



Metropolitan Police Courts Act 1840

1840 CHAPTER 84

An Act for better defining the Powers of Justices within the Metropolitan Police District. [7th August 1840]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act for farther improving the Police in and near the Metropolis*, it is among other things enacted, that in the Construction of that Act the Word "Magistrate" shall be taken to include every Justice of the Peace acting in and for any Part of the Metropolitan Police District for which no Police Court shall be established, and that if any Offence against that Act shall have been committed, or the Offender apprehended in any Part of the Metropolitan Police District for which no Police Court shall be established as aforesaid, the Matter of such Complaint may be also heard and determined by any Two or more Justices acting in and for the County in which the Offence was committed or the Offender apprehended; and it is expedient that the Meaning of these Enactments be more clearly expressed, and that further Provision be made for defining the Divisions for which Police Courts are established within the Metropolitan Police District:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority, of the same,

Repeal of 2 & 3 Vict. c. 47. ss. 75, 76.

That so much of the said Act as is herein-before recited shall be repealed.

II Queen in Council may constitute Police Court Divisions, and define and alter their Extent and Number. Limiting Number of Magistrates.

And be it enacted, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, from Time to Time to constitute within the Metropolitan Police District so many Police Court Divisions as to Her Majesty shall seem fit, and to define the Extent thereof, and from Time to Time to alter the Number and Extent of such Police Court Divisions, and to assign a Division to each of the Police Courts already established, and to establish a Police Court for each of the other Divisions: Provided always, that nothing in this Act contained shall be construed to restrain the Police Magistrates

appointed to the said Courts from acting in all Places within the Limits of their Commissions as fully in all respects as if this Act had not been made; and be it further provided, that there shall not be more than Twenty-seven Magistrates appointed to execute the Duties of Justices of the Peace at the said Courts.

III So much of 2 & 3 Vict. c.71 as requires the daily Attendance of a Police Magistrate at the Courts to apply only to those Courts already established.

And whereas by an Act passed in the last Session of Parliament, intituled *An Act for regulating the Police Courts in the Metropolis*, it is provided, that One of the Magistrates appointed to the said Courts shall attend on every Day (except as therein excepted) at each of the Police Courts established or to be established within the Metropolitan Police District: And whereas the Business of a Police Court in the outer Parts of the Metropolitan Police District will not require the daily Attendance of One of the said Magistrates ; be it enacted, That so much of the last-recited Act as requires the daily Attendance of One of the said Magistrates at each of the said Courts shall be taken to apply only to the Police Courts now established in *Bow Street*, and in the Parishes of *Saint Margaret Westminster*, *Saint James Westminster*, *Saint Marylebone*, *Saint Andrew Holborn*, *Saint Leonard Shoreditch*, *Saint Mary White-chapel*, and *Saint John of Wapping*, in the County of *Middlesex*, and *Saint Saviour* in the County of *Surrey*, and shall continue to apply to the said Courts, wheresoever they may from Time to Time be holden or removed to within the Metropolitan Police District.

IV Police Magistrates may be ordered to attend at other Courts.

And be it enacted, That it shall be lawful for Her Majesty, if She shall think fit, with the Advice of Her Privy Council, to order that a Police Magistrate or Magistrates shall attend regularly at any Police Court or Courts hereafter to be established, either daily or on such Days and Times as Her Majesty, by the Advice aforesaid, shall order; and it shall be lawful for Her Majesty, from Time to Time, with the Advice aforesaid, to alter or rescind any such Order.

V Orders in Council to be published in the Gazette.

And be it enacted, That every Order in Council, either for constituting or altering a Police Court Division, or for assigning a Division to the Police Courts already established, or for establishing or removing a Police Court, or for ordering the regular Attendance of a Police Magistrate or Magistrates at any Police Court or Courts, or for altering or rescinding any such Order, shall be published in the *London Gazette*, and shall take effect from the Time appointed for that Purpose by the said Order.

VI Any Two Justices may act with the Authority of a Police Magistrate. Proviso.

And be it enacted, That any Two Justices of the Peace having Jurisdiction within the Metropolitan Police District shall have, while sitting together publicly in the Court or Room used for holding Special or Petty Sessions of the Peace in any Part of the said District within the Limits of their Commission, except in the Divisions to be assigned to the Police Courts already established, and any Two Justices of the Peace for the City of *London* and the Liberties thereof, having Jurisdiction within the City of *London* and the Liberties thereof, shall within the said City of *London* and the Liberties thereof have all the Powers, Privileges, and Duties which any One Magistrate of the said Police Courts has while sitting in one of the said Courts by the Two recited Acts of

the last Session of Parliament or either of them : Provided always, that whenever a new Police Court shall have been established within the Metropolitan Police District, and a Division assigned to such Court as aforesaid, such Justices shall not act in that Division, in the Execution of the Two said Acts or either of them, elsewhere than at such Court; and that at every Police Court at which the regular Attendance of a Police Magistrate shall have been ordered by Her Majesty as herein-before provided the Police Magistrate while present in such Court shall act as the sole Magistrate thereof.

VII Application of recited Act as to the Employment of Clerks.

And be it enacted, That so much of the last-recited Act as provides that no Clerk in any of the Police Courts shall hold or have any other Office or Employment whatsoever, except as therein excepted, shall be taken to apply only to the Police Courts now established.

VIII Form of Recognizance, Information, and Conviction.

And be it declared and enacted, That every Recognizance taken at any Station House of the Metropolitan Police Force situated in a Division in which a Police Magistrate is not in daily Attendance shall be conditioned for the Appearance of the Person thereby bound before the Magistrate or Justices acting in the Division, at his or their next Sitting ; and every such Recognizance shall be returned to the Magistrate or Justices present at the Time and Place where the Party is bound to appear; and when the Information is laid or the Conviction had before Two Justices the Forms given in the Schedule annexed to this Act may be used instead of the Forms of Information and Conviction provided by the last-recited Act.

IX Extension of Power to enlarge Prisoners on Recognizance.

And be it enacted, That whenever any Person shall be charged before any Police Magistrate or before any Two Justices, at any Police Court within the Metropolitan Police District, with any Felony or Misdemeanor for which he is liable to be committed to take his Trial at the Assizes to be holden for any of the Counties of *Essex, Hertford, Kent, or Surrey*, it shall be lawful for such Police Magistrate or for such Justices, if he or they respectively shall think fit, to suffer such Person to go at large upon a Recognizance conditioned for surrendering himself to take his Trial at such Assizes, in like Manner as such Recognizance may be taken for his Surrender to take his Trial at the Central Criminal Court, in Cases where he is liable to be committed for Trial at the Central Criminal Court; and every such Recognizance shall be within all the Provisions of the last-recited Act relating to Recognizances for surrendering to be tried at the Central Criminal Court.

X Militia Ballotting Lists to be made out by Police Constables.

And be it enacted, That after the passing of this Act all Proceedings within the Metropolitan Police District relating to the serving of Notices, and the procuring and making out of the Returns of the Persons liable to serve in the Militia, and the preparing and making out of the Lists of the Persons liable to be balloted for the Militia, and all other Things, by an Act passed in the Forty-second Year or the Reign of King *George the Third*, intituled *An Act for amending the Laws relating to the Militia in England, and for augmenting the Militia*, or by any other Act relating to the Militia, directed to be done by the High and other Constables for the Time being, shall be done within the

said District by the Constables of the Metropolitan Police Force, or by such of them as shall be from Time to Time specially appointed for that Purpose by the Commissioners of Police.

XI Penalty for obtaining Money by threatening Information.

And be it enacted, That any Person who shall obtain any Sum of Money or other Reward from any Person within the Metropolitan Police District by threatening directly or indirectly to lodge any Information or make any Complaint before any Magistrate, Justice or Justices, for any Misdemeanor, or as an Inducement for forbearing to lay such Information or make such Complaint, shall, on Conviction of the Offence before One of the Police Magistrates, or before any Two Justices of the Peace, either by his own Confession or by the Oath of any credible Witness, be liable to a Penalty not more than Ten Pounds,

XII Appeal to the Police Magistrates from Proceedings at the Leet concerning Weights and Measures.

And be it enacted, That all Persons who may think themselves aggrieved by any Presentment or Proceeding of any Leet Jury or Court Leet for any Hundred or Manor within the Metropolitan Police District, or of any Person or Persons appointed at any such Court Leet, with respect to examining or regulating, seizing, breaking, or destroying, any Weights, Balances, or Measures, may, within Fourteen Days next after such Presentment or Proceeding, appeal to any One of the Magistrates of the Metropolitan Police Courts, first giving Seven Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Steward of the Court, or to such other Party against whom the Complaint is intended to be made, and forthwith" after such Notice entering into a Recognizance before One of the said Magistrates, conditioned to try the Appeal, and abide the Order and Award of the Court thereon ; and the Magistrate attending at the Court to which the Appeal shall be brought shall appoint a Time for the Hearing of such Appeal; and the Magistrate by whom the Appeal shall be heard may, if he see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which may have been levied in pursuance of such Presentment or Proceeding, and also any further Satisfaction to be made to the Party injured as he shall judge reasonable, and also Costs to be paid to the Party aggrieved, the said Satisfaction and Costs to be paid, by the Steward of the said Court out of the first Monies coming to his Hands, being the Produce of any Fines imposed by the Leet Jury ; and it shall not be lawful to distrain or proceed in any Manner for the Recovery of any Fine or Amerciament imposed by any such Court Leet, or assessed by any such Jury, against which Notice of such Appeal shall have been given, until after the Judgment or Order of the Magistrate upon the Appeal, and then only for so much as shall be allowed upon such Appeal.

XIII Giving Possession of deserted Premises.

And be it enacted, That after the passing of this Act none of the Police Magistrates within the Metropolitan Police District shall be required to go upon any deserted Lands, Tenements, or Hereditaments, for the Purpose of viewing the same or affixing any Notices thereon, or of putting the Landlord or Landlords, Lessor of Lessors into the; Possession thereof, under the Provisions of an Act passed in the Eleventh Year of the Reign of King *George* the Second, intituled *An Act for the more effectual securing the Payment of Rents, and preventing Frauds by Tenants*, or of an Act passed in

the Fifty-seventh Year of the Reign of King *George* the Third, for altering the last-recited Act, but that in every Case within the Metropolitan Police District, in which by the said Acts or either of them Two Justices are authorized to put the Landlord or Lessor into the Possession of such deserted Premises, it shall be lawful for One of the Police Magistrates, upon the Request of the Lessor or Landlord, or his or her Bailiff or Receiver, made in open Court, and upon Proof given to the Satisfaction of such Magistrate of the Arrear of Rent and Desertion of the Premises by the Tenant as aforesaid, to issue his Warrant, directed to One of the Constables of the Metropolitan Police Force, requiring him to go upon and view the Premises, and to affix thereon the like Notices as under the said Acts or either of them are required to be affixed by Two Justices of the Peace ; and upon the Return of the Warrant, and upon Proof being given to the Satisfaction of the Magistrate before whom the Warrant shall be returned that it has been duly executed, and that neither the Tenant nor any Person on his or her Behalf has appeared and paid the Rent in arrear, and that there is not sufficient Distress upon the Premises, it shall be lawful for such Magistrate to issue his Warrant to a Constable of the Metropolitan Police Force, requiring him to put the Landlord or Lessor into the Possession of the Premises; and every Constable to whom any such Warrant shall be directed shall duly execute and return the same, subject to the Provisions contained in an Act passed in the last Session of Parliament, intituled *An Act for further improving the Police in and near the Metropolis*, as to the Execution of Warrants directed to Constables of the Metropolitan Police Force; and upon the Execution of such Second Warrant the Lease of the Premises to such Tenant, as to any Demise therein contained only, shall thenceforth be void.

XIV Horse and Foot Patrol and Thames Police declared within the Provision for Superannuation Allowances.

And be it declared and enacted, That the Men belonging to the Horse and Foot Patrol formerly acting under the Authority of the Chief Magistrate of the Public Office in *Bow Street*, or to the *Thames* Police, but now belonging to the Metropolitan Police Force, shall be entitled, when completely disabled by bodily Injury or worn out by Length of Service, to receive such Superannuation Allowances as shall be directed by One of Her Majesty's Principal Secretaries of State, which Allowances shall be paid out of the Sums which, by an Act passed in the last Session of Parliament, intituled *An Act for farther improving the Police in and near the Metropolis*, are authorized to be issued out of the Consolidated Fund for the Payment of Superannuation Allowances to the Surveyors and Constables therein specified.

XV London Justices to have same Powers as Metropolitan Justices.

And be it enacted, That any Two Justices of the Peace for the City of *London* and the Liberties thereof, having Jurisdiction within the City of *London* and the Liberties thereof, shall, within the said City of *London* and the Liberties thereof, have all the Powers, Privileges, and Duties which any Two Justices of the Peace having Jurisdiction within the Metropolitan Police District have within the Metropolitan Police District by virtue of this Act.

XVI Act may be amended.

And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

