



Police and Magistrates' Courts Act 1994

1994 CHAPTER 29

PART IV

MAGISTRATES' COURTS

Magistrates' courts committees

69 Alteration of magistrates' courts committee areas

- (1) A magistrates' courts committee may at any time submit to the Lord Chancellor written proposals—
 - (a) for the replacement of two or more magistrates' courts committees (including the committee submitting the proposals) with a single magistrates' courts committee or with two or more magistrates' courts committees in relation to areas different from the existing magistrates' courts committee areas, or
 - (b) for the replacement of the committee submitting the proposals with two or more magistrates' courts committees.
- (2) Before submitting such proposals, the magistrates' courts committee shall consult—
 - (a) the magistrates for their area or any other existing magistrates' courts committee area to which the proposal relates,
 - (b) any other magistrates' courts committee to which the proposal relates, and
 - (c) every interested authority.
- (3) Whether or not proposals have been submitted to him under subsection (1) above, the Lord Chancellor may by order made by statutory instrument provide—
 - (a) for the replacement of two or more magistrates' courts committees with a single magistrates' courts committee or with two or more magistrates' courts committees relating to areas which are different from the existing magistrates' courts committee areas, or
 - (b) for the replacement of a magistrates' courts committee with two or more magistrates' courts committees.

Status: This is the original version (as it was originally enacted).

- (4) The Lord Chancellor shall not make an order under subsection (3) above unless he is satisfied that the making of the order is likely to contribute to an overall increase in the efficiency of the administration of the magistrates' courts for the magistrates' courts committee area or areas to which the order relates.
- (5) Before making an order under subsection (3) above, other than an order which implements proposals submitted to him under subsection (1) above, the Lord Chancellor shall consult—
- (a) the magistrates for each of the existing magistrates' courts committee areas to which the order relates,
 - (b) the magistrates' courts committees to which the proposal relates, and
 - (c) every interested authority.
- (6) For the purposes of subsection (5) above, an order shall be taken to implement proposals if it implements them without alteration or the departures from the proposals do not, in the opinion of the Lord Chancellor, effect important alterations in the proposals.
- (7) Where proposals under subsection (1) above or an order under subsection (3) above would (apart from this subsection) divide a petty sessions area between the areas of two or more magistrates' courts committees, the proposals or order shall provide for a consequential alteration of petty sessions areas.
- (8) An order under subsection (3) above may contain such consequential and transitional provisions as appear to the Lord Chancellor to be necessary or expedient, including—
- (a) provision for the transfer of property, rights and liabilities,
 - (b) provision for the management or custody of transferred property (whether real or personal), and
 - (c) provision for any magistrates' courts committee coming into existence by virtue of the order to be constituted under section 22 of the 1979 Act as a body corporate, and to incur liabilities, before the date on which the functions of any existing magistrates' courts committee are transferred to it.
- (9) A statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) In this section—
- “existing magistrates' courts committee area” means a magistrates' courts committee area existing by virtue of—
- (a) section 19(2) of the 1979 Act (as amended by section 79(4) of this Act),
 - (b) an order made under section 19(3) of that Act before the commencement of this section, or
 - (c) a previous order under subsection (3) above;
- “interested authority”, in relation to any proposal or order, means the council of every local authority whose area includes any of the existing magistrates' courts committee areas to which the proposal or order relates, or part of any such area;
- “local authority” means any unitary authority or any county council so far as they are not a unitary authority; and
- “unitary authority” means—
- (a) the council of any county so far as they are the council for an area for which there are no district councils,

- (b) the council of any district comprised in an area for which there is no county council,
 - (c) a county borough council,
 - (d) a London borough council, or
 - (e) the Common Council of the City of London.
- (11) Any order made under subsection (3) of section 19 of the 1979 Act (power to establish a single magistrates' courts committee for a joint committee area) before the commencement of this section shall continue to have effect notwithstanding the repeal of that subsection by this Act, but subject to any subsequent order under subsection (3) above.
- (12) Until 1st April 1996, the definition of “unitary authority” in subsection (10) above shall have effect with the omission of paragraph (c).