



# Justices of the Peace Act 1979

## 1979 CHAPTER 55

### PART I

#### GENERAL

##### *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 on behalf and in the name of Her Majesty by instrument under the hand of the Lord Chancellor, and a justice so appointed may be removed from office in like manner.
- (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.

#### **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 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.
- (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.

## **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.

## **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.

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*Status: This is the original version (as it was originally enacted).*

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- (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, the Greater London Council;
  - (d) in relation to a non-metropolitan county, the county council;
  - (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.