

## SCHEDULES

### FOURTH SCHEDULE

Section 16.

#### CONSTITUTION ETC, OF MAGISTRATES' COURTS COMMITTEES

##### *Constitution, establishment etc. of committees*

- 1 (1) Subject to the next following sub-paragraph, a magistrates' courts committee shall be composed of magistrates for the county or borough for which the committee acts or, in the case of a committee for a joint committee area, each such county or borough.
- (2) The custos rotulorum of a county shall by virtue of his office be a member of any magistrates' courts committee acting for the county or any division thereof.
- (3) The chairman of the court of quarter sessions for a county or a quarter sessions division of a county shall by virtue of his office be a member of the magistrates' courts committee acting for the county or division:  
  
Provided that, if the chairman is unwilling to be a member the deputy chairman or, if there are two or more deputy chairmen, one of them nominated by the chairman shall, if willing, be a member in the place of the chairman.
- (4) The magistrates' courts committee for a county divided into petty sessional divisions, or for a joint committee area including such a county, shall consist (in addition to the ex officio members and, in the case of a joint committee area, to the members from other parts of the area) of one magistrate chosen from amongst themselves by the magistrates for each of the petty sessional divisions of the county and one magistrate chosen from amongst themselves by the magistrates for each of the non-county boroughs (if any) in the county which have a separate commission of the peace but no separate magistrates' courts committee.
- (5) The magistrates' courts committee for a county not divided into petty sessional divisions or for a borough shall consist (in addition, in the case of a county, to the ex officio members) of such number of magistrates chosen by the magistrates of the county or borough as they may determine.
- (6) The magistrates' courts committee for a joint committee area which includes a county not divided into petty sessional divisions or a county borough shall consist (in addition to the ex officio members from any such county included in the area and to the members from other parts of the area) of such number of magistrates chosen from amongst themselves by the magistrates for the county or borough as may for the time being be determined by or in accordance with the order directing that the area shall be a joint committee area.
- (7) The Secretary of State may by statutory instrument make general regulations (subject, except as hereinafter mentioned, to the foregoing provisions of this paragraph) about the constitution and quorum of magistrates' courts committees.
- (8) The regulations may—

---

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

---

- (a) lay down upper and lower limits for the number of members of which the committee for a county not divided into petty sessional divisions or for a borough may be composed; and
  - (b) direct that where, in a county divided into petty sessional divisions, the total number of the divisions and of the boroughs referred to in sub-paragraph (4) of this paragraph is less than that specified in the regulations, there shall from each division or borough be such number of members on any magistrates' courts committee acting for the county as may be so specified (the number being the same for all the divisions and boroughs).
- (9) The Secretary of State may give general or special directions with respect to summoning the first meetings of magistrates' courts committees.
- 2 (1) There shall be a single magistrates' courts committee for a joint committee area if, but only if, the area is for the time being directed by an order of the Secretary of State to be a joint committee area.
- (2) No order directing that an area shall be a joint committee area shall be made except on the application of the magistrates for each county or county borough included in the area.
- 3 (1) There shall be a separate magistrates' courts committee for a non-county borough having a separate commission of the peace and a population at the time of the establishment of the committee of sixty-five thousand or over, if, but only if, it is for the time being so directed by an order of the Secretary of State.
- (2) No order directing that there shall be, or shall cease to be, a separate magistrates' courts committee for such a borough shall be made except on the application of the magistrates for the borough.
- 4 (1) A quarter sessions division of a county shall be treated for the purpose of the establishment and functions of a magistrates' courts committee as a separate county if, but only if, it is for the time being directed to be so treated by an order of the Secretary of State.
- (2) No order directing that a quarter sessions division of a county shall be, or shall cease to be, treated as a separate county shall be made except on the application of the magistrates for each division of the county.
- 5 (1) Subject to the following sub-paragraphs, the magistrates for a county or a quarter sessions division of a county shall act for the purpose of any of the foregoing paragraphs at quarter sessions.
- (2) Where a county is divided into quarter sessions divisions and those divisions are not for the time being directed to be treated as separate counties, the magistrates for the county shall act for the purposes of paragraph 2 of this Schedule at a joint sessions for the whole county held for the purpose.
- (3) The Secretary of State may give such directions as he thinks fit for removing any difficulties as to the summoning of a sessions required by the last foregoing sub-paragraph, and a sessions summoned in accordance with his directions shall be deemed to have been duly summoned.
- 6 Any order of the Secretary of State under paragraph 2, 3 or 4 of this Schedule may, if it relates to an area for which a magistrates' courts committee is already acting, contain such consequential and transitional provisions for the preservation of rights

and liabilities of that committee or otherwise as appear to the Secretary of State to be necessary or expedient.

*Proceedings etc., of Committees*

- 7 A magistrates' courts committee shall be a body corporate.
- 8 The proceedings of a magistrates' courts committee shall not be invalidated by reason of any vacancy therein or of any defect in the appointment of a member.
- 9 (1) A magistrates' courts committee shall appoint one of the members to be chairman of the committee and, subject to the following sub-paragraph, shall also appoint a clerk to the committee and may appoint such other officers (if any) as the Secretary of State may approve.
- (2) Where there is a separate magistrates' courts committee for a borough or for a county not divided into petty sessional divisions, the clerk to the borough or county justices shall by virtue of his office be the clerk to the committee.
- 10 A magistrates' courts committee may act through subcommittees appointed by them.
- 11 Subject to the provisions of this Act a magistrates' courts committee shall have power to regulate its own procedure including quorum.