



Justices of the Peace Act 1997

1997 CHAPTER 25

PART II

JUSTICES OF THE PEACE

Metropolitan stipendiary magistrates

16 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 60 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 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) Each metropolitan stipendiary magistrate—
 - (a) shall by virtue of his office be a justice of the peace for each of the London commission areas and for the retained counties of Essex, Hertfordshire, Kent and Surrey; and
 - (b) may be removed from office by the Lord Chancellor for inability or misbehaviour.
- (5) Section 12 above applies to metropolitan stipendiary magistrates as well as other stipendiary magistrates in England or Wales.
- (6) No Order in Council shall be made under subsection (1) above unless a draft of the Order has been laid before Parliament and approved by resolution of each House.

17 Metropolitan stipendiary magistrates: allocation and sittings etc

- (1) The Lord Chancellor may assign metropolitan stipendiary magistrates to petty sessional divisions of the inner London area and may alter any assignment under this subsection; but the assignment of a magistrate to a particular 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 court-houses 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—
 - (a) cause a meeting of all the metropolitan stipendiary magistrates (or such of them as are able to attend) to be held at least once in every three months; and
 - (b) if present, preside over the meeting.

18 Jurisdiction of metropolitan stipendiary magistrates and lay justices for inner London area

- (1) Metropolitan stipendiary magistrates shall hold magistrates' courts for the inner London area.
- (2) 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—
 - (a) by metropolitan stipendiary magistrates; and
 - (b) by justices of the peace for that area who are not metropolitan stipendiary magistrates (in this Part of this Act referred to as “lay justices”).
- (3) Subject to subsections (4) and (5) below, the jurisdiction conferred on metropolitan stipendiary magistrates as such by any enactment shall be exercisable both—
 - (a) by metropolitan stipendiary magistrates; and
 - (b) by lay justices for the inner London area.
- (4) Subsection (3)(b) above does not apply to the jurisdiction conferred on metropolitan stipendiary magistrates by—
 - (a) section 25 of the Children and Young Persons Act 1933 (restrictions on persons under 18 going abroad for the purpose of performing for profit); or
 - (b) the Extradition Act 1989.
- (5) A magistrates' court consisting of lay justices for the inner London area shall not by virtue of subsection (3) above try an information summarily or hear a complaint except when composed of at least two justices.
- (6) Without prejudice to subsection (2) above, subsections (2) to (7) of section 14 above apply to a metropolitan stipendiary magistrate as they apply to a stipendiary magistrate appointed under section 11 above.
- (7) Section 15 above applies to metropolitan stipendiary magistrates as well as other stipendiary magistrates in England or Wales.

19 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 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 one time) as the Lord Chancellor thinks fit.
- (2) Anything 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 a metropolitan stipendiary magistrate under subsection (1) above.
- (3) Part V of this Act applies to a person acting as a metropolitan stipendiary magistrate under subsection (1) above as it applies to a metropolitan stipendiary magistrate.
- (4) The Lord Chancellor may pay to any person authorised to act under this section such remuneration as he may, with the approval of the Treasury, determine.

20 Division of work in inner London area

- (1) There shall be a committee established for the purposes mentioned in subsection (6) below.
- (2) The committee shall consist 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.
- (3) The lay justices eligible for appointment under paragraph (b) of subsection (2) above include any of the chairmen referred to in that paragraph.
- (4) The members of the committee shall hold office for a period of twelve months, but shall be eligible for re-appointment.
- (5) The chief metropolitan stipendiary magistrate shall be the chairman of the committee.
- (6) 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
 - (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.