



Justices of the Peace Act 1997

1997 CHAPTER 25

PART II

JUSTICES OF THE PEACE

General provisions

22 Chairman and deputy chairmen of justices

- (1) For 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; and any contested election for the purpose of this section shall be held by secret ballot.
- (2) Subject to subsections (3) and (4) 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 section 24 below.
- (3) Subsection (2) above does not confer on any chairman or deputy chairman of the justices the right to preside in court if, under rules made under section 24 below, he is ineligible to preside in court.
- (4) Subsection (2) above does not confer on any chairman or deputy chairman of the justices the right to preside—
 - (a) in a youth court or family proceedings court;
 - (b) at meetings of a committee or other body of justices having its own chairman; or
 - (c) at meetings when any stipendiary magistrate is engaged as such in administering justice.
- (5) A metropolitan stipendiary magistrate who is by virtue of his office a justice of the peace for any area mentioned in section 16(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—

- (a) to be chosen under subsection (1) above as chairman or deputy chairman of the justices for a petty sessional division of that area; or
- (b) to vote under that subsection at the election of any such chairman or deputy chairman.

23 Chairman and deputy chairmen of justices in the City of London

- (1) In the City of London, 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 22(1) above; 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 22(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) If the Lord Mayor is 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 (4) of section 22 above 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.

24 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 22 above 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 for a petty sessions area (including any procedure for nominating candidates at any such election), and the number of deputy chairmen to be elected for any such area;
 - (c) as to training courses to be completed by justices before they may preside in court;
 - (d) as to the approval of justices, by committees of justices constituted in accordance with the rules, before they may preside in court, as to the justices who may be so approved and as to the courts to which the approval relates; and
 - (e) as to circumstances in which a justice may preside in court even though requirements imposed by virtue of paragraph (c) or (d) above are not satisfied in relation to him.
- (3) The right of magistrates to vote at an election of the chairman or a deputy chairman of the justices for 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 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.

25 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 5 above; 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) Subsection (2) above has effect in relation to the City of London as if for each reference to the keeper of the rolls there were substituted a reference to the Lord Mayor.
- (4) 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 5 above, together with the instruments of appointment or removal.

26 Greater Manchester, Merseyside and Lancashire

- (1) Sections 5(1), 6 and 25 above have effect in relation to the counties of Greater Manchester and Merseyside and the retained county of 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—
 - (a) the counties of Greater Manchester and Merseyside; and
 - (b) the retained county of Lancashire,sections 7(4) to (6) and 8 above have effect with the substitution, for any reference to the Lord Chancellor, of a reference to the Chancellor of the Duchy of Lancaster.