



Municipal Corporations Act 1882

1882 CHAPTER 50

PART VIII

ADMINISTRATION OF JUSTICE.

Borough Justices.

155 Mayor and last mayor to be borough justices.

- (1) The mayor shall, by virtue of his office, be a justice for the borough, and shall, unless disqualified to be mayor, continue to be such a justice during the year next after he ceases to be mayor.
- (2) The mayor shall have precedence over all other justices acting in and for the borough, and be entitled to take the chair at all meetings of justices held in the borough at which he is present by virtue of his office of mayor; except that he shall not by virtue of this section have precedence over the justices acting in and for the county in which the borough or any part thereof is situate, unless when acting in relation to the business of the borough, or over any stipendiary magistrate engaged in administering justice.

156 Separate commission of peace.

It shall be lawful for the Queen, on the petition of the council of a borough, to grant to the borough a separate commission of the peace

157 Qualification of borough justice.

- (1) It shall be lawful for the Queen, from time to time, to assign to any persons Her Majesty's commission to act as justices in and for each borough having a separate commission of the peace.
- (2) A justice for a borough shall not be capable of acting as such until he has taken the oaths required to be taken by justices, except the oath as to qualification by estate,

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and made before the mayor or two other members of the council a declaration as in the Eighth Schedule.

- (3) He must, while acting as such, reside in or within seven miles of the borough, or occupy a house, warehouse, or other property in the borough.
- (4) He need not be a burgess or have such qualification by estate as is required for a justice of a county.

158 Jurisdiction of borough justices.

- (1) A justice for a borough shall, with respect to offences committed and matters arising within the borough, have the same jurisdiction and authority as a justice for a county has under any local or general Act with respect to offences committed and matters arising within the county ; except that he shall not, by virtue of his being a justice for the borough, act as a justice at any court of gaol delivery or quarter sessions, or in making or levying any county or borough rate.
- (2) A justice shall not be disabled from acting in the execution of this Act by reason of his being liable to the borough rate.

159 Clerk to borough justices.

- (1) The justices for a borough shall from time to time appoint a fit person to be their clerk, to be removeable at their pleasure.
- (2) They shall not appoint or continue as their clerk an alderman or councillor of the borough, or the clerk of the peace of the borough, or of the county in which the borough is situate, or the partner of any such clerk of the peace.
- (3) The clerk to the justices shall not, by himself or his partner or otherwise, be directly or indirectly employed or interested in the prosecution of any offender committed for trial by those justices, or any of them, at any court of gaol delivery or quarter sessions.
- (4) If any person acts in contravention of the last foregoing provision of this section, he shall for every offence be liable to a fine not exceeding one hundred pounds, recoverable by action.
- (5) One moiety of any fine so recovered shall, with costs, be paid to the person bringing the action to recover it.
- (6) Nothing in this Act shall prevent the justices for a borough from re-appointing as their clerk any person being clerk of the peace of the borough or of the county in which the borough is situate, or partner of any such clerk of the peace, if the person re-appointed was, on the sixth of August one thousand eight hundred and sixty-one, or has not ceased to be at the time of re-appointment, the clerk of those justices.

160 Justices room.

- (1) The council of a borough having a separate commission of the peace shall provide and furnish a suitable justices room, with offices, for the business of the borough justices.
- (2) No room in a house licensed for the sale of intoxicating liquors may be used for this purpose.