



# Justices of the Peace Act 1997

## 1997 CHAPTER 25

### PART III

#### MAGISTRATES' COURTS COMMITTEES

#### **34 Procedure relating to s. 33**

- (1) Before submitting to the Lord Chancellor a draft order or a report under section 33 above about any area, a magistrates' courts committee—
  - (a) shall consult—
    - (i) every relevant council; and
    - (ii) the magistrates for any existing petty sessional division in the area; and
  - (b) in the case of a draft order which relates to any district which is not a unitary district, after complying with paragraph (a) above, shall send a copy of their proposals to every relevant district council and take into consideration any objections made in the prescribed manner and within the prescribed time.
- (2) A magistrates' courts committee submitting to the Lord Chancellor a draft order or a report under section 33 above shall comply with such requirements (if any) as to notice as may be prescribed.
- (3) Before making an order under section 33 above about any area otherwise than in accordance with a draft submitted to him by the magistrates' courts committee, the Lord Chancellor shall send a copy of his proposals to—
  - (a) the magistrates' courts committee;
  - (b) every relevant council;
  - (c) the magistrates for any existing petty sessional division in the area; and
  - (d) if the proposals relate to any district which is not a unitary district, every relevant district council.
- (4) Before making any order under section 33 above the Lord Chancellor shall take into consideration any objections made in the prescribed manner and within the prescribed time, and may cause a local inquiry to be held.

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*Status: This is the original version (as it was originally enacted).*

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(5) For the purposes of this section—

- (a) “relevant council”, in relation to an order, a draft order or a report, means any council of—
  - (i) a county;
  - (ii) a county borough;
  - (iii) a unitary district; or
  - (iv) a London borough,which includes all or part of the area to which the order, draft order or report relates;
- (b) “relevant district council”, in relation to an order or draft order about any area, means any council of a district, other than a unitary district, which includes all or part of the area;
- (c) “prescribed” means prescribed by regulations made by the Lord Chancellor by statutory instrument; and
- (d) an order shall be taken to be made in accordance with a draft order if it is made in terms of the draft order or any departures from the draft order do not, in the opinion of the Lord Chancellor, effect important alterations in the draft order.