosp.*) for "domestic courts" by Children Act 1989 (c.41, SIF 20), ss. 92(11), 108(2)(6), Sch. 11 Pt. II para. 7(a), **Sch. 14 para. 1(1)**
- F9** Words substituted by Magistrates' Courts Act 1980 (c.43, SIF 82), s. 154(1), **Sch. 7 para. 191(b)**

## PART II

### ORGANISATION OF FUNCTIONS OF JUSTICES

#### Modifications etc. (not altering text)

- C6** Pt. II (ss. 17-30) extended (1.11.1994 for specified purposes and 1.4.1995 for all remaining purposes) by 1994 c. 29, s. 79(2)(6); S.I. 1994/2594, art. 4; S.I. 1995/685, art. 3.

#### *General provisions*

#### **17 Chairman and deputy chairmen of justices.**

- (1) In any petty sessions area there shall be a chairman and one or more deputy chairmen of the justices chosen from amongst themselves by the magistrates for the area by secret ballot.

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- (2) Subject to subsection (3) below, if the chairman or a deputy chairman of the justices for a petty sessions area is present at a meeting of those justices, he shall preside unless he requests another justice to preside in accordance with rules made under the next following section.
- (3) Subsection (2) above shall not confer on the chairman and deputy chairmen of the justices as such any right to preside in a juvenile or [F10 domestic court][F10 family proceedings court] or at meetings of a committee or other body of justices having its own chairman, or at meetings when any stipendiary magistrate is engaged as such in administering justice.

#### Textual Amendments

**F10** Words "family proceedings courts" substituted (*prosp.*) for "domestic court" by [Children Act 1989 \(c.41, SIF 20\)](#), ss. 92(11), 108(2)(6), Sch. 11 Pt. II para. 7(b), **Sch. 14 para. 1(1)**

#### Modifications etc. (not altering text)

**C7** [S. 17\(2\)](#) restricted by [S.I. 1990/1554](#), **rule 12**

## 18 Rules as to chairmanship and size of bench.

- (1) The number of justices (other than metropolitan stipendiary magistrates) sitting to deal with a case as a magistrates' court shall not be greater than the number prescribed by rules made under this section.
- (2) Rules made under this section may make provision as to the manner in which section 17 of this Act and this section are to be administered, and in particular—
  - (a) as to the arrangements to be made for securing the presence on the bench of enough, but not more than enough, justices;
  - (b) as to the term of office and the procedure at an election of the chairman or a deputy chairman of the justices in a petty sessions area, and the number of deputy chairmen to be elected in any such area; and
  - (c) as to the justices whom a chairman or deputy chairman of justices may request to preside at a meeting.
- (3) The right of magistrates to vote at an election of the chairman or a deputy chairman of the justices in a petty sessions area may, by rules made under this section, be restricted with a view to securing that the election is made by magistrates experienced as such in the area.
- (4) No rules shall be made under this section except on the advice of, or after consultation with, the rule committee established under [F11 section 144 of the Magistrates' Courts Act 1980].
- (5) Rules under this section shall be made by the Lord Chancellor by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F11** Words substituted by [Magistrates' Courts Act 1980 \(c.43, SIF 82\)](#), s. 154(1), **Sch. 7 para. 192**

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### *Magistrates' courts committees*

## **19 General provisions as to magistrates' courts committees.**

- (1) There shall continue to be committees (to be called “magistrates’ courts committees”) set up in accordance with the following provisions of this Part of this Act, with such functions in relation to justices’ clerks, to the division into petty sessional divisions of non-metropolitan counties, metropolitan districts and the outer London [<sup>F12</sup>boroughs], to the provision of courses of instruction for justices and to other matters of an administrative character as are or may be provided by or under this Act or as they may be authorised by the Secretary of State to undertake.
- (2) Subject to subsection (3) below, there shall be a magistrates’ courts committee for each area to which this subsection applies, that is to say—
  - (a) every non-metropolitan county;
  - (b) every metropolitan district;
  - (c) [<sup>F13</sup>every outer London borough]; and
  - (d) the City of London.
- (3) There may be a single magistrates’ courts committee for a composite area (in this Act referred to as a “joint committee area”) consisting of two or more areas to which subsection (2) above applies, other than the City of London; but—
  - (a) there shall be a single magistrates’ courts committee for such a composite area if, but only if, the area is for the time being directed by an order of the Secretary of State to be a joint committee area; and
  - (b) no order directing that a composite area shall be a joint committee area shall be made except on the application of the magistrates for each area to which subsection (2) above applies which is included in the composite area.
- (4) Any order of the Secretary of State under subsection (3) above may, if it relates to an area for which a magistrates’ courts committee is already acting, contain such consequential and transitional provisions for the preservation of rights and liabilities of that committee or otherwise as appear to the Secretary of State to be necessary or expedient.

#### **Textual Amendments**

**F12** Words substituted by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), s. 12(4)(a)

**F13** Words substituted by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), s. 12(4)(b)

## **20 Constitution of magistrates' courts committees.**

- (1) A magistrates’ courts committee shall, subject to subsection (2) below,—
  - (a) in the case of a committee for a county, be composed of magistrates for the county;
  - (b) in the case of a committee for a metropolitan district, be composed of magistrates for the county comprising that district;
  - (c) in the case of a committee for any of the outer London [<sup>F14</sup>boroughs or for the City of London, be composed of magistrates for the commission area comprising that borough] or for the City, as the case may be; and

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- (d) in the case of a committee for a joint committee area, be composed of magistrates for such of the following as are applicable to it, that is to say, magistrates for each county, magistrates for the county comprising each metropolitan district, and magistrates for <sup>F15</sup>the commission area comprising each London borough], for which the committee acts.
- (2) The magistrates' courts committee for any area may, with his consent, co-opt a judge of the High Court, Circuit judge or Recorder to serve as a member of the committee.
- (3) The keeper of the rolls of a county shall by virtue of his office be a member of any magistrates' courts committee acting for the county or any district thereof; and the keeper of the rolls of a London commission area shall by virtue of his office be a member of any magistrates' courts committee acting for <sup>F16</sup>any borough in]that area.
- (4) The magistrates' courts committee for an area to which section 19(2) of this Act applies which is divided into petty sessional divisions shall (in addition to any person who is a member of the committee by virtue of subsection (2) or subsection (3) above) consist of such number of magistrates chosen from amongst themselves by the magistrates for each of the petty sessional divisions of that area as may be determined in accordance with regulations made by the Secretary of State under the next following section.
- (5) The magistrates' courts committee for an area to which section 19(2) of this Act applies which is not divided into petty sessional divisions shall (in addition to any person who is a member of the committee by virtue of subsection (2) or subsection (3) above) consist of such number of magistrates chosen from amongst themselves by the magistrates for that area as those magistrates may determine.
- (6) The magistrates' courts committee for a joint committee area shall consist of the following persons, that is to say—
- (a) any person who is a member of the committee by virtue of subsection (2) or subsection (3) above;
  - (b) in respect of any area to which section 19(2) of this Act applies which is divided into petty sessional divisions and is included in the joint committee area, such number of magistrates, chosen from amongst themselves by the magistrates for each such petty sessional division, as may be determined in accordance with regulations made by the Secretary of State under the next following section; and
  - (c) in respect of any area to which section 19(2) of this Act applies which is not divided into petty sessional divisions but is included in the joint committee area, such number of magistrates chosen from amongst themselves by the magistrates for the area so included as may for the time being be determined by, or in accordance with, the order directing that the composite area shall be a joint committee area.

#### **Textual Amendments**

**F14** Words substituted by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), [s. 12\(5\)\(a\)\(i\)](#)

**F15** Words substituted by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), [s. 12\(5\)\(a\)\(ii\)](#)

**F16** Words substituted by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), [s. 12\(5\)\(b\)](#)

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## **21 Powers of Secretary of State in relation to magistrates' courts committees.**

- (1) The Secretary of State may by statutory instrument make general regulations about the constitution, procedure and quorum of magistrates' courts committees; but (except as provided by subsection (2) below) any such regulations shall have effect subject to the provisions of section 20 of this Act.
- (2) Any such regulations may—
  - (a) lay down upper and lower limits for the number of members of which the magistrates' courts committee for an area to which section 19(2) of this Act applies which is not divided into petty sessional divisions may be composed, and
  - (b) direct that where, in an area to which section 19(2) of this Act applies which is divided into petty sessional divisions, the total number of the divisions is less than that specified in the regulations, there shall from each division be such number of members on any magistrates' courts committee acting for the area as may be so specified.
- (3) Any such regulations may also make provision with respect to the persons (other than the members, clerks and officers of the committee) who may be entitled to attend the meetings of a magistrates' courts committee and the rights of such persons to make representations to the committee.
- (4) The Secretary of State may give general or special directions with respect to summoning the first meeting of magistrates' courts committees.

## **22 Supplementary provisions as to magistrates' courts committees.**

- (1) A magistrates' courts committee shall appoint one of its members to be chairman of the committee and, subject to subsection (2) below, shall also appoint a clerk to the committee and may appoint such other officers (if any) as the Secretary of State may approve.
- (2) Where there is a separate magistrates' courts committee for an area to which section 19(2) of this Act applies which is not divided into petty sessional divisions, the clerk to the justices (that is to say—
  - (a) in the case of a non-metropolitan county, the county justices;
  - (b) in the case of a metropolitan district, the justices acting for that district;
  - (c) in the case of any of the outer London [<sup>F17</sup>boroughs], the justices [<sup>F17</sup>acting for that borough]; or
  - (d) in the case of the City of London, the justices for the City), shall by virtue of his office be the clerk to the committee.
- (3) Where the magistrates for a petty sessions area are required to meet for the purpose of carrying out any functions under section 20 of this Act, a meeting shall be convened by the magistrates' courts committee or, if there is no such committee in being or the Secretary of State considers it appropriate, by the Secretary of State.
- (4) A magistrates' courts committee may act through sub-committees appointed by them.
- (5) Subject to the provisions of this Act, a magistrates' courts committee shall have power to regulate its own procedure, including quorum.

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- (6) The proceedings of a magistrates' courts committee shall not be invalidated by reason of any vacancy therein or of any defect in the appointment of a member.
- (7) A magistrates' courts committee shall be a body corporate.

#### Textual Amendments

**F17** Words substituted by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), **s. 12(6)**

VALID FROM 01/04/1995

#### **[<sup>F18</sup>22A General powers and duties of magistrates' courts committees.**

- (1) A magistrates' courts committee shall be responsible for the efficient and effective administration of the magistrates' courts for their area.
- (2) A magistrates' courts committee may, in particular—
  - (a) allocate administrative responsibilities among the justices' chief executive, the justices' clerks and the staff of the committee, and
  - (b) determine the administrative procedures to be followed by any of the persons mentioned in paragraph (a) above.
- (3) It shall be the duty of every magistrates' courts committee to provide courses of instruction for justices' clerks and for staff of the committee.
- (4) The Lord Chancellor may give directions to magistrates' courts committees requiring each of them, in discharging their responsibilities under subsection (1) above, to meet specified standards of performance.
- (5) The Lord Chancellor may also give directions to magistrates' courts committees requiring each of them to take specified steps, at such intervals as may be specified—
  - (a) for the purpose of keeping the magistrates for their area informed as to the activities of the committee, or
  - (b) for the purpose of ascertaining the views of those magistrates on particular matters related to the functions of the committee.
- (6) In discharging their responsibilities under subsection (1) above, a magistrates' courts committee shall have regard to the needs of court users who are disabled; and so long as any direction under subsection (4) above is in force the standards of performance required under that subsection must include standards relating to the provision made for such court users.
- (7) A direction under this section may be given to all magistrates' courts committees or to one or more particular committees.
- (8) The Lord Chancellor shall arrange for any direction given under this section to be published in such manner as he thinks fit.]

#### Textual Amendments

**F18** [S. 22A](#) inserted (1.4.1995) by [1994 c. 29, s.73](#); [S.I. 1995/685, art. 4\(b\)](#).

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## 23 Powers and duties of committee as to petty sessional divisions.

- (1) Subject to the provisions of this and the next following section, a magistrates' courts committee acting for a non-metropolitan county or metropolitan district or any of the outer London [<sup>F19</sup>boroughs] may at any time submit to the Secretary of State a draft order making such provision about the division of the county, district or [<sup>F19</sup>borough] or any part thereof into petty sessional divisions as the committee think fit.
- (2) It shall be the duty of such a committee, if directed to do so by the Secretary of State, to review the division of the county, district or [<sup>F19</sup>borough], as the case may be, or any part thereof into petty sessional divisions and, on completion of the review, to submit to the Secretary of State either a draft order under subsection (1) above or a report giving reasons for making no change.
- (3) Subject to the provisions of this and the next following section—
  - (a) where such a committee submit a draft order to the Secretary of State under this section, he may by statutory instrument make the order either in the terms of the draft or with such modifications as he thinks fit; and
  - (b) where such a committee fail to comply within six months with a direction of the Secretary of State under subsection (2) above, or the Secretary of State is dissatisfied with the draft order or report submitted in pursuance of such a direction, he may by statutory instrument make such order as he thinks fit about the division into petty sessional divisions of the area to which the direction related.
- (4) An order under this section may provide for a non-metropolitan county or metropolitan district or any of the outer London [<sup>F19</sup>boroughs] ceasing to be divided into petty sessional divisions, and a direction under subsection (2) above may be given with respect to the division of a non-metropolitan county or metropolitan district or any of the outer London [<sup>F19</sup>boroughs] which is not for the time being so divided.
- (5) Any order under this section may contain transitional and other consequential provisions.

### Textual Amendments

**F19** Words substituted by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), s. 12(7)

## 24 Procedure relating to s. 23.

- (1) Before submitting to the Secretary of State a draft order or a report under section 23 of this Act about any area, a magistrates' courts committee—
  - (a) shall consult the council of the non-metropolitan county [<sup>F20</sup>, metropolitan district or outer London borough] concerned and the magistrates for any existing petty sessional division in the area; and
  - (b) in the case of a draft order [<sup>F21</sup>concerning a non-metropolitan county], after complying with paragraph (a) above, shall send a copy of their proposals to every interested authority and take into consideration any objections made in the prescribed manner and within the prescribed time.
- (2) A magistrates' courts committee submitting to the Secretary of State a draft order or a report under section 23 of this Act shall comply with such requirements (if any) as to notice as may be prescribed; and the Secretary of State, before making an order

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under that section about any area otherwise than in accordance with a draft submitted to him by the magistrates' courts committee, shall send a copy of his proposals to the committee, to the council of the non-metropolitan county [<sup>F22</sup>, metropolitan district or outer London borough concerned, to the magistrates for any existing petty sessional division in the area and, if a non-metropolitan county is concerned, to every interested authority].

- (3) Before making any order under section 23 of this Act the Secretary of State shall take into consideration any objections made in the prescribed manner and within the prescribed time, and may cause a local inquiry to be held.
- (4) ..... <sup>F23</sup>
- (5) Subject to the provisions of Schedule 1 to this Act, the powers conferred by section 23 of this Act shall be in substitution for any other power to create or alter petty sessional divisions in a [<sup>F24</sup>non-metropolitan county, metropolitan district or outer London borough], except powers conferred by any other provision of this Act.
- (6) For the purposes of this section—
- (a) “interested authority”, in relation to any order or draft order [<sup>F25</sup>concerning a non-metropolitan county, means the council of any district in the county which is wholly or partly included in the area to which the order or draft order relates; and]
  - (b) an order shall be deemed to be made in accordance with a draft order if either it is made in terms of the draft order or the departures from the draft order do not, in the opinion of the Secretary of State, effect important alterations in the draft order.

#### **Textual Amendments**

- F20** Words substituted by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), [s. 12\(8\)\(a\)\(i\)](#)
- F21** Words inserted by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), [s. 12\(8\)\(a\)\(ii\)](#)
- F22** Words substituted by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), [s. 12\(8\)\(b\)](#)
- F23** [S. 24\(4\)](#) repealed by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), [s. 102](#), [Sch. 17](#)
- F24** Words substituted by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), [s. 12\(8\)\(c\)](#)
- F25** Words substituted by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), [s. 12\(8\)\(d\)](#)

#### **[<sup>F26</sup>24A Alteration of names of petty sessions areas outside inner London Area.**

- (1) Subject to the provisions of this and the next section, a magistrates' courts committee for an area mentioned in section 19(2) above other than the City of London may at any time submit to the Secretary of State a draft order altering the name of the petty sessions area for which they are the committee or, if they are the committee for more than one petty sessions area, the name of any of those areas.
- (2) Subject to the provisions of this and the next following section, where such a committee submit a draft order to the Secretary of State under this section, he may by statutory instrument make the order either in the terms of the draft or with such modifications as he thinks fit.
- (3) Any order under this section may contain transitional and other consequential provisions.]



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### Textual Amendments

**F26** Ss. 24A, 24B inserted by Criminal Justice Act 1988 (c.33, SIF 39:1), ss. 123(6), 164(1)(2), Sch. 8 para. 16

### 24B Procedure relating to s. 24A.

- (1) Before submitting to the Secretary of State a draft order under section 24A of this Act, a magistrates' courts committee—
  - (a) shall consult the council of the non-metropolitan county, metropolitan district or outer London borough concerned and the magistrates of the petty sessions area to which their proposals relate; and
  - (b) after complying with paragraph (a) above, shall send a copy of their proposals to every interested authority and take into consideration any objections made in the prescribed manner and within the prescribed time.
- (2) A magistrates' courts committee submitting to the Secretary of State a draft order under section 24A of this Act shall comply with such requirements (if any) as to notice as may be prescribed; and the Secretary of State, before making an order under that section otherwise than in accordance with a draft submitted to him by the magistrates' court committee, shall send a copy of his proposals to the committee, to the council of the non-metropolitan county, metropolitan district or outer London borough concerned and, if a non-metropolitan county is concerned, every interested authority.
- (3) Before making any order under section 24A of this Act the Secretary of State shall take into consideration any objections made in the prescribed manner and within the prescribed time, and may cause a local inquiry to be held.
- (4) For the purposes of this section—
  - (a) “interested authority”, in relation to any order or draft order concerning a non-metropolitan county, means the council of any district in the county which is wholly or partly included in the area to which the order or draft order relates; and
  - (b) an order shall be deemed to be made in accordance with a draft order if either it is made in terms of the draft order or the departures from the draft order do not, in the opinion of the Secretary of State, effect important alterations in the draft order.

VALID FROM 01/11/1994

### <sup>F27</sup> 24C Reports and plans.

- (1) The Lord Chancellor may by regulations made by statutory instrument require magistrates' courts committees to submit to him such reports and plans, in relation to matters for which they are responsible, as may be prescribed.
- (2) Any report or plan required by regulations under this section—
  - (a) shall be prepared in the prescribed manner, after such consultation as may be prescribed, and within such time as may be prescribed,
  - (b) shall be in the prescribed form,

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- (c) shall be sent to such persons as may be prescribed, and
  - (d) shall be made available to the public on payment of such reasonable fee as the magistrates' courts committee may in any case determine.
- (3) The Lord Chancellor may direct any one or more magistrates' courts committees to produce such additional reports or plans in relation to matters for which they are responsible as may be specified in the direction.]

#### Textual Amendments

**F27** S. 24C inserted (1.11.1994) by 1994 c. 29, s.74; S.I. 1994/2594, art.3

VALID FROM 01/04/1995

*[<sup>F28</sup> Justices' chief executives, justices' clerks and staff]*

#### Textual Amendments

**F28** Cross heading and ss. 24D, 24E inserted (1.4.1995 except in relation to specified purposes) by 1994 c. 29, s.75; S.I. 1995/685, arts. 4(C), 5(4).

#### <sup>F29</sup> 24D Appointment of justices' chief executive.

- (1) Every magistrates' courts committee shall appoint a justices' chief executive.
- (2) A person may not be appointed as justices' chief executive unless—
  - (a) the magistrates' courts committee have submitted to the Lord Chancellor, in accordance with regulations, an application for approval of one or more persons offering themselves for the appointment,
  - (b) the Lord Chancellor has approved one or more of those persons, and
  - (c) the person appointed is a person so approved.
- (3) For the purposes of subsection (2) above, appointment as justices' chief executive does not include, in relation to a person employed as such under a contract for a fixed term, re-appointment on the expiry of that term.
- (4) Where the Lord Chancellor declines to approve any person who is named in an application under subsection (2)(a) above, he shall inform the magistrates' courts committee of the reasons for his decision.
- (5) A person may not be appointed as justices' chief executive unless he is eligible under section 26 of this Act for appointment as justices' clerk.
- (6) A person may not be appointed both as justices' chief executive and as justices' clerk for a petty sessions area unless the Lord Chancellor has agreed that he may hold both appointments.
- (7) Where, in accordance with subsection (6) above, a person holds an appointment as justices' chief executive with an appointment as justices' clerk for a petty sessions area, he shall not exercise any functions as justices' clerk for the petty sessions

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area unless authorised to do so (either generally or in any particular case) by the magistrates' courts committee for the area which includes that petty sessions area.

- (8) In this section “regulations” means regulations made by the Lord Chancellor by statutory instrument.

#### Textual Amendments

**F29** Ss. 24D, 24E inserted (1.4.1995 except in relation to specified purposes) by 1994 c. 29, s.75; S.I. 1995/685, arts.4(c), 5(4).

#### Modifications etc. (not altering text)

**C8** S. 24D modified (1.4.1995) by 1994 c. 29, s. 80(2); S.I. 1995/685, art.4(f)

### <sup>F30</sup>24E Functions of justices' chief executive.

- (1) The justices' chief executive in relation to any magistrates' courts committee shall—
- act as clerk to the committee, and
  - subject to and in accordance with any directions given by the committee, carry on the day to day administration of the magistrates' courts for the area to which the committee relates.
- (2) A justices' chief executive may arrange for his functions under subsection (1) (a) above to be exercised by any member of the staff of the magistrates' courts committee.
- (3) It shall be the duty of the justices' chief executive to make arrangements for discussions relating to law, practice and procedure among the justices' clerks for petty sessions areas within the area of the committee.

#### Textual Amendments

**F30** Ss. 24D, 24E inserted (1.4.1995 except in relation to specified purposes) by 1994 c. 29, s.75; S.I. 1995/685, arts. 4(c), 5(4).

### *Justices' clerks and their staffs*

## 25 Appointment and removal of justices' clerks.

- (1) Justices' clerks shall be appointed by the magistrates' courts committee and shall hold office during the pleasure of the committee; and a magistrates' courts committee may appoint more than one justices' clerk for any area.
- (2) The approval of the Secretary of State shall be required—
- for any decision to increase the number of justices' clerks in a petty sessions area or to have more than one justices' clerk in a new petty sessions area;
  - for any appointment of a justices' clerk;
  - for the removal of the justices' clerk for a petty sessional division where the magistrates for the division do not consent to the removal.

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- (3) A magistrates' courts committee shall consult the magistrates for any petty sessional division on the appointment or removal of a justices' clerk for the division; and the Secretary of State, before approving the appointment or removal of a justices' clerk for such a division, shall consider any representations made to him by the magistrates for the division, and before approving the removal of any such clerk shall consider any representations made to him by the clerk.
- (4) The magistrates' courts committee shall inform the Secretary of State of the age, qualification and experience of any person proposed to be appointed a justices' clerk and, if the Secretary of State so requires, of any other person offering himself for the appointment.
- (5) Subsections (1) to (4) above shall not apply to the inner London area.

## **26 Qualifications for appointment as justices' clerk.**

- (1) Except as provided by this section, no person shall be appointed as justices' clerk of any class or description unless either—
  - (a) at the time of appointment he <sup>[F31]</sup>has a 5 year magistrates' court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990, and is within any limit of age prescribed for appointments to a clerkship of that class or description, or
  - (b) he then is or has previously been a justices' clerk.
- (2) A lower as well as an upper limit of age may be prescribed under subsection (1) above for appointments to any class or description of clerkship.
- (3) A person not having the qualification as barrister or solicitor which is required by subsection (1)(a) above may be appointed a justices' clerk—
  - (a) if at the time of appointment he is a barrister or solicitor and has served for not less than five years in service to which this subsection applies, or
  - (b) if before the 1st January 1960 he had served for not less than ten years in service to which this subsection applies and, in the opinion of the magistrates' courts committee and of the Secretary of State, there are special circumstances making the appointment a proper one.
- (4) Subsection (3) above applies to service in any one or more of the following capacities, that is to say, service as assistant to a justices' clerk and service before the 1st February 1969—
  - (a) as clerk to a stipendiary magistrate;
  - (b) as clerk to a magistrates' court for the inner London area or as clerk to a metropolitan stipendiary court;
  - (c) as clerk at one of the justice rooms of the City of London; or
  - (d) as assistant to any such clerk as is mentioned in paragraphs (a) to (c) above.
- (5) A person may be appointed a justices' clerk notwithstanding that he is over the upper limit of age mentioned in subsection (1) of this section if he has served continuously in service to which subsection (3) above applies from a time when he was below that limit to the time of appointment.

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#### Textual Amendments

**F31** Words substituted by Courts and Legal Services Act 1990 (c.41, SIF 37), s. 71(2), **Sch. 10 para. 45**

VALID FROM 01/04/1995

#### [<sup>F32</sup>26A Justices' chief executives and justices' clerks to be employed under contracts of service.

- (1) Except as provided by this Act, a justices' chief executive or justices' clerk—
  - (a) shall be employed by the magistrates' courts committee, on such terms as they may determine, and
  - (b) shall hold and vacate office in accordance with the terms of his contract of service.
- (2) Subsection (1) above shall not have effect in relation to any person appointed by a magistrates' courts committee before the commencement of this section as justices' clerk for a petty sessions area so long as he—
  - (a) continues to hold office as a justices' clerk for that area or for any one or more petty sessions areas including any part of that area, and
  - (b) has not entered into a contract of service after the commencement of this section.
- (3) Any justices' clerk in relation to whom, by virtue of subsection (2) above, subsection (1) above does not have effect shall hold office during the pleasure of the magistrates' courts committee concerned.]

#### Textual Amendments

**F32** S. 26A inserted (1.4.1995) by 1994 c. 29, s.77; S.I. 1995/685, art.4(e)

## 27 Conditions of service and staff of justices' clerks.

- (1) A justices' clerk shall be paid a salary for his personal remuneration, and the salary shall be deemed to be remuneration for all business which he may by reason of his office as justices' clerk be called upon to perform, other than any duties as secretary to a licensing planning committee under Part VII of the <sup>M3</sup>Licensing Act 1964.
- (2) A justices' clerk may be paid a single salary in respect of two or more clerkships.
- (3) Subject to subsection (5) below, a justices' clerk shall be provided with the accommodation and staff, and the furniture, books and other things, proper to enable him to carry out his duties.
- (4) A justices' clerk shall, in addition to his salary, be paid the amount of any expenses of a description specified when his salary is determined, being expenses incurred by him with the general or special authority of the magistrates' courts committee.
- (5) Where a justices' clerk devotes part of his time to work other than the duties appertaining to his clerkship or clerkships, he may by arrangement with the

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magistrates' courts committee make use for the purpose of those duties of any accommodation, staff or equipment which he has for other purposes; and the sums payable to him under subsection (4) above may include payments for accommodation, staff or equipment so provided by him, whether or not he thereby incurs additional expense.

- (6) Any staff provided for a justices' clerk shall be employed by the magistrates' courts committee but shall work under the direction of the clerk, and subject to this Act the committee may make any arrangements they think fit for staff to be engaged and dismissed, and the terms of their employment fixed, on behalf of the committee.
- (7) Before any such staff are engaged or dismissed (otherwise than by the clerk himself on behalf of the committee) the clerk shall be consulted.
- (8) The power conferred by [<sup>F33</sup>section 144 of the Magistrates' Courts Act 1980] to make rules for regulating and prescribing the procedure and practice to be followed by justices' clerks shall, without prejudice to the generality of subsection (1) of that section, include power to provide that, subject to any exceptions prescribed by the rules, persons shall not be employed to assist a justices' clerk in any capacity so prescribed, or shall not be permitted to do on behalf of a justices' clerk any such acts as may be so prescribed, unless those persons are qualified (any age limits apart) to be appointed justices' clerk or have such other qualifications as may for any purpose be allowed by the rules.
- (9) Subsections (1) to (7) above shall not apply to the inner London area.

#### Textual Amendments

**F33** Words substituted by [Magistrates' Courts Act 1980 \(c.43, SIF 82\), s. 154\(1\), Sch. 7 para. 193](#)

#### Marginal Citations

**M3** [1964 c. 26.](#)

## 28 General powers and duties of justices' clerks.

- (1) Rules made in accordance with [<sup>F34</sup>section 144 of the Magistrates' Courts Act 1980] may (except in so far as any enactment passed after the 25th October 1968 otherwise directs) make provision enabling things authorised to be done by, to or before a single justice of the peace to be done instead by, to or before a justices' clerk.
- [<sup>F35</sup>(1A) Such rules may also make provision enabling things authorised to be done by, to or before a justices' clerk (whether by virtue of subsection (1) above or otherwise) to be done instead by, to or before—
  - (a) a person appointed by a magistrates' courts committee to assist him;
  - (b) where he is a part-time justices' clerk, any member of his staff who has been appointed by the magistrates' courts committee to assist him in his duties as such;
  - (c) any officer appointed by the committee of magistrates to be his deputy or to assist him]
- (2) Any enactment (including any enactment contained in this Act) or any rule of law regulating the exercise of any jurisdiction or powers of justices of the peace, or relating to things done in the exercise or purported exercise of any such jurisdiction or

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powers, shall apply in relation to the exercise or purported exercise thereof by virtue of subsection (1) above by the clerk to any justices as if he were one of those justices.

- (3) It is hereby declared that the functions of a justices' clerk include the giving to the justices to whom he is clerk or any of them, at the request of the justices or justice, of advice about law, practice or procedure on questions arising in connection with the discharge of their or his functions, including questions arising when the clerk is not personally attending on the justices or justice, and that the clerk may, at any time when he thinks he should do so, bring to the attention of the justices or justice any point of law, practice or procedure that is or may be involved in any question so arising.

In this subsection the reference to the functions of justices or a justice is a reference to any of their or his functions as justices or a justice of the peace, other than functions as a judge of the Crown Court.

- (4) The enactment of subsection (3) above shall not be taken as defining or in any respect limiting the powers and duties belonging to a justices' clerk or the matters on which justices may obtain assistance from their clerk.

#### Textual Amendments

**F34** Words in s. 28(1) substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(1), [Sch. 7 para. 194](#)

**F35** [S. 28\(1A\)](#) inserted (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 117; S.I. 1991/1364, [art. 2](#), Sch.

## 29 Functions of justices' clerk as collecting officer.

- (1) A justices' clerk shall by virtue of his office be collecting officer of any magistrates' court of which he is the clerk.
- (2) In his capacity as such a collecting officer, a justices' clerk—
- shall discharge all such functions as are conferred by any enactment on a collecting officer appointed by the justices for a petty sessional division under the <sup>M4</sup>Affiliation Orders Act 1914; and
  - shall act under any order directing the payment of money to him which was made by any court under section 30 of the <sup>M5</sup>Criminal Justice Administration Act 1914 (which provided for periodical payments under court orders to be made through an officer of the court or other third party) and which continues to have effect in accordance with the provisions of paragraph 14 of Schedule I to this Act.
- (3) Subsections (1) and (2) above shall have effect without prejudice to the provisions of [<sup>F36</sup>section 59 of the Magistrates' Courts Act 1980](periodical payments through justices' clerk) or [<sup>F36</sup>section 62 of that Act](relating to payments required to be made to a child).

#### Textual Amendments

**F36** Words substituted by [Magistrates' Courts Act 1980 \(c.43, SIF 82\)](#), s. 154(1), [Sch. 7 para. 195](#)

#### Marginal Citations

**M4** 1914 c. 6.

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**M5** 1914 c. 58.

### **30 Person acting as substitute clerk to justices.**

- (1) The provisions of this section shall have effect where, in any petty sessions area outside the inner London area, a person who is not the justices' clerk or one of the justices' clerks appointed in that petty sessions area by the magistrates' courts committee acts as clerk to the justices for that petty sessions area.
- (2) Subject to any rules made under [<sup>F37</sup>section 144 of the Magistrates' Courts Act 1980]and to subsection (3) below, the person so acting shall be treated as having acted as deputy to the justices' clerk appointed by the magistrates' courts committee in that petty sessions area, and shall make a return to the justices' clerk so appointed of all matters done before the justices and of all matters that the clerk to the justices is required to register or record.
- (3) In relation to a petty sessions area in which there are two or more justices' clerks appointed by the magistrates' courts committee, any reference in subsection (2) above to the justices' clerk so appointed shall be construed as a reference to such one of them as may be designated for the purpose by the committee.

#### **Textual Amendments**

**F37** Words substituted by [Magistrates' Courts Act 1980 \(c.43, SIF 82\)](#), s. 154(1), **Sch. 7 para. 196**

VALID FROM 01/11/1994

### **[<sup>F38</sup>30A Independence of justices' clerk and staff in relation to legal functions.**

- (1) When exercising the functions specified in subsection (2) below or giving advice to justices of the peace in an individual case—
  - (a) a justices' clerk shall not be subject to the direction of the magistrates' courts committee, the justices' chief executive or any other person, and
  - (b) any member of the staff of a magistrates' courts committee shall not be subject to the direction of that committee or of the justices' chief executive (when acting as such).
- (2) The functions referred to in subsection (1) above are functions conferred by rules made in accordance with section 144 of the <sup>M6</sup>Magistrates' Courts Act 1980 by virtue of section 28(1) or (1A) of this Act.]

#### **Textual Amendments**

**F38** [S. 30A](#) inserted (1.11.1994) by [1994 c. 29, s.78](#); [S.I. 1994/2594, art.3](#)

#### **Marginal Citations**

**M6** 1980 c. 43.



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## PART III

### INNER LONDON AREA

#### *Metropolitan stipendiary magistrates*

#### **31 Appointment, removal and retirement of metropolitan stipendiary magistrates.**

- (1) Metropolitan stipendiary magistrates shall be appointed by Her Majesty, and Her Majesty shall from time to time appoint such number of persons as is necessary; but the number of metropolitan stipendiary magistrates shall not at any time exceed sixty or such larger number as Her Majesty may from time to time by Order in Council specify.
- (2) A person shall not be qualified to be appointed a metropolitan stipendiary magistrate unless he [<sup>F39</sup>has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990].
- (3) The Lord Chancellor shall designate one of the metropolitan stipendiary magistrates to be the chief metropolitan stipendiary magistrate.
- (4) The following provisions shall apply to each metropolitan stipendiary magistrate, that is to say—
  - (a) he shall by virtue of his office be a justice of the peace for each of the London commission areas and for the counties of Essex, Hertfordshire, Kent and Surrey;
  - (b) .....<sup>F40</sup>
  - (c) he may be removed from office by the Lord Chancellor for inability or misbehaviour.
- (5) A metropolitan stipendiary magistrate who is by virtue of his office a justice of the peace for any area mentioned in subsection (4) above shall not, by reason only of his being a justice of the peace for that area by virtue of that office, be qualified to be chosen under section 17(1) of this Act as chairman or deputy chairman of the justices for a petty sessional division of that area or to vote under that subsection at the election of any such chairman or deputy chairman.
- (6) Section 14 of this Act shall apply to metropolitan stipendiary magistrates as well as to other stipendiary magistrates in England or Wales.
- (7) Her Majesty shall not be recommended to make an Order in Council under subsection (1) above unless a draft of the Order has been laid before Parliament and approved by resolution of each House.

#### **Textual Amendments**

- F39** Words substituted by Courts and Legal Services Act 1990 (c.41, SIF 37), s. 71(2), **Sch. 10 para. 44(2)**  
**F40** S. 31(4)(b) repealed by Courts and Legal Services Act 1990 (c.41, SIF 76:1), s. 125(7), **Sch. 20**

#### **32 Allocation and sittings of metropolitan stipendiary magistrates.**

- (1) The Lord Chancellor may assign metropolitan stipendiary magistrates to petty sessional divisions constituted under section 36 of this Act and may alter any assignment under this subsection; but the assignment of a magistrate to a particular

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division shall not preclude him from exercising jurisdiction for any other division of the inner London area.

- (2) Metropolitan stipendiary magistrates shall sit at such courthouses provided for the inner London area under the following provisions of this Act, on such days and at such times as may be determined by, or in accordance with, directions given by the Lord Chancellor from time to time.
- (3) The chief metropolitan stipendiary magistrate shall cause to be held, at least once in every quarter of a year, a meeting of all the metropolitan stipendiary magistrates, or such of them as are able to attend, and, if present, shall preside over the meeting.

### 33 Jurisdiction of metropolitan stipendiary magistrates and lay justices.

- (1) In the inner London area the jurisdiction conferred on justices of the peace by any enactment, by their commission or by the common law shall be exercisable both by metropolitan stipendiary magistrates and by justices of the peace for that area who are not metropolitan stipendiary magistrates (hereafter in this Part of this Act referred to as “lay justices”).
- (2) Metropolitan stipendiary magistrates shall continue to exercise the jurisdiction conferred on them as such by any enactment; and the inner London area (having taken the place of the metropolitan stipendiary courts area) shall continue to be the area for which magistrates’ courts are to be held by metropolitan stipendiary magistrates.
- (3) Lay justices for the inner London area may, in addition to exercising the jurisdiction mentioned in subsection (1) above, exercise the jurisdiction conferred on metropolitan stipendiary magistrates as such by any enactment except the following, that is to say—
  - (a) the Extradition Acts 1870 to 1935;
  - (b) ..... <sup>F41</sup>
  - (c) section 25 of the <sup>M7</sup>Children and Young Persons Act 1933 (restrictions on persons under 18 going abroad for the purpose of performing for profit); and
  - (d) the <sup>M8</sup>Fugitive Offenders Act 1967;

but a magistrates’ court consisting of lay justices for the inner London area shall not by virtue of this subsection try an information summarily or hear a complaint except when composed of at least two justices.

- (4) Without prejudice to subsection (1) above, subsections (3) to (5) of section 16 of this Act shall have effect in relation to a metropolitan stipendiary magistrate as they have effect in relation to a stipendiary magistrate appointed under section 13 of this Act.

#### Textual Amendments

**F41** S. 33(3)(b) repealed by Pilotage Act 1987 (c.21, SIF 111), s. 32(5), Sch. 3

#### Marginal Citations

**M7** 1933 c. 12.

**M8** 1967 c. 68.

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### 34 Acting metropolitan stipendiary magistrate.

- (1) If it appears to the Lord Chancellor that it is expedient to do so in order to avoid delays in the administration of justice in the inner London area, he may authorise any person, who [<sup>F42</sup>has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990], to act as a metropolitan stipendiary magistrate during such period (not exceeding three months at any one time) as the Lord Chancellor thinks fit.
- (2) All things required or authorised by law to be done by, to or before a metropolitan stipendiary magistrate may be done by, to or before any person acting as such in pursuance of this section.
- [<sup>F43</sup>(2A) Sections 44, 45 and 53 of this Act shall apply to a person acting as a metropolitan stipendiary magistrate under subsection (1) as they apply to a metropolitan stipendiary magistrate.]
- (3) The Lord Chancellor may, out of moneys provided by Parliament, pay to any person authorised to act under this section such remuneration as he may, with the approval of the Minister for the Civil Service, determine.

#### Textual Amendments

**F42** Words substituted by Courts and Legal Services Act 1990 (c.41, SIF 37), s. 71(2), **Sch. 10 para. 44(2)**

**F43** **S. 34(2A)** inserted by Courts and Legal Services Act 1990 (c.41, SIF 76:1), ss. 108(4), 125(6), **Sch. 19 para. 16**

VALID FROM 01/04/1995

#### [<sup>F44</sup>34A Division of work in inner London area.

- (1) There shall be established for the purposes of this section a committee consisting of the following members—
  - (a) the chief metropolitan stipendiary magistrate,
  - (b) six lay justices appointed by the chairmen of the petty sessional divisions of the inner London area, and
  - (c) six metropolitan stipendiary magistrates appointed by the chief metropolitan stipendiary magistrate.
- (2) The lay justices eligible for appointment under paragraph (b) of subsection (1) above include any of the chairmen referred to in that paragraph.
- (3) The members of the committee shall hold office for a period of twelve months, but shall be eligible for re-appointment.
- (4) The chief metropolitan stipendiary magistrate shall be the chairman of the committee.
- (5) It shall be the duty of the committee—
  - (a) to keep under consideration the division of work in the inner London area between the metropolitan stipendiary magistrates and the lay justices, and

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- (b) to give general directions to any magistrates' courts committee for any area which consists of or includes the whole or any part of the inner London area as to the division of the work.]

#### Textual Amendments

**F44** S. 34A inserted (1.4.1995) by 1994 c. 29, s.81; S.I. 1995/685, art.4(g)

VALID FROM 01/04/1995

*[<sup>F45</sup> Justices' clerks for youth courts and family proceedings courts]*

#### Textual Amendments

**F45** Cross heading and s. 34B inserted (1.4.1995) by 1994 c. 29, s. 91, Sch. 8 Pt. I para.15; S.I. 1995/685, art.7(1)(g)

#### <sup>F46</sup>**34B Appointment of justices' clerks for youth courts and family proceedings courts.**

- (1) The inner London magistrates' courts committee shall appoint one or more justices' clerks for the youth courts and family proceedings courts for the metropolitan area.
- (2) Subsections (2) to (4), (5)(b), (6) and (7) of section 25 of this Act have effect in relation to any justices' clerk appointed under subsection (1) above as they have effect in relation to a justices' clerk for a petty sessions area, but with the substitution for any reference to the magistrates for a petty sessions area of a reference to the justices of the peace who are members of the youth court panel for the metropolitan area or (as the case may be) of a family panel for that area, other than any such justice whose name is for the time being entered on the supplemental list.

- (3) In this section—

“the inner London magistrates' courts committee” means the magistrates' courts committee for an area consisting of or including the whole of the inner London area or, if there is no such committee, all the magistrates courts' committees for areas which consist of or include any part of the inner London area acting jointly; and

“the metropolitan area” means the inner London area and the City of London.

#### Textual Amendments

**F46** S. 34B inserted (1.4.1995) by 1994 c. 29, s. 91, Sch. 8 Pt. I para.15; S.I. 1995/685, art.7(1)(g)

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### *Provisions relating to committee of magistrates*

#### **35 Committee of magistrates for inner London area.**

- (1) No magistrates' courts committee shall be set up under Part II of this Act for the inner London area, but instead there shall continue to be a committee (to be known as the "committee of magistrates") set up for that area in accordance with the following provisions of this Part of this Act, with such functions in relation to—
  - (a) the division of that area into petty sessional divisions;
  - (b) the employment of clerks and other officers;
  - (c) the division of work between the metropolitan stipendiary magistrates and lay justices;
  - (d) the provision of courses of instruction for justices; and
  - (e) other matters of a financial or administrative character, as are or may be provided by or under this Act or as the committee may be authorised by the Secretary of State to undertake.
- (2) The chief metropolitan stipendiary magistrate shall by virtue of his office be a member of the committee of magistrates.
- (3) In addition to the chief metropolitan stipendiary magistrate, the committee of magistrates shall consist of the following members, that is to say—
  - (a) one lay justice chosen from amongst themselves by the lay justices for each petty sessional division;
  - (b) [<sup>F47</sup>one member of the juvenile court panel] for the inner London area and the City of London, chosen jointly by the members of that panel and by any chairmen of juvenile courts for that area and the City who are not members of that panel; and
  - [<sup>F48</sup>(bb) two members chosen, in such manner as may be prescribed by rules made for the purposes of this subsection, from any family panel or combined family panel for the inner London area]
  - (c) such number of metropolitan stipendiary magistrates nominated by the chief metropolitan stipendiary magistrate as is equal to the total number of members required to be chosen under paragraphs (a) and (b) above.
- (4) The members of the committee of magistrates who are chosen or nominated under subsection (3) above shall hold office as such for the period of one year beginning on such date as the Secretary of State may direct, but may again be chosen or nominated as members of the committee.
- (5) There shall be a chairman, a vice-chairman and deputy chairman of the committee of magistrates; and—
  - (a) the chief metropolitan stipendiary magistrate shall be the chairman;
  - (b) a metropolitan stipendiary magistrate chosen from amongst the members of the committee by the chief metropolitan stipendiary magistrate shall be vice-chairman; and
  - (c) a person chosen from amongst themselves by the lay justices who are members of the committee shall be the deputy chairman.
- (6) Section 22 of this Act, with the exception of—
  - (a) so much of subsection (1) as relates to the chairman of a magistrates' courts committee; and

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(b) subsection (3),

shall apply to the committee of magistrates as it applies to a magistrates' courts committee.

[<sup>F49</sup>(7) No rules shall be made under subsection (3)(bb) above except on the advice of, or after consultation with, the rule committee established under section 144 of the Magistrates' Courts Act 1980.]

#### Textual Amendments

- F47** Words in s. 35(3)(b) substituted (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 82\), s. 10\(3\)](#); S.I. 1991/1364, [art. 2](#), Sch.
- F48** S. 35(3)(bb) inserted (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 82\), s. 10\(3\)](#); S.I. 1991/1364, [art. 2](#), Sch.
- F49** S. 35(7) inserted (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 82\), s. 10\(4\)](#); S.I. 1991/1364, [art. 2](#), Sch.

### 36 Petty sessional divisions in inner London area.

- (1) The Secretary of State may, on the recommendation of or after consultation with the committee of magistrates, by order made by statutory instrument make provision for the division of the inner London area or any part of that area into petty sessional divisions.
- (2) It shall be the duty of the committee of magistrates from time to time, and also when directed to do so by the Secretary of State, to take into consideration the division of the inner London area into petty sessional divisions and to recommend to the Secretary of State (giving reasons for their recommendation) whether or not to make any changes in those divisions and, if changes are recommended, what changes; and the Secretary of State shall not act otherwise than in accordance with any recommendation under this subsection except after consultation with the committee.
- (3) An order under this section may contain transitional and other consequential provisions.

#### [<sup>F50</sup>36A Alteration of names of petty sessions areas in inner London area.

- (1) The committee of magistrates may at any time submit to the Secretary of State a draft order altering the name of any petty sessions area in the inner London area.
- (2) Where the committee submit a draft order to the Secretary of State under this section, he may by statutory instrument make the order either in the terms of the draft or with such modifications as he thinks fit.
- (3) Any order under this section may contain transitional and other consequential provisions.]

#### Textual Amendments

- F50** S. 36A inserted by [Criminal Justice Act 1988 \(c.33, SIF 39:1\), ss. 123\(6\), 164\(1\)\(3\), Sch. 8 para. 16](#)

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### 37 Justices' clerks and other officers.

- (1) It shall be the duty of the committee of magistrates, subject to the following provisions of this section, to appoint—
  - (a) a principal chief clerk for the inner London area, one or more chief clerks for each petty sessional division of that area and one or more chief clerks for the juvenile courts [<sup>F51</sup>and family proceedings courts] for that area and the City of London, and
  - (b) such [<sup>F52</sup>senior deputy chief clerks,] deputy chief clerks and other officers as may be necessary;and the committee shall, where there is more than one chief clerk for such a division or for those courts, designate one of them to be the senior chief clerk for that division or for all those courts, as the case may be necessary [<sup>F53</sup>and, where there is only one, designate him];
- (2) The officers mentioned in subsection (1)(a) above shall rank as justices' clerks and be treated as such for the purposes of the enactments relating to justices' clerks, including (except where otherwise expressly provided) any such enactment contained in this Act.
- (3) The justices' clerks [<sup>F54</sup>senior deputy chief clerks] and deputy chief clerks mentioned in subsection (1) above shall not be appointed or dismissed by the committee of magistrates without the approval of the Secretary of State, and—
  - (a) the committee shall inform the Secretary of State of the age, qualification and experience of any person proposed to be appointed such a clerk, and, if the Secretary of State so requires, of any other person offering himself for the appointment; and
  - (b) before approving the dismissal of any such clerk the Secretary of State shall consider any representations made to him by the clerk.
- (4) The number of justices' clerks and of other officers employed by the committee of magistrates in each grade below that of principal chief clerk, the grades in which such officers below that of deputy clerk are to be employed and the terms and conditions of employment of all officers employed by the committee shall be such as may from time to time be determined by the committee.
- (5) The following provisions of this subsection shall have effect with respect to determinations under subsection (4) above and related matters, that is to say—
  - (a) no such determination shall have effect unless confirmed, with or without modifications, by the Secretary of State;
  - (b) the committee of magistrates shall not make or refuse to make any such determination with respect to terms and conditions of employment except after consultation with persons appearing to the committee to represent the interests of the officers affected;
  - (c) any refusal of the committee to make any such determination with respect to any terms and conditions of employment may be reviewed by the Secretary of State, and on the review the Secretary of State may confirm the refusal or make such determination with respect to those terms and conditions as he thinks fit;
  - (d) in the case of any matter which falls to be determined under subsection (4) above and affects officers employed by the committee who immediately before the 1st April 1965—
    - (i) were clerks or other officers of metropolitan stipendiary courts, or

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- (ii) were justices' clerks or officers employed by the magistrates' courts committee for the county of London,
- the functions of the Secretary of State under paragraphs (a) to (c) above shall be exercised in such manner as he thinks necessary for protecting the interests of those officers.
- (6) The Secretary of State may by order made by statutory instrument amend subsection (1)(a) above by substituting for or adding to the offices therein mentioned such other offices as he thinks fit; and any such order may contain transitional and other consequential provisions (including provisions amending the preceding provisions of this section).
- (7) Any statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F51** Words in s. 37(1)(a) inserted (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 82\)](#), s. [10\(5\)](#); S.I. 1991/1364, [art. 2](#), Sch.
- F52** Words in s. 37(1)(b) inserted by [Criminal Justice Act 1988 \(c.33, SIF 39:1\)](#), ss. 123(6), 165(1)–(3), [Sch. 8 para. 16](#)
- F53** Words in s. 37(1) added by [Criminal Justice Act 1988 \(c.33, SIF 39:1\)](#), ss. 123(6), 165(1)–(3), [Sch. 8 para. 16](#)
- F54** Words in s. 37(3) inserted by [Criminal Justice Act 1988 \(c.33, SIF 39:1\)](#), ss. 123(6), 165(1)(4), [Sch. 8 para. 16](#)

### 38 Other functions for which committee is or may be responsible.

- (1) It shall be the duty of the committee of magistrates to keep under consideration the division of work in the inner London area between the metropolitan stipendiary magistrates and the lay justices, and to give general directions as to the division of the work.
- (2) The chief metropolitan stipendiary magistrate shall, subject to and in accordance with any directions given by the committee of magistrates, carry on the day to day administration of the magistrates' courts in the inner London area (including [<sup>F55</sup>domestic courts][<sup>F55</sup>family proceedings courts]and including juvenile courts for that area and the City of London).
- (3) The principal chief clerk for the inner London area shall assist the chief metropolitan stipendiary magistrate to perform his duty under subsection (2) above of carrying on the day to day administration of the magistrates' courts in that area.
- (4) In addition to exercising the functions conferred on them by, or by virtue of, the preceding provisions of this Part of this Act, the committee of magistrates shall consider any matters referred to them by the Lord Chancellor or the Secretary of State and, if required to do so, shall make recommendations on any matter so referred.

#### Textual Amendments

- F55** Words "family proceedings courts" substituted (*prosp.*) for "domestic courts" by [Children Act 1989 \(c. 41, SIF 20\)](#), ss. 92(11), 108(2)(6), Sch. 11 Pt. II para. 7(c), [Sch. 14 para. 1\(1\)](#)



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## PART IV

### CITY OF LONDON

#### **39 Ex officio and appointed justices.**

- (1) The Lord Mayor and aldermen of the City 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:  
Provided that any of them may be excluded by the Lord Chancellor from the exercise of his functions as a justice.
- (2) The persons holding office as justices of the peace for the City shall constitute a single body of justices, without distinction between those holding office by virtue of the charter and those appointed; and the jurisdiction and powers of the Lord Mayor and aldermen as justices by virtue of the charter shall be the same in all respects as those of appointed justices.
- (3) The establishment of the City as a separate commission area shall not be taken to have constituted new courts for the City; and the jurisdiction and powers of the justices of the peace for the City are in continuation of those formerly belonging exclusively to the justices holding office by virtue of the charter.
- (4) In this Part of this Act “the City” means the City of London.

#### **40 Chairman and deputy chairmen of justices.**

- (1) The Lord Mayor for the time being, if not disqualified, shall be chairman of the justices, with the style of Chief Magistrate, instead of a chairman being elected under section 17(1) of this Act; and, subject to subsection (3) below, the aldermen who have been Lord Mayor and are not disqualified (or, if there are more than eight such aldermen, the eight who were last Lord Mayor) shall be deputy chairmen in addition to any deputy chairmen elected under section 17(1) above.
- (2) For the purposes of this section a Lord Mayor or alderman is disqualified at any time while his name is entered in the supplemental list.
- (3) In the event of a Lord Mayor being disqualified, then during his mayoralty the senior of the aldermen designated as deputy chairmen in subsection (1) above shall, instead of being a deputy chairman, be chairman of the justices as acting Chief Magistrate.
- (4) Subsections (2) and (3) of section 17 of this Act shall apply to any Lord Mayor or alderman as chairman or deputy chairman of the justices as they apply to a chairman or deputy chairman elected under subsection (1) of that section.

#### **41 Application of enactments to the City.**

- (1) Subject to the provisions of this Part of this Act, in any enactment relating to justices of the peace, magistrates’ courts, justices’ clerks or matters connected therewith (including, except in so far as it otherwise expressly provides, any such enactment passed after the passing of this Act)—
  - (a) any reference to a county or to county justices shall be taken to include the City or justices for the City, and

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- (b) any reference to a county council shall be taken to include the Corporation of the City acting through the Common Council, and references to a county fund shall be taken to include the [<sup>F56</sup>City fund]:

Provided that in any such enactment which refers in the same context both to a non-metropolitan county and to a metropolitan district, the reference to a non-metropolitan county shall be taken to include the City.

- (2) Where any such enactment (including any enactment contained in this Act) expressly refers in the same context both—
- (a) to a county or non-metropolitan county or to justices or magistrates for a county or non-metropolitan county, and
- (b) to the City or to justices or magistrates for the City,
- the operation of that enactment shall not be affected by, and shall be without prejudice to the generality of, subsection (1) above.

#### Textual Amendments

**F56** Words substituted by [Local Government Finance Act 1988 \(c.41, SIF 81:1\)](#), ss. 137, 142, [Sch. 12 Pt. 1 para. 2](#)

#### **42 No petty sessional divisions in the City.**

Nothing in section 41 above shall authorise the making of an order under section 23 of this Act for the division of the City into petty sessional divisions.

#### **43 Records of appointed justices for the City.**

There shall be transmitted to the Lord Mayor, and be enrolled in the records of the justices for the City, a copy of any instrument appointing or removing a justice of the peace for the City in accordance with section 6 of this Act; and the Lord Mayor shall be notified, in such manner as the Lord Chancellor may direct, of any resignation or death of a justice for the City so appointed, and shall cause to be kept, and from time to time rectified, a record of those for the time being holding office as justices for the City by virtue of any such appointment.

### **PART V**

#### PROTECTION OF JUSTICES AND INDEMNIFICATION OF JUSTICES AND JUSTICES' CLERKS

#### **[<sup>F57</sup>44 Immunity for acts within jurisdiction.**

No action shall lie against any justice of the peace or justice's clerk in respect of any act or omission of his—

- (a) in the execution of his duty—
- (i) as such a justice; or
- (ii) as such a clerk exercising, by virtue of any statutory provision, any of the functions of a single justice; and
- (b) with respect to any matter within his jurisdiction.]

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**Textual Amendments**

**F57** S. 44 substituted by Courts and Legal Services Act 1990 (c.41, SIF 76:1, 82), ss. 108(2), 125(6), **Sch. 19 para. 16**

[<sup>F58</sup> **45 Immunity for certain acts beyond jurisdiction.**

An action shall lie against any justice of the peace or justice's clerk in respect of any act or omission of his—

- (a) in the purported execution of his duty—
  - (i) as such a justice; or
  - (ii) as such a clerk exercising, by virtue of any statutory provision, any of the functions of a single justice; but
- (b) with respect to matter which is not within his jurisdiction,

if, but only if, it is proved that he acted in bad faith.]

**Textual Amendments**

**F58** S. 45 substituted by Courts and Legal Services Act 1990 (c.41, SIF 76:1, 82), ss. 108(3), 125(6), **Sch. 19 para. 16**

**46—** <sup>F59</sup> .....  
**49.**

**Textual Amendments**

**F59** Ss. 46, 47, 48, 49, 51, 52 repealed by Courts and Legal Services Act 1990 (c.41, SIF 82), ss. 108(6) (a)–(f), 125(6)(7), Sch. 19 para. 16, **Sch. 20**

**50 Where action prohibited, proceedings may be set aside.**

If any action is brought in circumstances in which this Part of this Act provides that no action is to be brought, a judge of the court in which the action is brought may, on the application of the defendant and upon an affidavit as to the facts, set aside the proceedings in the action, with or without costs, as the judge thinks fit.

**51, 52.** <sup>F60</sup> .....

**Textual Amendments**

**F60** Ss. 46, 47, 48, 49, 51, 52 repealed by Courts and Legal Services Act 1990 (c.41, SIF 82), ss. 108(6) (a)–(f), 125(6)(7), Sch. 19 para. 16, **Sch. 20**

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### **53 Indemnification of justices and justices’ clerks.**

- (1) Subject to the provisions of this section . . . <sup>F61</sup>, a justice of the peace or justices’ clerk may be indemnified out of local funds in respect of—
- (a) any costs reasonably incurred by him in or in connection with proceedings against him in respect of anything done or omitted in the exercise or purported exercise of the duty of his office, or in taking steps to dispute any claim which might be made in such proceedings;
  - (b) any damages awarded against him or costs ordered to be paid by him in any such proceedings; or
  - (c) any sums payable by him in connection with a reasonable settlement of any such proceedings or claim;
- and shall be entitled to be so indemnified if, in respect of the matters giving rise to the proceedings or claim, he acted reasonably and in good faith.
- (2) Any question whether, or to what extent, a person is to be indemnified under this section shall be determined by the magistrates’ courts committee for the area for which he acted at the material time; and a determination under this subsection with respect to any such costs or sums as are mentioned in paragraph (a) or paragraph (c) of subsection (1) above may, if the person claiming to be indemnified so requests, be made in advance before those costs are incurred or the settlement made, as the case may be:
- Provided that any such determination in advance for indemnity in respect of costs to be incurred shall be subject to such limitations, if any, as the committee think proper and to the subsequent determination of the amount of the costs reasonably incurred and shall not affect any other determination which may fall to be made in connection with the proceedings or claim in question.
- (3) An appeal shall lie to a person appointed for the purpose by the Lord Chancellor—
- (a) on the part of the person claiming to be indemnified, from any decision of the magistrates’ courts committee under subsection (2) above, other than a decision to postpone until after the conclusion of the proceedings any determination with respect to his own costs or to impose limitations on making a determination in advance for indemnity in respect of such costs;
  - (b) on the part of the local authority, from any determination of the magistrates’ courts committee under that subsection, other than a determination in advance for indemnity in respect of costs to be incurred by the person claiming to be indemnified.
- (4) The Lord Chancellor may by statutory instrument make rules prescribing the procedure to be followed in any appeal under this section; and any statutory instrument made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In this section “justices’ clerk” includes a person appointed by a magistrates’ courts committee to assist a justices’ clerk and any member of the staff of a part-time justices’ clerk assisting the clerk in his duties as such; “local funds”, in relation to a justice or a justices’ clerk, means funds out of which any salary or allowance to which he is entitled (or, if he is entitled to more than one, is entitled in the relevant capacity) is payable; and “local authority” means the authority responsible for the payment of any such salary or allowance.
- (6) Subsection (5) above shall not apply to the inner London area, but in the application of the other provisions of this section to that area—

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- (a) for any reference to local funds there shall be substituted a reference to the metropolitan police fund;
  - (b) for any reference to a magistrates' courts committee there shall be substituted a reference to the committee of magistrates set up under section 35 of this Act; and
  - (c) for any reference to a local authority there shall be substituted a reference to the Receiver,
- and "justices' clerk" includes any officer employed by the committee of magistrates.

**Textual Amendments**

**F61** Words repealed by [Courts and Legal Services Act 1990 \(c.41, SIF 76:1, 82\)](#), s. 125(7), [Sch. 20](#)

**54** <sup>F62</sup> .....

**Textual Amendments**

**F62** [S. 54](#) repealed by [Courts and Legal Services Act 1990 \(c.41, SIF 76:1, 82\)](#), ss. 108(6)(g), 125(6)(7), [Sch. 19 para. 16](#), [Sch.20](#)

**PART VI**

ADMINISTRATIVE AND FINANCIAL ARRANGEMENTS

**Modifications etc. (not altering text)**

- C9** [Pt. VI \(ss. 55–62\)](#) extended by [Magistrates' Courts Act 1980 \(c.43, SIF 82\)](#), s. 87(4)
- C10** [Pt. VI \(ss. 55–62\)](#) amended by [Magistrates' Courts Act 1980 \(c.43, SIF 82\)](#), s. 87A(2) (as inserted by [Criminal Justice Act 1988 \(c.33, SIF 39:1\)](#), ss. 62(1), 123, [Sch. 8 para. 16](#))

**55 Duties of local authorities outside Greater London.**

- (1) Subject to the provisions of this Act, the council of each non-metropolitan county and of each metropolitan district shall provide the petty sessional court-houses and other accommodation, and the furniture, books, and other things, proper for the due transaction of the business, and convenient keeping of the records and documents, of the county justices or any committee of such justices, or for enabling the justices' clerk for the non-metropolitan county or metropolitan district or any part thereof to carry out his duties.
- (2) The council of each non-metropolitan county or metropolitan district shall pay—
  - (a) any expenses of the magistrates' courts committee, or, in the case of a committee acting for the area of more than one such council, the proper proportion of those expenses; and
  - (b) the sums payable under Part II of this Act on account of a person's salary or expenses as justices' clerk for the non-metropolitan county or metropolitan

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district or any part thereof and the remuneration of any staff employed by the magistrates' courts committee to assist him, together with—

- (i) secondary Class I contributions payable in respect of any such person or staff under Part I of the <sup>M9</sup>Social Security Act 1975, and
  - (ii) state scheme premiums so payable under Part III of the <sup>M10</sup>Social Security Pensions Act 1975; and
  - (c) so far as they are not otherwise provided for, all other costs incurred with the general or special authority of the magistrates' courts committee by the county justices.
- (3) Subject to section 16(2) of this Act, any accommodation provided under this section for any justices or justices' clerk may be outside the area for which the justices act and, in the case of a petty sessional court-house, shall be deemed to be in that area for the purposes of the jurisdiction of the justices when acting in the court-house.
- (4) Two or more councils may arrange for accommodation, furniture, books or other things provided for the purposes of this section by one of them to be used also as if provided for those purposes by the other or each of the others.

#### **Marginal Citations**

**M9** 1975 c. 14.

**M10** 1975 c. 60.

## **56 Provisions supplementary to s. 55.**

- (1) Subject to the provisions of this section—
- (a) the petty sessional court houses and other accommodation, furniture, books and other things to be provided by a council under section 55 of this Act;
  - (b) the salary to be paid to a justices' clerk and the staff to be provided for him; and
  - (c) the nature and amount of the expenses which a magistrates' courts committee may incur in the discharge of any functions or may authorise to be incurred, including the sums payable to a justices' clerk in respect of accommodation, staff or equipment provided by him,
- shall be such as may from time to time be determined by the magistrates' courts committee after consultation with the council or councils concerned.
- (2) Where the expenses of the magistrates' courts committee, or the sums payable to or in respect of a justices' clerk holding more than one clerkship or to or in respect of staff provided for any such clerk, fall to be borne by more than one council, any question as to the manner in which they are to be borne by the councils concerned shall be determined by agreement between those councils or, in default of such agreement, shall be determined by the Secretary of State.
- (3) Any council concerned which is aggrieved by a determination of a magistrates' courts committee under subsection (1) above may, within one month from the receipt by the council of written notice of the determination, appeal to the Secretary of State, whose decision shall be binding upon the magistrates' courts committee and any council concerned.

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- (4) The approval of the Secretary of State shall be required for any determination under subsection (1) above reducing the salary of a justices' clerk, unless the clerk consents to the reduction.

## 57 Application of ss. 55 and 56 to outer London areas and City of London.

- (1) The provisions of sections 55 and 56 of this Act shall have effect in relation to each of the outer London [<sup>F63</sup>boroughs as if each such borough were a metropolitan district]

[<sup>F64</sup>(1A) In section 55 of this Act a reference to the county justices is, in relation to the application of the section to an outer London borough, to be treated as a reference to the justices of the outer London area in which the borough is situated.]

- (2) ..... <sup>F65</sup>

- (3) Sections 55 and 56 of this Act shall have effect in relation to the City of London as if in section 55 above—

(a) references to a non-metropolitan county and to county justices were references to the City and to justices for the City respectively, and

(b) any reference to the council of a non-metropolitan county were a reference to the Corporation of the City acting through the Common Council,

and references to a council in section 56 of this Act shall be construed accordingly.

### Textual Amendments

**F63** Words substituted by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), s. 12(9)

**F64** S. 57(1A) inserted by [S.I. 1985/1383](#), art. 8, [Sch. para. 3](#)

**F65** S. 57(2) repealed by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), s. 102, [Sch. 17](#)

## 58 Corresponding arrangements in inner London area.

- (1) The Receiver shall provide such court houses and other accommodation, and such furniture, books and other things, as the committee of magistrates may determine to be proper for the due transaction of the business, and convenient keeping of the records and documents, of magistrates' courts in the inner London area (including [<sup>F66</sup>domestic courts][<sup>F66</sup>family proceedings courts]and including juvenile courts for that area and the City of London) or for enabling the justices' clerks for that area (or for juvenile courts for that area and the City) to carry out their duties; but any determination under this subsection shall not have effect unless confirmed, with or without modifications, by the Secretary of State.

- (2) The Receiver shall pay out of the metropolitan police fund—

(a) any expenses of the committee of magistrates, of such amount and of such a nature as may be approved by the Secretary of State;

(b) the sums payable by way of salary or expenses to justices' clerks and other officers employed by the committee of magistrates, together with—

(i) secondary Class I contributions payable in respect of those officers under Part I of the <sup>M11</sup>Social Security Act 1975, and

(ii) state scheme premiums so payable under Part III of the <sup>M12</sup>Social Security Pensions Act 1975; and

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- (c) any superannuation benefits payable in respect of such clerks and other officers under any enactment or instrument applied to them by regulations having effect in accordance with section 15(9) of the <sup>M13</sup>Superannuation (Miscellaneous Provisions) Act 1967, other than benefits payable by [<sup>F67</sup>the London Residuary Body], and any superannuation contributions and other payments for which the committee of magistrates may be liable as their employer under any such enactment or instrument.
- (3) Without prejudice to subsection (2) above, the expenses of and incidental to the magistrates' courts for the inner London area, except the salaries and superannuation allowances of metropolitan stipendiary magistrates, shall be paid out of the metropolitan police fund; and, if any question arises as to what expenses are expenses of or incidental to any such court, the question shall be determined by the Secretary of State, with the concurrence of the Treasury so far as the question affects the amount of any charge on the Exchequer.
- (4) Any accommodation provided under this section for any magistrates' court or justices' clerk may be outside the area for which the court or clerk acts, and, if outside that area, shall be deemed to be in that area for the purposes of the jurisdiction of the court.
- (5) The Secretary of State, after consultation with the committee of magistrates, may assign court houses and other accommodation either to petty sessional divisions of the inner London area or to particular magistrates' courts for that area (including [<sup>F66</sup>domestic courts][<sup>F66</sup>family proceedings courts]and including juvenile courts for that area and the City of London) and may alter any assignment under this subsection.

#### Textual Amendments

- F66** Words "family proceedings courts" substituted (*prosp.*) for "domestic courts" by [Children Act 1989](#) (c. 41, SIF 20), ss. 92(11), 108(2)(6), Sch. 11 Pt. II para. 7(c), **Sch. 14 para. 1(1)**
- F67** Words substituted by [Local Government Act 1985](#) (c.51, SIF 81:1), **s. 60(6)**

#### Marginal Citations

- M11** 1975 c. 14.  
**M12** 1975 c. 60.  
**M13** 1967 c. 28.

## 59 Grants by Secretary of State to responsible authorities.

- (1) The Secretary of State may out of moneys provided by Parliament pay to the responsible authorities grants towards the net cost to them in any year—
- (a) of their functions under Part II . . . <sup>F68</sup>of this Act, or under any such regulations as are mentioned in subsection (2) below, or, in the case of the Receiver, his corresponding functions; and
  - (b) of making payments under section 12 or section 53 of this Act [<sup>F69</sup>and
  - (c) of their functions under this Part of this Act or, in the case of the Receiver, his corresponding functions]
- (2) The regulations referred to in subsection (1)(a) above are any regulations made, or having effect as if made, under section 7 of the <sup>M14</sup>Superannuation Act 1972 with respect to persons appointed or deemed to have been appointed as justices' clerks, or



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employed by a magistrates' courts committee to assist a justices' clerk, under Part III of the Justices of the <sup>M15</sup>Peace Act 1949 or under Part III of this Act.

- (3) The amount of any grant under this section [<sup>F70</sup>towards the net cost to a responsible authority in any year of the matters mentioned in paragraphs (a) and (b) of subsection (1) above] shall not exceed 80 per cent. of [<sup>F71</sup>that net cost].
- (4) The Secretary of State, with the concurrence of the Treasury, may by statutory instrument make regulations as to the manner in which income and expenditure of responsible authorities are to be taken into account in determining the net cost to them in any year of the matters mentioned in subsection (1) above; and for the purposes of this section any question as to that cost shall (subject to any such regulations) be determined by the Secretary of State.
- [<sup>F72</sup>(4A) In determining the amount of the grant towards the net cost of the functions referred to in subsection (1)(c) above, the Secretary of State may disregard, in whole or in part, such items of expenditure as he thinks fit]
- (5) Grants under this section shall be paid at such times, in such manner and subject to such conditions as the Secretary of State may with the approval of the Treasury determine.
- (6) In this section “responsible authority” means any of the following, namely, the council of a non-metropolitan county [<sup>F73</sup>, metropolitan district or outer London borough], the Corporation of the City of London and the Receiver.

#### Textual Amendments

- F68** Words omitted by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), ss. 189(2), 194(4), **Sch. 12 Pt. II**
- F69** [S. 59\(1\)\(c\)](#) and word “and” added by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), ss. 189(2), 194(4), **Sch. 12 Pt. II**
- F70** Words inserted by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), **s. 189(3)**
- F71** Words substituted by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), **s. 189(3)**
- F72** [S. 59\(4A\)](#) inserted after subsection (4) by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), **s. 189(4)**
- F73** Words substituted by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), **s. 12(10)**

#### Modifications etc. (not altering text)

- C11** [S. 59](#) modified by [S.I. 1985/1383](#), **art. 5(4)**
- C12** [S. 59](#) extended by [S.I. 1986/399](#), **art. 9(6)**
- C13** [S. 59\(4\)](#) modified by [Road Traffic Regulation Act 1984 \(c.27, SIF 107:1\)](#), s. 145(5), **Sch. 12 para. 4(5)(b)**

#### Marginal Citations

- M14** 1972 c. 11.
- M15** 1949 c. 101.

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VALID FROM 01/04/1995

**[<sup>F74</sup>59A Local authority land appropriated to magistrates' courts purposes.**

- (1) Where after the commencement of this section a responsible authority appropriate any land owned by them to magistrates' courts purposes, the authority shall be taken for the purposes of section 59(2) of this Act to incur, in the year in which the appropriation is made, capital expenditure in pursuance of their functions under this Part of this Act of an amount equal to the open market value of the land at the time of the appropriation.
- (2) In subsection (1) above—
- “land” includes any interest in land,
- “magistrates' courts purposes” means the purposes of being provided under section 55(1) of this Act as a petty sessional court-house or other accommodation, and
- “responsible authority” has the same meaning as in section 55 of this Act.]

**Textual Amendments**

**F74** S. 59A inserted (1.4.1995) by 1994 c. 29, s.84; S.I. 1995/685, art.4(j)

**60 Special provision as to grants to Greater London Council.**

..... <sup>F75</sup>

**Textual Amendments**

**F75** S. 60 repealed by Local Government Act 1985 (c.51, SIF 81:1), s. 102, Sch. 17

**61 Application of fines and fees.**

- (1) Subject to [<sup>F76</sup>paragraphs (a) and (b) of section 139 of the Magistrates' Courts Act 1980](which relates to the disposal of sums adjudged to be paid by a summary conviction) and to the following provisions of this section, there shall be paid to the Secretary of State—
- (a) all fines imposed by a magistrates' court and all sums which become payable by virtue of an order of such a court and are by any enactment made applicable as fines so imposed or any class or description of such fines; and
- (b) all other sums received by a justices' clerk by reason of his office except sums to which a person other than the Secretary of State is by law entitled and which are paid to that person [<sup>F77</sup>and sums paid into court in pursuance of orders under section 35 of the Powers of Criminal Courts Act 1973 (compensation orders)].
- (2) The sums payable to the Secretary of State by virtue of paragraph (a) of subsection (1) above shall not include—

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- (a) any sums which by or in pursuance of any provision in the enactments relating to those sums are directed to be paid to the Commissioners of Customs and Excise or to any officer of theirs or person appointed by them; or
  - (b) any sums which by or in pursuance of any such provision are directed to be paid to or for the benefit of the party aggrieved, party injured or a person described in similar terms, or to or for the benefit of the family or relatives of a person described in any such terms or of a person dying in consequence of an act or event which constituted or was the occasion of an offence; or
  - (c) any sums which by or in pursuance of any such provision are directed to be applied in making good any default or repairing any damage or paying or reimbursing any expenses (other than those of the prosecution); or
  - (d) any sums which are directed to be paid to any person by or in pursuance of any such provision referring in terms to awarding or reimbursing a loss, or to damages, compensation or satisfaction for loss, damage, injury or wrong.
- (3) Paragraph (b) of subsection (1) above shall not apply to sums received by a justices' clerk on account of his salary or expenses as such; and any sum paid to the Secretary of State by virtue of that paragraph shall be paid to him subject to its being repaid to any person establishing his title to it.
- (4) The Secretary of State, with the concurrence of the Treasury, may by statutory instrument make regulations as to the times at which, and the manner in which, justices' clerks shall account for and pay the sums payable to him under this section, and as to the keeping, inspection and audit of accounts of justices' clerks, whether for the purposes of this section or otherwise.
- (5) For the purposes of this section anything done by the Crown Court on appeal from a magistrates' court shall be treated as done by the magistrates' court.
- (6) Any sums received by the Secretary of State under this section shall be paid by him into the Consolidated Fund.
- (7) In this section "fine" includes—
- (a) any pecuniary penalty, pecuniary forfeiture or pecuniary compensation payable under a conviction, and
  - (b) any non-pecuniary forfeiture on conviction by, or under any order of, a magistrates' court so far as the forfeiture is converted into or consists of money,
- and "justices' clerk" includes a clerk of special sessions.

#### Textual Amendments

**F76** Words substituted by [Magistrates' Courts Act 1980 \(c.43, SIF 82\)](#), s. 154(1), **Sch. 7 para. 197**

**F77** Words added by [Criminal Justice Act 1988 \(c.33, SIF 39:1\)](#), ss. 123(6), 170(1), **Sch. 8 para. 16**, **Sch. 15 para. 63**

#### Modifications etc. (not altering text)

**C14** S. 61 extended by [Transport Act 1982 \(c.49, SIF 107:1\)](#), s. **33(1)**; by [Road Traffic Regulation Act 1984 \(c.27, SIF 107:1\)](#), s. 145(5), **Sch. 12 para. 4(3)**; by [Drug Trafficking Offences Act 1986 \(c.32, SIF 39:1\)](#), s. **12(3)** and by [Criminal Justice Act 1988 \(c.33, SIF 39:1\)](#), ss. 81(8), 123(6), **Sch. 8 para. 16**

**C15** S. 61 modified by [Road Traffic Offenders Act 1988 \(c.53, SIF 107:1\)](#), ss. **82(1)**, 92

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- C16** S. 61 extended (E.W.) by Prevention of Terrorism (Temporary Provisions) Act 1989 (c.4, SIF 39:2), s. 13(8), **Sch. 4 para. 1(3)**
- C17** S. 61(4) extended by Prosecution of Offences Act 1985 (c.23, SIF 39:1), s. **20(5)**
- C18** S. 61(4) applied by Legal Aid Act 1988 (c.34, SIF 77:1), ss. 24(6), 30, **Sch. 3 Pt. I para. 4(2)**

## 62 Defaults of justices' clerks and their staffs.

- (1) The Secretary of State may, if he thinks fit, pay to any person any money due to that person which he has not received because of the default of a justices' clerk or of a person employed to assist a justices' clerk.
- (2) In this section "justices' clerk" has the same meaning as in section 61 of this Act.

VALID FROM 01/11/1994

### <sup>F78</sup> 62A Regulations as to accounts and audit.

- (1) The Lord Chancellor may by regulations made by statutory instrument require magistrates' courts committees—
  - (a) to keep prescribed accounts and prescribed records in relation to those accounts, and
  - (b) to cause any such accounts to be audited in accordance with the regulations.
- (2) In subsection (1) above "prescribed" means prescribed by the regulations.]

#### Textual Amendments

**F78** S. 62A inserted (1.11.1994) by 1994 c. 29, s.85; S.I. 1994/2594, art.3

## PART VII

### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

## 63 Courses of instruction.

- (1) It shall be the duty of every magistrates' courts committee, in accordance with arrangements approved by the Lord Chancellor, to make and administer schemes providing for courses of instruction for justices of the peace of their area.
- (2) It shall be the duty of the committee of magistrates, in accordance with arrangements approved by the Lord Chancellor, to make and administer schemes providing for courses of instruction for justices of the peace of the inner London area.
- (3) There may be paid out of moneys provided by Parliament any expenses incurred by the Lord Chancellor in providing courses of instruction for justices of the peace.
- (4) If courses of instruction are not provided for justices of the peace of any area as required by subsection (1) or subsection (2) above, then any expenses incurred by the Lord Chancellor in providing courses of instruction to make good the default shall be recoverable by him from the magistrates' courts committee or committee of

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magistrates in default; and any sums recovered by the Lord Chancellor under this subsection shall be paid into the Consolidated Fund.

- (5) The Secretary of State may provide courses of instruction for justices' clerks and their staffs.
- (6) In this section "justices' clerk" includes a clerk of special sessions.

### [<sup>F79</sup>63A Disqualification in case of bankruptcy.

- (1) A person who is adjudged bankrupt shall be disqualified for being appointed or acting as a justice of the peace.
- (2) Where a person is disqualified under this section, the disqualification shall cease—
  - (a) on his discharge from bankruptcy; or
  - (b) if the bankruptcy order is previously annulled, on the date of its annulment.]

#### Textual Amendments

**F79** S. 63A inserted by [Statute Law \(Repeals\) Act 1989 \(c.43\)](#), s. 1(2), [Sch. 2 para. 3](#)

### 64 Disqualification in certain cases of justices who are members of local authorities.

- (1) A justice of the peace who is a member of a local authority . . . <sup>F80</sup>shall not act as a member of the Crown Court or of a magistrates' court in any proceedings brought by or against, or by way of appeal from a decision of, the authority or any committee or officer of the authority.
- (2) For the purposes of subsection (1) above—
  - (a) any reference to a committee of a local authority includes a joint committee, joint board, joint authority or other combined body of which that authority is a member or on which it is represented; and
  - (b) any reference to an officer of a local authority refers to a person employed or appointed by the authority, or by a committee of the authority, in the capacity in which he is employed or appointed to act.

[<sup>F81</sup>(2A) For the purposes of subsections (1) and (2) above, the Broads Authority shall be treated as a local authority.]

- (3) A justice of the peace who is a member of the Common Council of the City of London shall not act as a member of the Crown Court or of a magistrates' court in any proceedings brought by or against, or by way of appeal from a decision of, the Corporation of the City or the Common Council or any committee or officer of the Corporation or Common Council; and subsection (2) above shall apply for the purposes of this subsection, with the substitution, for references to a local authority, of references to the Corporation or the Common Council.
- (4) Nothing in this section shall prevent a justice from acting in any proceedings by reason only of their being brought by a police officer.
- (5) No act shall be invalidated by reason only of the disqualification under this section of the person acting.

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[<sup>F82</sup>(6) In this section “local authority” means a local authority within the meaning of the Local Government Act <sup>M16</sup>1972 or the Local Government (Scotland) Act <sup>M17</sup>1973, . . . <sup>F83</sup>and a joint authority established by Part IV of the Local Government Act 1985 [<sup>F84</sup>and a housing action trust established under Part III of the Housing Act 1988].]

#### Textual Amendments

- F80** Words repealed by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), ss. 84(1), 102, **Sch. 14 para. 57(a)**, Sch. 17
- F81** [S. 64\(2A\)](#) added by [Norfolk and Suffolk Broads Act 1988 \(c.4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), Sch. 6 para. 20, **Sch. 7**
- F82** [S. 64\(6\)](#) inserted by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), s. 84(1), **Sch. 14 para. 57(b)**
- F83** Words repealed by [Education Reform Act 1988 \(c.40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F84** Words added by [Housing Act 1988 \(c.50, SIF 61\)](#), s. 140, **Sch. 17 para. 27**

#### Modifications etc. (not altering text)

- C19** [S. 64](#) amended by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), ss. 57(7), 99, **Sch. 13 para. 13(i)**  
[S. 64](#) extended (5.7.1994) by [1994 c. 19](#), s. 39, **Sch. 13 para.20(h)**
- C20** [S. 64\(6\)](#) extended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 4(q)** and [S.I. 1987/2110](#), art. 2, **Sch. 1 para. 8(m)**

#### Marginal Citations

- M16** [1972 c.70\(81:1\)](#).
- M17** [1973 c.65\(81:2\)](#).

### 65 Justices not disqualified by reason of being ratepayers.

A justice of the peace may perform any act in the execution of his office as such a justice in relation to the laws concerning rates leviable by a rating authority [<sup>F85</sup>, community charges of a charging authority or the non-domestic rate of a special authority within the meaning of section 144(6) of the Local Government Finance Act 1988], notwithstanding that the justice is rated to or chargeable with such rates [<sup>F85</sup>or is liable or would, but for an enactment or anything provided or done under an enactment, be liable to pay an amount in respect of any such community charges or such non-domestic rate.]in the area affected by the act in question.

#### Textual Amendments

- F85** Words inserted by [S.I. 1990/531](#), **art. 2(2)**

### 66 Acts done by justices outside their commission area.

- (1) A justice of the peace for any commission area may act as a justice for that area in any commission area which adjoins the commission area for which he is a justice.
- (2) Justices for the county of Surrey or the county of Kent may hold special or petty sessions for any division of their county at any place in Greater London; and for all purposes relating to sessions so held the place at which they are held shall be deemed to be within the county and the division for which the justices holding them are justices.

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## 67 Promissory oaths of certain justices.

- (1) Subject to the provisions of this section, any person who under this Act or under any other enactment is a justice of the peace for any area by virtue of any other office held by him shall, before acting as such a justice, take the oath of allegiance and judicial oath in accordance with the Promissory Oaths Acts.
- (2) A person shall not be required by virtue of subsection (1) above to take those oaths as a justice of the peace by reason only of his being appointed under this Act or any other enactment to act temporarily as deputy for, or as if he were, the holder of another office to which that subsection applies; but those oaths may be taken by and administered to any such person notwithstanding anything in the Promissory Oaths Acts or any other enactment.
- (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 Acts if he has at any time done so as justice of the peace for whatever area.
- (4) The oaths required by law to be taken by a metropolitan stipendiary magistrate may, in the case of a person authorised to act as such under section 34 of this Act, be taken before any of the metropolitan stipendiary magistrates.
- (5) In this section “the Promissory Oaths Acts” means the <sup>M18</sup>Promissory Oaths Act 1868 and the <sup>M19</sup>Promissory Oaths Act 1871.

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### Marginal Citations

**M18** 1868 c. 72.

**M19** 1871 c. 48.

## 68 Greater Manchester, Merseyside and Lancashire.

- (1) Sections 6(1), 7 and 11 of this Act shall have effect in relation to the counties of Greater Manchester, Merseyside and Lancashire with the substitution, for any reference to the Lord Chancellor, of a reference to the Chancellor of the Duchy of Lancaster.
- (2) In relation to the entry in or removal from the supplemental list of the name of a person who is a justice of the peace only for any of the counties of Greater Manchester, Merseyside and Lancashire, subsections (4) to (6) of section 8 and section 9 of this Act shall have effect respectively with the substitution, for any reference to the Lord Chancellor, of a reference to the Chancellor of the Duchy of Lancaster.

## 69 Isles of Scilly.

For the purposes of this Act the Isles of Scilly shall be deemed to form part of the county of Cornwall.

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VALID FROM 01/11/1994

**[<sup>F86</sup>69A Regulations.**

A statutory instrument containing (whether alone or with other provisions) regulations made by virtue of section 12, 21, 24C, 24D(2), 25(2) or 62A of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

**Textual Amendments**

**F86** S. 69A inserted (1.11.1994) by 1994 c. 29, s.90; S.I. 1994/2594, art.3

**70 Interpretation.**

In this Act, except in so far as the context otherwise requires,—

“commission area” has the meaning assigned to it by section 1 of this Act;

“joint committee area” has the meaning assigned to it by section 19(3) of this Act;

“justices’ clerk” means a clerk to the justices for a petty sessions area;

“London commission areas”, “inner London area” and “outer London areas” have the meanings assigned to them by section 2 of this Act;

“magistrate”, in relation to a county, a London commission area or the City of London, means a justice of the peace for the county, London commission area or the City, as the case may be, other than a justice whose name is for the time being entered in the supplemental list, and, in relation to a part of a county or of a London commission area, means a person who (in accordance with the preceding provisions of this definition) is a magistrate for that county or area and ordinarily acts in and for that part of it;

“officer” includes the holder of any place, situation or employment, and “office” shall be construed accordingly;

“petty sessional court-house” means any of the following, that is to say—

(a) a court-house or place at which justices are accustomed to assemble for holding special or petty sessions or for the time being appointed as a substitute for such a court-house or place (including, where justices are accustomed to assemble for either special or petty sessions at more than one court-house or place in a petty sessional division, any such court-house or place);

(b) a court-house or place at which a stipendiary magistrate is authorised by law to do alone any act authorised to be done by more than one justice of the peace;

“petty sessions area” has the meaning assigned to it by section 4 of this Act;

“prescribed” in Part II of this Act means prescribed by regulations made by the Secretary of State by statutory instrument;

“the Receiver” means the Receiver for the metropolitan police district;

“stipendiary magistrate” includes a metropolitan stipendiary magistrate;

“the supplemental list” has the meaning assigned to it by section 8 of this Act.



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## 71 Transitional provisions and savings, amendments and repeals.

- (1) The transitional provisions and savings in Schedule 1 to this Act shall have effect.
- (2) Subject to subsection (1) above—
  - (a) the enactments specified in Schedule 2 to this Act shall have effect subject to the amendments specified in that Schedule ; and
  - (b) the enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) Subject to any express amendment or repeal made by this Act, any enactment passed or instrument made before the 18th April 1973 and in force at the commencement of this Act shall have effect in relation to any time thereafter as if—
  - (a) any reference to a person appointed justice by a commission of the peace or to a person being removed from a commission of the peace were a reference to his being appointed or removed from office as a justice of the peace in accordance with section 6 of this Act; and
  - (b) any reference to a supplemental list kept by virtue of section 4 of the Justices of the <sup>M20</sup>Peace Act 1949 in connection with the commission of the peace for any area were a reference to the supplemental list for England and Wales kept under section 8 of this Act.
- (4) The inclusion in this Act of any express transitional provision, saving or amendment shall not be taken as prejudicing the operation of sections 16 and 17 of the <sup>M21</sup>Interpretation Act 1978 (which relate to the effect of repeals).

### Modifications etc. (not altering text)

**C21** The text of S. 71(2), and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### Marginal Citations

**M20** 1949 c. 101.

**M21** 1978 c. 30.

## 72 Short title, commencement and extent.

- (1) This Act may be cited as the Justices of the Peace Act 1979.
- (2) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.
- (3) This Act shall not extend to Scotland or to Northern Ireland.

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## SCHEDULES

### SCHEDULE 1

Section 71.

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### *Interpretation*

1 In this Schedule—

- “the Act of 1949” means the Justices of the <sup>M22</sup>Peace Act 1949;
- “the Act of 1964” means the <sup>M23</sup>Administration of Justice Act 1964;
- “the Act of 1968” means the Justices of the <sup>M24</sup>Peace Act 1968;
- “the Act of 1972” means the <sup>M25</sup>Local Government Act 1972;
- “the Act of 1973” means the <sup>M26</sup>Administration of Justice Act 1973.

**Marginal Citations**

- M22** 1949 c. 101.
- M23** 1964 c. 42.
- M24** 1968 c. 69.
- M25** 1972 c. 70.
- M26** 1973 c. 15.

##### *General transitional provisions*

- 2
- (1) In so far as anything done, or having effect as if done, under or in accordance with an enactment repealed by this Act could have been done under or in accordance with a corresponding provision in this Act, it shall not be invalidated by the repeal but shall have effect as if done under or in accordance with that provision.
  - (2) Sub-paragraph (1) above applies, in particular, to any regulation, order, rule, appointment or determination made, commission of the peace issued, meeting or sitting held, notice served or direction or consent given.
  - (3) Subject to the provisions of this Schedule, any document made, served or issued before the passing of this Act or at any time thereafter (whether before or after the commencement of this Act) and containing a reference, whether express or implied, to an enactment repealed by this Act, or having effect as if containing such a reference, shall, except in so far as the context otherwise requires, be construed as referring or (as the context requires) as including a reference to the corresponding provision of this Act.

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- (4) Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

#### *Commissions of the peace*

- 3 (1) Where a commission of the peace is in force immediately before the commencement of this Act as the commission of the peace for a commission area, the repeal of any enactment by this Act shall not affect its continuance in force as the commission of the peace for that commission area.
- (2) Any order made under subsection (2) of section 217 of the Act of 1972 (which conferred power by order to specify which of two or more existing commissions of the peace should be treated as the sole commission of the peace for a county) which is in force immediately before the commencement of this Act shall continue to have effect notwithstanding the repeal of that subsection by this Act, and may be revoked or varied accordingly.
- (3) Any commission of the peace in force immediately before the commencement of this Act which, by virtue of section 20(3)(a) of the Act of 1973 (which related to commissions of the peace issued before the 1st April 1974), had effect as if addressed generally and not to named persons shall, until superseded by a new commission, continue to have effect as if addressed generally as required by section 5 of this Act.

#### *Justices of the peace in office*

- 4 (1) Any person who immediately before the commencement of this Act was a justice of the peace and either—
- (a) held that office by virtue of an appointment made in accordance with section 1(2) of the Act of 1973, or
  - (b) under section 20(3)(b) of that Act (which related to justices of the peace in office on the 1st April 1974 by virtue of a commission of the peace issued before that date) held that office as if appointed in accordance with section 1(2) of that Act,
- shall continue to hold that office as if appointed in accordance with section 6 of this Act; and the provisions of this Act relating to justices appointed in accordance with section 6 shall have effect in relation to him accordingly.
- (2) In sub-paragraph (1)(b) above the reference to section 20(3)(b) of the Act of 1973 shall be construed as including a reference to the provisions (where applicable) of section 217(2)(b) of the Act of 1972 (which provided that, where one out of two or more commissions of the peace was chosen to be treated as the sole commission of the peace for a county, the names of the justices appointed by the other commission or other commissions were to be deemed to be included among the names of the justices specified in the commission so chosen).
- 5 (1) The supplemental list for England and Wales kept under the Act of 1973, as in force immediately before the commencement of this Act, shall have effect as the supplemental list required to be kept under section 8 of this Act; and any name which

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immediately before the commencement of this Act was treated as included in the list by virtue of section 20(4) of the Act of 1973 (which related to justices whose names were entered in a supplemental list immediately before the 1st April 1974) shall continue to be treated as so included until removed from the list in accordance with section 9 of this Act.

- (2) Any person whose name immediately before the commencement of this Act was omitted from the supplemental list by virtue of the proviso to paragraph 4(1) of Schedule 1 to the Act of 1973 (which made provision corresponding to section 8(3) of this Act) shall have his name entered in the supplemental list on the expiry or sooner determination of the term of office by reason of which his name was omitted from the list.
- 6 The repeal by this Act of paragraph 9(1) of Schedule 1 to the Act of 1973 (which made provision corresponding to section 71(3) of this Act) shall not affect the operation of the said paragraph 9(1) in relation to the period beginning on the 1st April 1974 and ending with the commencement of this Act.

*Stipendiary magistrates (other than metropolitan stipendiary magistrates)*

- 7 Any person who immediately before the commencement of this Act was a stipendiary magistrate in a commission area or commission areas and held that office either—
- (a) by virtue of an appointment made under section 2 of the Act of 1973, or
  - (b) as if appointed under that section, being treated as if so appointed by virtue of section 20(5) of that Act (which related to any person who immediately before 1st April 1974 held office as a stipendiary magistrate for any area under section 29 of the Act of 1949),
- shall continue to hold office as stipendiary magistrate in that commission area or those commission areas (as the case may be) and (subject to paragraphs 8 and 17 below) shall be treated for all purposes as if he had been appointed under section 13 of this Act; and the provisions of this Act relating to stipendiary magistrates appointed under section 13 shall have effect in relation to him accordingly.
- 8 The following provisions of this paragraph shall have effect in relation to any stipendiary magistrate who immediately before the commencement of this Act held office as mentioned in paragraph 7(b) above, that is to say—
- (a) his salary shall not be less than that payable to him immediately before the beginning of April 1974; and
  - (b) for the purposes of section 14 of 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.

*Petty sessional divisions*

- 9 Without prejudice to any power exercisable by virtue of this Act to create or alter petty sessional divisions, the repeal of any enactment by this Act shall not

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affect the division of any commission area into petty sessional divisions as existing immediately before the commencement of this Act.

*Justices' clerks and their staffs*

- 10 (1) This paragraph applies to any person who immediately before the 1st April 1953 was a justices' clerk and by virtue of section 23 of the Act of 1949 was deemed for the purposes of that Act to have been appointed as such by a magistrates' courts committee.
- (2) In so far as, immediately before the commencement of this Act, the salary of any person to whom this paragraph applies was affected by subsection (2) of the said section 23 (which required the salary to be fixed with due regard to any additional duties imposed on him by that Act), the provisions of that subsection shall continue to have effect in relation to him notwithstanding the repeal of that section by this Act.
- 11 (1) This paragraph applies to any person who on the 1st April 1953 was transferred to the employment of a magistrates' courts committee by section 23 of the Act of 1949 (which made provision as to persons who immediately before that date were employed by or employed to assist justices' clerks or collecting officers).
- (2) In so far as, immediately before the commencement of this Act, the terms and conditions of employment of a person to whom this paragraph applies was affected by subsection (7) of the said section 23 (under which the terms and conditions of the previous employment of persons transferred by that section were made relevant to the terms and conditions of their employment after the transfer), the provisions of that subsection shall continue to have effect in relation to him notwithstanding the repeal of that section by this Act.
- (3) In sub-paragraph (2) above any reference to subsection (7) of the said section 23 includes a reference to that subsection as read with subsection (11) of that section (which relates to persons previously employed to assist a justices' clerk).
- 12 (1) In this paragraph "transferred officer or employee to whom this paragraph applies" means any person who—
- (a) by virtue of paragraph 10 of Schedule 3 to the Act to 1968 (which related to persons holding office as clerk at either of the justice rooms of the City of London and to their staffs) became a justices' clerk in the City as if appointed by the magistrates' courts committee or was transferred to the employment of the magistrates' courts committee for the City, or
- (b) by virtue of paragraph 13(1) or paragraph 13(3) of that Schedule (which related to persons holding office as clerk to the magistrate under the<sup>M27</sup>South Staffordshire Stipendiary Justice Act 1889 or as clerk to the magistrate under the Staffordshire Potteries Stipendiary Justice Acts 1839 to 1895 and to their staffs) was transferred to the employment of a magistrates' courts committee.
- (2) In so far as, immediately before the commencement of this Act, the terms and conditions of employment of a transferred officer or employee to whom this paragraph applies were affected by paragraph 15 of Schedule 3 to the Act of 1968 (which made provision for securing that the terms and conditions of employment

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of any such person after the transfer would be no less favourable than those which he enjoyed immediately before the 10th November 1969), the provisions of that paragraph shall continue to have effect in relation to him notwithstanding the repeal of that paragraph by this Act.

**Marginal Citations**

**M27** 1889 c. xc.

- 13 (1) Any regulations made by the Secretary of State under section 42 of the Act of 1949 (which required the Secretary of State to provide for compensation for loss of office or employment, or loss or diminution of emoluments, attributable to Parts II and III of that Act) which were in force immediately before the commencement of this Act (including any such regulations made under that section as extended by section 32 of the Act of 1964) shall continue to have effect notwithstanding the repeal of those sections by this Act and may be revoked or varied accordingly.
- (2) Any regulations made by the Secretary of State under paragraph 16 of Schedule 3 to the Act of 1968 (which required the Secretary of State to provide for compensation for loss of office or employment, or loss or diminution of emoluments, attributable to the operation of section 1 of that Act in relation to the City of London and in relation to the Acts relating to Staffordshire mentioned in paragraph 12(1)(b) above) which were in force immediately before the commencement of this Act shall continue to have effect notwithstanding the repeal of the said paragraph 16 by this Act and may be revoked or varied accordingly.
- 14 (1) This paragraph applies to any order made before the 1st April 1953 in pursuance of the powers exercisable under section 30 of the <sup>M28</sup>Criminal Justice Administration Act 1914 or under section 1 of the <sup>M29</sup>Affiliation Orders Act 1914 which directed payments to be made and continues to be in force immediately before the commencement of this Act.
- (2) Any such order which by virtue of section 21(4) of the Act of 1949 had effect immediately before the commencement of this Act as if it required those payments to be made to a justices' clerk in his capacity as collecting officer of a magistrates' court shall, so long as the order remains in force, continue to have the like effect by virtue of this paragraph.

**Marginal Citations**

**M28** 1914 c. 58.

**M29** 1914 c. 6.

*Justices of the Peace Act 1949, Schedule 2*

- 15 Where in the preceding paragraphs of this Schedule reference is made to a person's office or employment (whether as justice of the peace, justices' clerk or otherwise) and to any provisions of the enactments repealed by this Act under which he

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held or was treated as holding that office or employment, the reference to those provisions shall be construed as including a reference to Schedule 2 to the Act of 1949 (provisions consequential on changes in commission of the peace) in so far as any provisions of that Schedule—

- (a) were relevant to that person's office or employment, and
- (b) notwithstanding the repeal of that Schedule by Part I of Schedule 5 to the Act of 1973, continued to have effect in accordance with the saving contained in that repeal.

*Provisions relating to Part V of Act*

- 16 The provisions of Part V of this Act shall have effect in relation to any act done or omitted to be done, conviction or order made or warrant issued before the commencement of this Act, and in relation to any proceedings brought before the commencement of this Act, as those provisions would have effect in relation to the like act done or omitted, the like conviction, order or warrant made or issued or the like proceedings brought, as the case may be, after the commencement of this Act.

*Saving for superannuation provisions*

- 17 Except as provided by sections 55 to 58 of this Act, nothing in this Act shall affect any pension rights or other superannuation benefits or the person by whom or the manner in which any pension or other superannuation benefit is to be paid or borne.

*Savings for Local Government Act 1972, ss. 67, 252, 254*

- 18 The provisions of this Act shall have effect without prejudice to the exercise of any power conferred by section 67 of the Act of 1972 (consequential and transitional arrangements relating to Part IV), section 252 of that Act (general power to adapt Acts and instruments) or section 254 of that Act (consequential and supplementary provision); and any such power which, if this Act had not been passed, would have been exercisable in relation to an enactment repealed by this Act shall be exercisable in the like manner and to the like extent in relation to the corresponding provision (if any) of this Act.

SCHEDULE 2

Section 71.

CONSEQUENTIAL AMENDMENTS

**Modifications etc. (not altering text)**

- C22** The text of Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Status:** Point in time view as at 01/07/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the *Justices of the Peace Act 1979 (repealed 19.6.1997)*. (See end of Document for details)

*Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)*

- 1 In section 3(4), in relation to any time after the coming into operation of paragraph 2 of Schedule 2 to the <sup>M30</sup>Domestic Proceedings and Magistrates' Courts Act 1978, for "section 1 of the Administration of Justice Act 1973" substitute " the Justices of the Peace Act 1979 ".

**Marginal Citations**

**M30** 1978 c. 22.

*Children and Young Persons Act 1933 (c. 12)*

- 2 In section 107(1), in relation to any time after the coming into operation of paragraph 5 of Schedule 2 to the Domestic Proceedings and Magistrates' Courts Act 1978, for "section 1 of the Administration of Justice Act 1973" substitute " the Justices of the Peace Act 1979 ".

*National Assistance Act 1948 (c. 29)*

- 3 In section 43(4), in relation to any time after the coming into operation of paragraph 6 of Schedule 2 to the Domestic Proceedings and Magistrates' Courts Act 1978, and in section 44(2), in relation to any time after the coming into operation of paragraph 7 of that Schedule, for "section 1 of the Administration of Justice Act 1973" substitute " the Justices of the Peace Act 1979 ".

*Children Act 1948 (c. 43)*

- 4 In section 26, in subsections (1) and (4), in relation to any time after the coming into operation of paragraph 8 of Schedule 2 to the Domestic Proceedings and Magistrates' Courts Act 1978, for "section 1 of the Administration of Justice Act 1973" substitute " the Justices of the Peace Act 1979 ".

*Marriage Act 1949 (c. 76)*

- 5 In section 3(5), in relation to any time after the coming into operation of paragraph 9 of Schedule 2 to the Domestic Proceedings and Magistrates' Courts Act 1978, for "section 1 of the Administration of Justice Act 1973" substitute " the Justices of the Peace Act 1979 ".



**Status:** Point in time view as at 01/07/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997). (See end of Document for details)

*Maintenance Orders Act 1950 (c. 37)*

- 6 In section 3(2), in relation to any time after the coming into operation of paragraph 11 of Schedule 2 to the Domestic Proceedings and Magistrates' Courts Act 1978, for "section 1 of the Administration of Justice Act 1973" substitute " the Justices of the Peace Act 1979 ".

*Magistrates' Courts Act 1952 (c. 55)*

F87

7—9.

**Textual Amendments**

**F87** Sch. 2 paras. 7–9, 14 repealed by Magistrates' Courts Act 1980 (c.43, SIF 82), s. 154(3), **Sch. 9**

*Affiliation Proceedings Act 1957 (c. 55)*

- 10 In section 3(1), in relation to any time after the coming into operation of section 49 of the Domestic Proceedings and Magistrates' Courts Act 1978, for "section 1 of the Administration of Justice Act 1973" substitute " the Justices of the Peace Act 1979 ".

*Licensing Act 1964 (c. 26)*

- 11 In section 201(1), in the definition of "the metropolis" (as substituted by paragraph 31(4) of Schedule 3 to the Administration of Justice Act 1964), for "Administration of Justice Act 1964" substitute " Justices of the Peace Act 1979 ".

*Administration of Justice Act 1964 (c. 42)*

- 12 In section 38(1), in the definition of "London commission areas", "inner London area" and "outer London areas", for "this Act" substitute " the Justices of the Peace Act 1979 ".

*Backing of Warrants (Republic of Ireland) Act 1965 (c. 45)*

- 13 In the Schedule, in the proviso to paragraph 2, for the words from "section 121" to "other magistrates" substitute " section 16(1) of the Justices of the Peace Act 1979 (which exempts stipendiary magistrates from certain restrictions imposed by the <sup>M31</sup>Magistrates' Courts Act 1952) " and for "that Act" substitute " the Magistrates' Courts Act 1952 ".

*Status: Point in time view as at 01/07/1991. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997). (See end of Document for details)*

**Marginal Citations**

**M31** 1952 c. 55

*F88*

14

**Textual Amendments**

**F88** Sch. 2 paras. 7–9, 14 repealed by Magistrates' Courts Act 1980 (c.43, SIF 82), s. 154(3), **Sch. 9**

*F89*

15

**Textual Amendments**

**F89** Sch. 2 para. 15 repealed by Transport Act 1982 (c.49, SIF 107:1), s. 74(2), **Sch. 6**

*Guardianship of Minors Act 1971 (c. 3)*

- 16 In section 15, in subsections (1) and (4), in relation to any time after the coming into operation of section 47(1) of the <sup>M32</sup>Domestic Proceedings and Magistrates' Courts Act 1978, for "Administration of Justice Act 1973" substitute "Justices of the Peace Act 1979".

**Marginal Citations**

**M32** 1978 c. 22

*Immigration Act 1971 (c. 77)*

- 17 In Schedule 2, in paragraphs 23(3) and 31(4), for "Justices of the Peace Act 1949 and, in particular, section 27 thereof" substitute "Justices of the Peace Act 1979 and, in particular, section 61 thereof".

*Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)*

- 18 In section 27(2), in relation to any time after the coming into operation of section 56 of the Domestic Proceedings and Magistrates' Courts Act 1978, for "section 1 of

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**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997). (See end of Document for details)

the Administration of Justice Act 1973” substitute “ the Justices of the Peace Act 1979 ”.

19 ..... F90

“(7) The enactments specified in Part II of Schedule 27 to this Act shall have effect subject to the amendments specified therein”.

**Textual Amendments**

F90 Sch. 2 para. 19 repealed by Statute Law (Repeals) Act 1989 (c.43), s. 1(1), Sch. 1 Pt. IV

*Criminal Justice Act 1972 (c. 71)*

20 In section 51, in subsection (4), for “section 5(1) of the Justices of the Peace Act 1968” substitute “ section 28(1) of the Justices of the Peace Act 1979 ”.

*Administration of Justice Act 1973 (c. 15)*

21 In section 2(4), after “section” insert “ or under section 13 of the Justices of the Peace Act 1979 ”.

22 For section 5 substitute the following:—

Paragraphs 2, 3 and 7 of Schedule 1 to this Act shall have effect ; and the enactments specified in paragraphs 10 and 11 of that Schedule shall have effect subject to the amendments specified in those paragraphs”.

23 In section 9(1)(f), for “this Act” substitute “ section 13 of the Justices of the Peace Act 1979 (or, by virtue of paragraph 7 of Schedule 1 to that Act, treated as so appointed) ”.

24 In Schedule 1—

- (a) in paragraph 2(1), for “paragraph 1 above” substitute “ section 14 of the Justices of the Peace Act 1979 ”;
- (b) in paragraph 7, for “paragraph 6(2)(a) to (c) above” substitute “ section 10(2)(a) to (c) of the Justices of the Peace Act 1979 ”.

**Status:** Point in time view as at 01/07/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the *Justices of the Peace Act 1979 (repealed 19.6.1997)*. (See end of Document for details)

*Powers of Criminal Courts Act 1973 (c. 62)*

- 25 In section 32(6), for the words from “Justices of the Peace Act 1949” to “magistrates’ courts” substitute “ Justices of the Peace Act 1979 and, in particular, section 61 thereof (application of fines and fees) ”.

F91 .....

26

**Textual Amendments**

**F91** Sch. 2 para. 26 repealed by [Local Government Act 1985 \(c.51, SIF 81:1\)](#), s. 102, **Sch. 17**

F92 .....

27

**Textual Amendments**

**F92** Sch. 2 para. 27 repealed by [Legal Aid Act 1988 \(c.34, SIF 77:1\)](#), s. 45(2), **Sch. 6**

*Local Government Act 1974 (c. 7)*

- 28 In section 1(6)(a), for “section 27 of the Justices of the Peace Act 1949” substitute “ section 59 of the Justices of the Peace Act 1979 ”.

*Solicitors Act 1974 (c. 47)*

- 29 In section 38—
- (a) in subsection (3), for “section 1 of the Administration of Justice Act 1973” substitute “ section 8 of the Justices of the Peace Act 1979 ”;
  - (b) in subsection (4), for “section 1(6) of the Administration of Justice Act 1973” substitute “ the proviso to section 39(1) of the Justices of the Peace Act 1979 ”.

*Supplementary Benefits Act 1976 (c. 71)*

- 30 In section 19(2), in relation to any time after the coming into operation of paragraph 54 of Schedule 2 to the Domestic Proceedings and Magistrates’ Courts Act 1978, for “section 1 of the Administration of Justice Act 1973” substitute “ the Justices of the Peace Act 1979 ”.

**Status:** Point in time view as at 01/07/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997). (See end of Document for details)

*Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)*

- 31 In section 88(1), in the definition of “commission area”, for “section 1 of the Administration of Justice Act 1973” substitute “ the Justices of the Peace Act 1979 ”.

SCHEDULE 3

Section 71.

REPEALS

**Modifications etc. (not altering text)**

**C23** The text of S. 71(2), and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short Title	Extent of Repeal
16 Geo. 2. c. 18.	The Justices Jurisdiction Act 1742.	The whole Act.
11 & 12 Vict. c. 44.	The Justices Protection Act 1848.	The whole Act.
21 & 22 Vict. c. 73.	The Stipendiary Magistrates Act 1858.	The whole Act except sections 7 and 15.
40 & 41 Vict. c. 43.	The Justices' Clerks Act 1877.	The whole Act so far as unrepealed.
51 & 52 Vict. c. 41.	The Local Government Act 1888.	In section 42, subsection (12).
60 & 61 Vict. c. 26.	The Metropolitan Police Courts Act 1897.	Section 1.  Section 8.
1 & 2 Geo. 6. c. 63.	The Administration of Justice (Miscellaneous Provisions) Act 1938.	In Schedule 2, the entry relating to the Justices Protection Act 1848.
12, 13 & 14 Geo. 6. c. 101.	The Justices of the Peace Act 1949.	Section 1.  Section 3.  Section 5.  Section 13.  In section 15, in subsection (5), the words from the beginning to “with the committee”.

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**Status:** Point in time view as at 01/07/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997). (See end of Document for details)

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		Sections 16 to 19.
		In section 20, subsections (1), (2),(4),(5) and (7).
		Section 21.
		Section 23.
		Section 25 to 27.
		Section 42.
		Section 44.
		Schedule 4.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.	The Magistrates' Courts Act 1952.	In section 116, subsection (1).
		In section 118, subsection (3) and, in subsection (4), the words from "but" onwards.
		In section 121, subsection (1).
7 & 8 Eliz. 2. c. 45.	The Metropolitan Magistrates' Courts Act 1959.	Section 2.
1964 c. 42.	The Administration of Justice Act 1964.	Sections 2 and 3.
		Sections 9 and 10.
		Sections 13 to 17.
		Sections 27 and 28.
		Section 30.
		Section 32.
		Section 36.
		In section 37, subsection (4).
		In Schedule 3, in paragraph 122, sub-paragraph (1); in paragraph 20, sub-paragraphs (6) and (7).
1965 c. 28.	The Justices of the Peace Act 1965.	The whole Act.
1968 c. 69.	The Justices of the Peace Act 1968.	In section 1, subsections (2) and (3).
		Section 3.
		Section 5.
		Schedule 2.

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**Status:** Point in time view as at 01/07/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997). (See end of Document for details)

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1971 c. 23.	The Courts Act 1971.	In Schedule 3, paragraphs 2, 3 and 4(4) and Part III.
		In section 3, the words from “and commissions of the peace” onwards (but without prejudice to their operation in relation to any commission of the peace issued before the commencement of this Act).
		In section 53(1), the words from the beginning to “Schedule 7 to this Act; and”.
		In Schedule 7, paragraphs 1 to 3.
		In Schedule 8, in paragraph 43, sub-paragraphs (1), (3) and (4).
1972 c. 70.	The Local Government Act 1972.	In section 216, in subsection (2), the words “217”.
		In section 217, subsections (1) to (3), and subsection (5) so far as unrepealed.
		In Schedule 27, paragraphs 1 to 15, paragraph 17 and paragraph 19.
1972 c. 71.	The Criminal Justice Act 1972.	Sections 61 and 62.
1973 c. 15.	The Administration of Justice Act 1973.	In section 1, subsections (1) to (8).
		In section 2, subsections (1) to (3) and subsections (5) to (7).
		Section 3.
		In section 20, subsections (3) and (4); subsection (5) except, in the proviso to that subsection, the words in paragraph (b) from the beginning to “metropolitan stipendiary magistrate”; and in subsection (6), the word “or” where it last occurs in paragraph (a) and the words from the beginning of

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**Changes to legislation:** There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997). (See end of Document for details)

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		paragraph (b) to the end of the subsection.
		In Schedule 1, paragraphs 1, 4, 5, 6, 8, 9(1) and 12.
1975 c. 60.	The Social Security Pensions Act 1975.	In Schedule 4, paragraph 5.
1977 c. 38.	The Administration of Justice Act 1977.	Section 21.
		In Schedule 2, paragraph 5.
1978 c. 22.	The Domestic Proceedings and Magistrates Courts Act 1978.	Section 86.

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**Status:**

Point in time view as at 01/07/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997).