

*These notes refer to the Access to Justice Act 1999  
(c.22) which received Royal Assent on 27th July 1999*

# **ACCESS TO JUSTICE ACT 1999**

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## **EXPLANATORY NOTES**

**D.**

### **MAGISTRATES AND MAGISTRATES' COURTS (PART V - SECTIONS 74-97)**

#### ***Summary***

241. Part V of the Act contains provisions to reform the organisation and management of the magistrates' courts service; to unify the stipendiary bench; and to extend and clarify the powers of civilians to execute warrants.
242. The Government's objective is to develop a magistrates' courts service which is effectively and efficiently managed, at a local level by local people, within a consistent national framework. The Government announced its plans for developing this framework in statements to both Houses of Parliament on 29 October 1997 (Official Report, Lords, cols. 1057-1067; Commons, cols. 901-914). As part of this programme of reform, the Act:
- reforms the organisation and management of the magistrates' courts by:
    - creating more flexible powers to alter the various territorial units that make up the magistrates' courts service, and to allow summary cases to be heard outside the commission area in which they arise;
    - establishing a single authority to manage the magistrates' courts in London;
    - providing for a code of conduct for members of magistrates' courts committees (MCCs) and the panels that select them, and expanding the potential membership of MCCs by removing the limit on co-opted members;
    - giving the Lord Chancellor powers to require MCCs to procure common goods and services where this will lead to more effective or efficient administration, and to direct MCCs to implement recommendations of the Magistrates' Courts Service Inspectorate;
    - removing the requirement for justices' chief executives to be qualified lawyers, and transferring responsibility for certain administrative functions from justices' clerks to justices' chief executives;
  - unifies the provincial and metropolitan stipendiary magistrates into a single bench of District Judges (Magistrates' Courts), able to sit in any magistrates' court in the country;
  - removes the requirement for lay magistrates to sit as judges in the Crown Court on committals for sentence; and
  - extends and clarifies the powers of civilians to execute warrants.