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## SCHEDULES

### SCHEDULE 4

#### OTHER FUNCTIONS OF THE LORD CHANCELLOR AND ORGANISATION OF THE COURTS

##### PART 2

###### AMENDMENTS OF OR RELATING TO ENACTMENTS REPEALED OR AMENDED OTHERWISE THAN BY THIS ACT

###### *Justices of the Peace Act 1997 (c. 25)*

- 386 (1) The Justices of the Peace Act 1997 is amended as follows.
- (2) In relation to the enactments in that Act referred to below, the original amending provision is section 6(4) of the Courts Act 2003.
- 387 (1) Section 1 (Commission areas) is amended as follows.
- (2) In subsection (2) for “by the Lord Chancellor by order made by statutory instrument” substitute “ by order made by the Lord Chancellor, after consulting the Lord Chief Justice, by statutory instrument ”.
- (3) After subsection (3) insert—
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 388 (1) Section 4 (petty sessions areas) is amended as follows.
- (2) In subsection (2) for “by the Lord Chancellor by order made by statutory instrument” substitute “ by order made by the Lord Chancellor, after consulting the Lord Chief Justice, by statutory instrument ”.
- (3) After subsection (3) insert—
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 389 In section 5 (appointment and removal of justices of the peace), in subsection (1) for “in like manner” substitute “ by the Lord Chancellor with the concurrence of the Lord Chief Justice ”.
- 390 (1) Section 6 (residence qualification) is amended as follows.
- (2) In subsection (3) for “Lord Chancellor is” substitute “ Lord Chancellor and the Lord Chief Justice are both ”.
- (3) After subsection (4) insert—

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- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 391 In section 7 (supplemental list for England and Wales), in subsection (4)—
- (a) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice, ”;
- (b) for “Lord Chancellor is” substitute “ Lord Chancellor and the Lord Chief Justice are both ”.
- 392 In section 8 (removal of name from supplemental list), in subsection (1) after “Lord Chancellor” insert “, with the concurrence of the Lord Chief Justice, ”.
- 393 (1) Section 9 (effect of entry of name in supplemental list) is amended as follows.
- (2) In subsection (3) for “by the Lord Chancellor” substitute “ by the Lord Chief Justice ”.
- (3) After subsection (4) insert—
- “(5) The Lord Chief Justice may not give an authorisation under subsection (3) unless the Lord Chancellor concurs.
- (6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (3).”
- 394 In section 10A (appointment and tenure), in subsection (3) after “Lord Chancellor” insert “, with the concurrence of the Lord Chief Justice, ”.
- 395 In section 10B (deputies), in subsection (2) after “Lord Chancellor” insert “, with the concurrence of the Lord Chief Justice, ”.
- 396 (1) Section 10C (status) is amended as follows.
- (2) In subsection (3) for “given by the Lord Chancellor from time to time” substitute “ given by the Lord Chief Justice from time to time after consulting the Lord Chancellor ”.
- (3) After subsection (4) insert—
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 397 (1) Section 24 (rules as to chairmanship and size of bench) is amended as follows.
- (2) In subsection (5) omit “by the Lord Chancellor”.
- (3) After subsection (5) insert—
- “(6) Rules under this section that relate to the matters referred to in any of paragraphs (c) to (e) of subsection (2) are to be made by the Lord Chief Justice after consulting the Lord Chancellor.
- (7) Any other rules under this section are to be made by the Lord Chancellor after consulting the Lord Chief Justice.

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- (8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 398 In section 25 (records of justices of the peace) after subsection (4) insert—
- “(5) The Lord Chancellor must consult the Lord Chief Justice before—
- (a) designating a justice under subsection (1), or
- (b) giving a direction under subsection (2).
- (6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 399 (1) Section 26 (Greater Manchester, Merseyside and Lancashire) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a) after “Lord Chancellor” insert “ or the Lord Chief Justice ”;
- (b) in paragraph (b)—
- (i) after “Lord Chancellor” in the first place insert “ or the Lord Chief Justice ”;
- (ii) for “the Lord Chancellor” in the second place substitute “ that person, or those persons, ”.
- (3) In subsection (3)—
- (a) in paragraph (a) after “Lord Chancellor” insert “ or the Lord Chief Justice ”;
- (b) in paragraph (b)—
- (i) after “Lord Chancellor” in the first place insert “ or the Lord Chief Justice ”;
- (ii) for “the Lord Chancellor” in the second place substitute “ that person, or those persons, ”.
- (4) After subsection (3) insert—
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 400 (1) Section 27A (magistrates' courts committees) is amended as follows.
- (2) In subsection (2) for “by the Lord Chancellor by order made by statutory instrument” substitute “ by order made by the Lord Chancellor, after consulting the Lord Chief Justice, by statutory instrument ”.
- (3) After subsection (3) insert—
- “(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”
- 401 (1) Section 27B (alteration of committee areas) is amended as follows.
- (2) In subsection (4) before paragraph (a) insert—
- “(za) the Lord Chief Justice;”.
- (3) After subsection (10) insert—

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“(11) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”

402 (1) Section 33 (alteration of petty sessions areas) is amended as follows.

(2) In subsection (2) after “Lord Chancellor” in the first place insert “ after he has consulted the Lord Chief Justice ”.

(3) In subsection (3)—

(a) in paragraph (a) after “Lord Chancellor thinks fit” insert “ after consulting the Lord Chief Justice ”;

(b) for paragraph (b) substitute—

“(b) a magistrates' court committee fail to comply within six months with a direction under subsection (2);

(bb) the Lord Chancellor is, after consulting the Lord Chief Justice, dissatisfied with the draft order or report submitted in pursuance of such a direction; or”.

(4) After subsection (3) insert—

“(3A) The Lord Chancellor may only make an order to which subsection (3) applies after consulting the Lord Chief Justice.”

(5) In subsection (4) after “appear to the Lord Chancellor” insert “ , after consulting the Lord Chief Justice, ”.

(6) After subsection (5) insert—

“(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”

403 (1) Section 53A (costs in legal proceedings) is amended as follows.

(2) In subsection (4) after “Lord Chancellor may” insert “ , after consulting the Lord Chief Justice, ”.

(3) After subsection (6) insert—

“(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”

404 (1) Section 54 (indemnification of justices and justices' clerks) is amended as follows.

(2) In subsection (6) for “by the Lord Chancellor” substitute “ by the Lord Chief Justice after consulting the Lord Chancellor ”.

(3) After subsection (9) insert—

“(10) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (6).”

405 (1) Section 64 (training courses) is amended as follows.

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(2) In subsection (1) for “by the Lord Chancellor” substitute “ by the Lord Chief Justice after consulting the Lord Chancellor ”.

(3) After subsection (3) insert—

“(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1).”

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