

2000 No. 240

MAGISTRATES' COURTS, ENGLAND AND WALES

**The Greater London Magistrates' Courts Authority
(Transitional Provisions) Order 2000**

Made - - - - - *31st January 2000*

Coming into force - - - *1st March 2000*

The Lord Chancellor, in exercise of the powers conferred on him by paragraph 32(1) of Schedule 14 to the Access to Justice Act 1999(a), makes the following Order:

Citation and commencement

1. This Order may be cited as the Greater London Magistrates' Courts Authority (Transitional Provisions) Order 2000 and shall come into force on 1st March 2000.

Interpretation

2. In this Order—

“the 1997 Act” means the Justices of the Peace Act 1997(b);

“the appointed day” means the day when section 30A(2) of the 1997 Act(c) comes into force;

“the Authority” means the Greater London Magistrates' Courts Authority referred to in section 30A(1) of the 1997 Act(d);

“the Constitution Regulations” means the Magistrates' Courts Committees (Constitution) Regulations 1999(e);

“the existing committees” means the existing magistrates' courts committees for areas in Greater London listed in the Schedule to this Order; and

“the transitional period” means the period starting on 1st March 2000 and ending on the day immediately preceding the appointed day.

The existing committees

3.—(1) The members of the selection panels for the areas of the existing committees appointed for the calendar year 2000 shall continue to hold office until the end of the transitional period and accordingly regulation 5(8) of the Constitution Regulations shall not apply.

(2) The existing committees shall be abolished at the end of the transitional period.

(a) 1999 c. 22.

(b) 1997 c. 25.

(c) Section 30A(2) was inserted into the Justices of the Peace Act 1997 (c. 25) by section 83(1) of the Access to Justice Act 1999 (c. 22). The part of section 83(1) which inserted section 30A(2) into the Justices of the Peace Act 1997 comes into force on such day as the Lord Chancellor may by order appoint.

(d) Section 30A(1) was inserted into the Justices of the Peace Act 1997 (c. 25) by section 83(1) of the Access to Justice Act 1999 (c. 22).

(e) S.I. 1999/2395.

Functions of the Authority

4.—(1) During the transitional period the Authority shall only have the following functions and powers—

- (a) to commence and sustain the running of the Authority as a shadow magistrates' courts committee for the Greater London area;
- (b) to make all necessary preparations for the assumption of its functions as a magistrates' courts committee on the appointed day;
- (c) to prepare any budgets or plans that will be required by it when those functions are assumed;
- (d) to prepare and submit capital bids in respect of expenditure to be incurred on and after the appointed day;
- (e) to make determinations under section 59A(1) of the 1997 Act^(a) and to make arrangements to provide the petty sessional court-houses, other accommodation, goods and services as required by section 59A(1) in relation to the period following the appointed day;
- (f) to make determinations referred to in sections 59C(1)(a) and (b) of the 1997 Act in relation to the period following the appointed day and in relation to the transitional period so far as may be necessary for it to carry out its functions and exercise its powers under this article;
- (g) to enter into contracts;
- (h) to consult and negotiate with persons who will, on and after the appointed day, be employed by the Authority and with trade unions and other organisations representing such persons; and
- (i) to appoint a justices' chief executive and other staff of the Authority.

(2) The preparations referred to in article 4(1)(b) shall include (without limitation)—

- (a) establishing an accounting system;
- (b) making arrangements for provision of a payroll function;
- (c) making determinations under section 76(4A) of the Criminal Justice Act 1991^(b) and making arrangements for the provision of court security staff as required by section 76(4B) of the Criminal Justice Act 1991 in relation to the period after the appointed day;
- (d) making arrangements for provision of an employee's pension scheme; and
- (e) making arrangements to comply with its duties under section 59D of the 1997 Act^(c) in relation to the period after the appointed day.

(3) The existing committees shall give the Authority such information and assistance as is reasonably required by the Authority to enable it to carry out its functions and exercise its powers under this article.

Appointment of justices' chief executive

5.—(1) As soon as reasonably practicable after 1st March 2000, and in any case before the end of the transitional period, the Authority shall appoint a person to be the justices' chief executive for its area.

(2) From the time of his appointment until the appointed day, the person appointed to be the justices' chief executive shall only have the following functions and powers—

- (a) to act as clerk to the Authority and its selection panel;
- (b) to assist the Authority in all its functions and powers as set out in article 4;

(a) Sections 59A and 59C of the Justices of the Peace Act 1997 (c. 25) were inserted into the Justices of the Peace Act 1997 by section 83(2) of the Access to Justice Act 1999 (c. 22) which comes into force on such day as the Lord Chancellor may by order appoint.

(b) 1991 c. 53. Subsections (4A) and (4B) of section 76 were inserted into the Justices of the Peace Act 1997 (c. 25) by paragraph 7 of Schedule 12 to the Access to Justice Act 1999 (c. 22) which comes into force on such day as the Lord Chancellor may by order appoint.

(c) Section 59D was inserted into the Justices of the Peace Act 1997 (c. 25) by section 83(2) of the Access to Justice Act 1999 (c. 22) which comes into force on such day as the Lord Chancellor may by order appoint.

(c) to make all necessary preparations for the assumption of his functions as justices' chief executive for the area of the Authority on the appointed day.

(3) On the appointed day, the person appointed shall assume all the functions and powers of the justices' chief executive for the area of the Authority.

Continuity of matters

6. Anything which, before the appointed day, is in the process of being done by, to or in relation to an existing committee in the exercise of, or in connection with its functions and powers as a magistrates' courts committee may be continued being done by, to or in relation to the Authority, including any legal action or proceedings being taken by or against the existing committee.

Signed by the authority of the Lord Chancellor

Jane Kennedy
Parliamentary Secretary
Lord Chancellor's Department

31st January 2000

SCHEDULE

Article 2

EXISTING MAGISTRATES' COURTS COMMITTEES FOR AREAS IN GREATER LONDON

In this Schedule "MCC" means magistrates' courts committee.

Barking and Dagenham MCC
Barnet MCC
Bexley MCC
Brent MCC
Bromley MCC
City of London MCC
Croydon MCC
Ealing MCC
Enfield MCC
Haringey MCC
Harrow MCC
Havering MCC
Hillingdon MCC
Hounslow MCC
Inner London MCC
Kingston upon Thames MCC
Merton MCC
Newham MCC
Redbridge MCC
Richmond upon Thames MCC
Sutton MCC
Waltham Forest MCC

EXPLANATORY NOTE

(This note is not part of the Order)

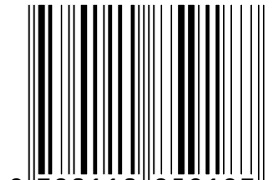
This Order contains various transitional provisions in connection with the establishing of the Greater London Magistrates' Courts Authority, which will become the magistrates' courts committee for the Greater London area when section 30A(2) of the Justices of the Peace Act 1997 comes into force.

£1.50

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under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E327 2/2000 482099 19585

ISBN 0-11-085918-9



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