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 S T A T U T O R Y   I N S T R U M E N T S
 

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1973 No. 579

**MAGISTRATES' COURTS**

**The Justices' Clerks (Accounts) Regulations 1973**

Made - - - - - 26th March 1973  
 Coming into Operation 1st April 1973

In exercise of the powers conferred on me by section 27(9) of the Justices of the Peace Act 1949(a), I hereby, with the concurrence of the Treasury, make the following Regulations:—

*Citation and commencement*

1. These Rules may be cited as the Justices' Clerks (Accounts) Regulations 1973 and shall come into operation on 1st April 1973.

*Interpretation*

2.—(1) In these Regulations “the Act” means the Justices of the Peace Act 1949.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

*Revocation*

3. The Justices' Clerks (Accounts) Regulations 1953(c), the Justices' Clerks (Accounts) Regulations 1962(d), the Justices' Clerks (Accounts) Regulations 1965(e) and the Justices' Clerks (Accounts) Regulations 1968(f) are hereby revoked.

*Scope of Regulations*

4.—(1) These Regulations shall apply to all sums received or paid by or owed to a justices' clerk in his capacity as justices' clerk or as collecting officer of any magistrates' court, except personal emoluments and other sums payable to him for his own use.

(2) Any reference in these Regulations to sums received or paid by or owed to a justices' clerk shall be construed as referring only to sums to which, by virtue of the foregoing paragraph, these Regulations apply.

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(a) 1949 c. 101.

(c) S.I. 1953/493 (1953 I, p.1006).

(e) S.I. 1965/705 (1965 I, p. 2197).

(b) 1889 c. 63.

(d) S.I. 1962/1014 (1962 II, p. 1172).

(f) S.I. 1968/1266 (1968 II, p. 3575).

*Written accounts to be kept*

5.—(1) A justices' clerk shall keep such written accounts of all sums received or paid by or owed to him as shall be necessary to render to any authorised person inspecting the same a clear and accurate account of the said sums.

(2) Where a justices' clerk holds more than one clerkship, whether at a single salary or not, separate accounts shall, except where other arrangements are made with the approval of the Secretary of State, be kept in respect of each clerkship.

*Inspection and audit of accounts*

6.—(1) The accounts kept by a justices' clerk under these Regulations, shall be subject to inspection and audit by persons authorised in that behalf by the Secretary of State.

(2) Justices' clerks shall give all reasonable assistance to persons inspecting or auditing accounts in accordance with this Regulation and shall produce to them all relevant moneys, books and documents.

*Bank accounts*

7. A justices' clerk shall maintain one or more accounts at a joint stock bank or with the National Giro in respect of sums received by him.

*Remission of sums to Secretary of State*

8.—(1) A justices' clerk shall, unless other arrangements as to times of remission are made with the approval of the Secretary of State, remit to the Secretary of State not later than the tenth day of each month all sums held by the clerk at the expiration of the previous month which are payable to the Secretary of State under section 27(1) of the Act.

(2) A separate remittance shall be made under this Regulation in respect of each clerkship or group of clerkships for which separate accounts are kept under these Regulations.

*Return to be sent to Secretary of State*

9.—(1) A justices' clerk shall, in respect of each clerkship or group of clerkships held by him for which a separate remittance is required to be made under the last foregoing Regulation, send to the Secretary of State on or after the first, and not later than the twenty-first, day of January, April, July and October in each year a return, together with a duplicate thereof, in the form set out in the Schedule to these Regulations, or a form to the like effect, showing in relation to the period of three months ending at the expiration of the previous month—

- (a) the total of the sums held by the clerk in the said period and payable to the Secretary of State under subsection (1) of section 27 of the Act;
- (b) the arrears outstanding at the end of the said period in respect of sums owed to the clerk and payable to the Secretary of State under the said subsection.

(2) The first return to be made under this Regulation shall be made in respect of the period of three months ending at the expiration of the month of June, 1973.

23rd March 1973.

We concur.

*Robert Carr,*  
One of Her Majesty's Principal  
Secretaries of State.

26th March 1973.

*Tim Fortescue,*  
*Oscar Murton,*  
Two of the Lords Commissioners  
of Her Majesty's Treasury.

#### SCHEDULE

RETURN OF FINES, FEES, LEGAL AID CONTRIBUTIONS AND ANY OTHER SUMS PAYABLE TO THE SECRETARY OF STATE UNDER SECTION 27(1) OF THE JUSTICES OF THE PEACE ACT 1949 AND SECTION 79(8) OF THE CRIMINAL JUSTICE ACT 1967

Quarter Ended.....19..... Borough of *or* }  
County of..... Petty Sessional }  
Division of }

	Total amount received during quarter	Arrears out- standing at end of quarter
	£	£
<b>PART I</b>		
<i>Fines payable to the Secretary of State under section 27(1) of the Justices of the Peace Act 1949, all fees and any other sums so payable</i>	£	
(i) Total amount of fines and fees		
(ii) Other sums	_____	
<b>PART II</b>		
<i>Legal aid contributions payable to the Secretary of State under section 79(8) of the Criminal Justice Act 1967</i>		
<b>TOTALS</b>	*	

\*NOTE.—If this total does not agree with the total of the sums remitted to the Secretary of State in respect of the quarter a letter of explanation should be sent with this Return.

SUMS REMITTED TO THE SECRETARY OF STATE	
	£
First payment	
Second Payment	
Third payment	
TOTAL	

I certify that this Return is correct

Date..... Clerk to the Justices

#### NOTES

1. In accordance with Regulation 9 of the Justices' Clerks (Accounts) Regulations 1973, a Return in duplicate in the Form annexed must be sent to the Secretary of State not later than 21st January, 21st April, 21st July and 21st October in each year for the quarter ending at the expiration of the preceding month. The Return should be forwarded to the Finance Department, Home Office, Tolworth Tower, Surbiton, Surrey, using the prepaid labels supplied.

2. The Return *must* be made up to the end of the quarter to which it relates.

3. The Return concerns only fines, fees, legal aid contributions and other sums which are payable to the Secretary of State under section 27 of the Justices of the Peace Act 1949 and section 79(8) of the Criminal Justice Act 1967. Fines which under any enactment are payable to the Commissioners of Customs and Excise, or to any officers of theirs or person appointed by them, will continue to be so paid by justices' clerks; these fines are not payable to the Secretary of State and will therefore not be included in any Part of this Return.

4. Part I of the Return is for fines payable to the Secretary of State, all fees and any other sums so payable. Sums paid by way of fixed penalty under section 80 of the Road Traffic Regulation Act 1967 are to be treated as if they were fines imposed on summary conviction for the offence to which they relate.

Part II is for legal aid contributions payable under contribution orders made by magistrates' courts and other courts, which are payable to the Secretary of State under section 79(8) of the Criminal Justice Act 1967.

#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations revoke the existing Regulations about the accounting procedure to be adopted by justices' clerks and make changes in this procedure to take account of changes in financial arrangements for magistrates' courts purposes made by section 61 of the Criminal Justice Act 1972 (c. 71) which comes into operation on 1st April 1973.



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