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STATUTORY INSTRUMENTS

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**2001 No. 463**

**MAGISTRATES' COURTS**

**The Justices' Chief Executives (Accounts) Regulations 2001**

*Made* - - - - - *20th February 2001*

*Coming into force* - - - - - *1st April 2001*

The Lord Chancellor, in exercise of the powers conferred on him by section 60A of the Justices of the Peace Act 1997(1), with the concurrence of the Treasury, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Justices' Chief Executives (Accounts) Regulations 2001 and shall come into force on 1st April 2001.

**Interpretation**

2. In these Regulations—

“the Act” means the Justices of the Peace Act 1997;

“accounting division” means an administrative group of courts for which a justices' chief executive is the collecting officer pursuant to section 41A of the Act; and

“the quarters” means the following periods of three months in any calendar year, namely January to March, April to June, July to September and October to December.

**Scope of the Regulations**

3. These Regulations apply to all sums (“relevant sums”) received or receivable, or paid or payable, by a justices' chief executive in his capacity as a justices' chief executive or as collecting officer of any magistrates' court, except—

- (a) any in respect of his salary or expenses or other sums received or receivable by him for his own use;
- (b) any in respect of capital or revenue grants; or
- (c) any in respect of a contract.

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(1) 1997 c. 25; sections 41A and 60A are inserted, and section 60 is amended, by section 91 of the Access to Justice Act 1999 (c. 22).

### **Written accounts to be kept and produced**

4.—(1) A justices' chief executive shall keep such written accounts of all relevant sums as are necessary to give to any authorised person inspecting or auditing them a clear and accurate account of the said sums.

(2) A justices' chief executive shall keep a single set of accounts in respect of all courts or, if the courts for which the justices' chief executive is the collecting officer form more than one accounting division, separate accounts in respect of each accounting division, within the area of the magistrates' courts committee which appointed him.

(3) In this regulation “authorised person” means a person authorised by the Lord Chancellor for the purpose of regulation 5(1).

### **Inspection and audit of accounts**

5.—(1) The accounts kept by a justices' chief executive under these Regulations shall be subject to inspection and audit by persons authorised for that purpose by the Lord Chancellor.

(2) A justices' chief executive shall give all reasonable assistance to persons inspecting or auditing accounts in accordance with this regulation and shall produce to them relevant moneys, books, documents and other records including electronic records.

### **Bank accounts**

6.—(1) Subject to paragraph (4), a justices' chief executive shall maintain one or more accounts at a bank in respect of sums received or paid by him.

(2) A justices' chief executive shall select an account (or accounts) which provides the most suitable service and the best value for money.

(3) In paragraph (1) “bank” means—

- (a) an institution authorised under the Banking Act 1987<sup>(2)</sup>;
- (b) a building society authorised under the Building Societies Act 1986<sup>(3)</sup> which is able to provide corporate banking facilities; or
- (c) a credit institution authorised in a member State other than the United Kingdom to provide banking services and providing such services in the United Kingdom pursuant to the Banking Co-ordination (Second Council Directive) Regulations 1992<sup>(4)</sup>,

which is a member of the inter-bank payment clearing systems operating in the United Kingdom.

(4) Before opening an account with an institution mentioned in subsection (3)(c) above, a justices' chief executive shall consult the Lord Chancellor.

### **Payment of sums to the Lord Chancellor and other persons**

7.—(1) A justices' chief executive shall pay, not later than the tenth day of each month, to the Lord Chancellor all sums held by the justices' chief executive at the expiration of the previous month which are payable to the Lord Chancellor under section 60(1) of the Act.

(2) Where a justices' chief executive keeps separate accounts for each accounting division he shall make separate payments to the Lord Chancellor for each accounting division.

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(2) 1987 c. 22.

(3) 1986 c. 53.

(4) S.I.1992/3218.

(3) Whenever a justices' chief executive remits to a person other than the Lord Chancellor a sum to which that person is entitled he shall give to that person a statement of the details of the sum or sums received by the justices' chief executive of which the remittance is composed.

### **Quarterly returns**

**8.—(1)** A justices' chief executive shall, in respect of each of the quarters in any year on or after the first, and not later than the twenty-first, day of the month following the end of the quarter, send a return, together with a duplicate copy, in the form set out in the Schedule to these Regulations, or in a form to the like effect, showing in relation to the quarter the information in respect of relevant sums indicated in the form in the Schedule—

(a) to the Lord Chancellor, and

(b) to the chairman of the magistrates' courts committee which appointed him.

(2) Where, under regulation 4(2), the justices' chief executive keeps separate accounts in respect of each accounting division, he shall make separate returns in respect of each accounting division, but otherwise he shall make a single return.

(3) The first return to be made under this regulation shall be made in respect of the quarter ending at the expiration of the month of June 2001.

18th February 2001

*Jane Kennedy*  
Parliamentary Secretary,  
Lord Chancellor's Department

We concur

20th February 2001

*Jim Dowd*  
*Clive Betts*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

regulation 8

RETURN OF FINES, FEES, LEGAL AID CONTRIBUTIONS AND ANY OTHER SUMS

Quarter Ended.....20.....

Accounting Division of.....

	Total amount received during quarter	Arrears outstanding at end of quarter
	£	£
<b>PART I</b> Fines payable to the Lord Chancellor under section 60 of the Justices of the Peace Act 1997, all fees and any other sums so payable: (i) Total amount of fines and fees (ii) Other sums	£ £	£ £
<b>PART II</b> Legal aid contributions payable under Schedule 3, Part I, section 4(2) of the Legal Aid Act 1988	£	£
<b>TOTALS</b>	£	£

Monthly details of sums paid to the Lord Chancellor					
DATE	AMOUNT	DATE	AMOUNT	DATE	AMOUNT
		B/Fwd		B/Fwd	
Total C/Fwd		Total C/Fwd		Total	

I certify that this return is correct

Date.....Justices' Chief Executive.....

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations lay down the payment, accounting and banking requirements for justices' chief executives to take account of the changes in the financial arrangements for magistrates' courts made by section 91 of the Access to Justice Act 1999 which comes into force on 1st April 2001.

The Regulations replace the [Justices' Clerks \(Accounts\) Regulations 1973 No 579](#) which lapse with the repeal of section 60(4) of the Justices of the Peace Act 1997 by section 91.