



# Justices of the Peace Act 1997 (repealed)

## 1997 CHAPTER 25

### PART VIII

#### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

#### **64 Training courses.**

- (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 training courses for justices of the peace of their area.
- (2) If training courses are not provided for justices of the peace of any area as required by subsection (1) above, the Lord Chancellor may recover from the magistrates' courts committee in default any expenses which he incurs in providing training courses to make good the default.
- (3) The Lord Chancellor may provide training courses for justices' clerks and for staff of magistrates' courts committees.

VALID FROM 01/04/2004

#### **64A Disqualifying offices**

The person who is the chairman of the Independent Police Complaints Commission or any person who is otherwise a member of that Commission or a member of its staff is disqualified for being appointed or acting as a justice of the peace.

#### **65 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—

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- (a) on his discharge from bankruptcy; or
- (b) if the bankruptcy order is previously annulled, on the date of its annulment.

## **66 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 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.
- (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.
- (4) Subsection (2) above applies for the purposes of subsection (3) above with the substitution, for references to a local authority, of references to the Corporation or the Common Council.
- (5) Nothing in this section prevents a justice from acting in any proceedings by reason only of their being brought by a police officer.
- (6) No act shall be invalidated by reason only of the disqualification under this section of the person acting.
- (7) In this section “local authority” means—
  - (a) a local authority within the meaning of the <sup>M1</sup>Local Government Act 1972 or the <sup>M2</sup>Local Government (Scotland) Act 1973;
  - (b) a police authority established under section 3 of the <sup>M3</sup>Police Act 1996;
  - (c) a joint authority established by Part IV of the <sup>M4</sup>Local Government Act 1985;
  - (d) a housing action trust established under Part III of the <sup>M5</sup>Housing Act 1988;
  - (e) the Broads Authority; and
  - (f) a National Park authority.

### **Marginal Citations**

- M1** 1972 c. 70.
- M2** 1973 c. 65.
- M3** 1996 c. 16.
- M4** 1985 c. 51.
- M5** 1988 c. 50.

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## 67 Justices not disqualified by reason of liability to local taxation.

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—

- (a) rates leviable by a rating authority;
- (b) community charges of a charging authority;
- (c) council tax set by a billing authority; or
- (d) the non-domestic rate of a special authority within the meaning of section 144(6) of the <sup>M6</sup>Local Government Finance Act 1988,

even though he is rated to or chargeable with any rates falling within paragraph (a) above or is liable, or would but for any enactment or anything provided or done under any enactment be liable, to pay an amount in respect of any charge, tax or rate falling within paragraphs (b) to (d) above in the area affected by the act in question.

### Marginal Citations

M6 1988 c. 41.

## 68 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 retained county of Surrey or the retained county of Kent may hold special or petty sessions for any division of their retained 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 treated as being within the retained county and the division for which the justices holding them are justices.

VALID FROM 01/04/2001

### [<sup>F1</sup>68A Provision of accommodation for justices and staff.

Any accommodation provided under any enactment for any justice, justices' clerk or justices' chief executive may be outside the area for which the justices act and, in the case of a petty sessional court-house, shall be treated as being in that area for the purposes of the jurisdiction of the justices when acting in the court-house.]

### Textual Amendments

F1 S. 68A and sidenote inserted (1.4.2001) by 1999 c. 22, s. 83(3), Sch. 12 paras. 9, 19 (with Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(a)(i) (subject to transitional provisions in Sch. 2 para. 2)

## 69 Promissory oaths of certain justices.

- (1) Subject to the provisions of this section, any person who, under this Act, 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.

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- (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 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 despite 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 that or any other 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 19 above, be taken before any of the metropolitan stipendiary magistrates.
- (5) In this section “the Promissory Oaths Acts” means the <sup>M7</sup>Promissory Oaths Act 1868 and the <sup>M8</sup>Promissory Oaths Act 1871.

**Marginal Citations**

**M7** 1868 c. 72.

**M8** 1871 c. 48.

**70 Application of enactments to the City of London.**

- (1) Subject to the provisions of sections 21, 23, 25(3), 33(5) and 35(3) above, in any enactment relating to justices of the peace, magistrates’ courts, justices’ clerks or matters connected therewith (including, except to the extent that 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 of London or justices for the City; and
  - (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 City fund;
 but 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.

**71 Isles of Scilly.**

For the purposes of this Act the Isles of Scilly shall be treated as forming part of the county and the retained county of Cornwall.

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## 72 Interpretation.

(1) In this Act, except to the extent that the context otherwise requires—

“capital expenditure” means expenditure for capital purposes (construed in accordance with section 40 of the <sup>M9</sup>Local Government and Housing Act 1989);

“commission area” has the meaning given by section 1 above;

“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 given by section 2 above;

“magistrate”—

(a) in relation to a commission area, means a justice of the peace for the commission area, other than a justice whose name is for the time being entered in the supplemental list;

(b) in relation to a part of a commission area, means a person who (in accordance with paragraph (a) of this definition) is a magistrate for that area and ordinarily acts in and for that part of it; and

(c) in relation to a magistrates’ courts committee area, means a person who (in accordance with paragraphs (a) and (b) of this definition) is a magistrate for that area or any part of that area;

“magistrates’ courts committee area” means the area to which a magistrates’ courts committee relates;

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

“petty sessional court-house” means—

(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); or

(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 given by section 4 above;

“preserved county” has the meaning given by section 64 of the <sup>M10</sup>Local Government (Wales) Act 1994;

“retained county”—

(a) in relation to England, means the area of a non-metropolitan county created by Part I of the <sup>M11</sup>Local Government Act 1972, as it stood immediately before 1st April 1995; and

(b) in relation to Wales, means preserved county;

“stipendiary magistrate” includes a metropolitan stipendiary magistrate;

“the supplemental list” has the meaning given by section 7 above; and

“unitary district” means a district comprised in an area for which there is no county council.

(2) Any reference in this Act to a retained county by name, where the name is that of a non-metropolitan county in England, is a reference to that county as it stood immediately before 1st April 1995.

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#### **Marginal Citations**

- M9** 1989 c. 42.  
**M10** 1994 c. 19.  
**M11** 1972 c. 70.

### **73 Transitional provisions, consequential amendments and repeals.**

- (1) The transitional provisions and savings in Schedule 4 to this Act shall have effect.
- (2) The enactments and instruments mentioned in Schedule 5 to this Act shall be amended in accordance with that Schedule.
- (3) The enactments mentioned in Schedule 6 to this Act shall be repealed, and the instruments mentioned in that Schedule shall be revoked, to the extent specified in the third column of that Schedule.

#### **Extent Information**

- E1** Any amendment, repeal or revocation contained in Schs. 5, 6 (except as mentioned in s. 75(3)(4)) has the same extent as the provision it amends, repeals or revokes, see [s. 75\(2\)](#)

### **74 Commencement.**

- (1) Subject to—
  - (a) subsection (2) below; and
  - (b) paragraphs 7(2)(f) and 8 of Schedule 4 to this Act,
 this Act shall come into force at the end of the period of three months beginning with the day on which it is passed (and any reference in this Act to the commencement of this Act is a reference to its coming into force at the end of that period).
- (2) If section 82 of and Schedule 7 to the <sup>M12</sup>Police and Magistrates' Courts Act 1994 have not come into force before the commencement of this Act, then section 50 of and Schedule 3 to this Act shall come into force on the relevant commencement date.
- (3) In subsection (2) above “relevant commencement date” means—
  - (a) if before the commencement of this Act a date on or after the date of that commencement has been appointed by an order under section 94 of the Police and Magistrates' Courts Act 1994 (commencement and transitional provisions) as the date on which section 82 of and Schedule 7 to that Act are to come into force, the date so appointed; and
  - (b) otherwise, such date as the Lord Chancellor may by order appoint.
- (4) Subsections (4), (5), (7) and (8) of section 94 of the Police and Magistrates' Courts Act 1994 shall apply to an order under subsection (3)(b) above as they would apply to an order under subsection (2) of that section.

#### **Marginal Citations**

- M12** 1994 c. 29.

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## 75 Short title and extent.

- (1) This Act may be cited as the Justices of the Peace Act 1997.
- (2) Subject to subsections (3) and (4) below, any amendment, repeal or revocation contained in Schedule 5 or 6 to this Act has the same extent as the provision it amends, repeals or revokes.
- (3) In Schedule 5 to this Act—
  - (a) paragraphs 2 and 5 extend to England and Wales only; and
  - (b) paragraph 9 extends to the United Kingdom.
- (4) In Schedule 6 to this Act, the repeal of section 70 of the <sup>M13</sup>Criminal Procedure and Investigations Act 1996 extends to England and Wales only.
- (5) Subject to subsections (2) to (4) above, this Act extends to England and Wales only.

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### Marginal Citations

**M13** 1996 c. 25.

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