

2001 No. 926

CRIMINAL LAW, ENGLAND AND WALES

**The Fixed Penalty (Procedure)(Amendment)
Regulations 2001**

Made - - - - - 10th March 2001

Laid before Parliament 13th March 2001

Coming into force - - - 1st April 2001

The Secretary of State, in exercise of the powers conferred on him by section 84 of the Road Traffic Offenders Act 1988(a) and after consultation with such representative organisations as he thinks fit in accordance with section 88(2) of that Act, hereby makes the following Regulations:

1. These Regulations may be cited as the Fixed Penalty (Procedure) (Amendment) Regulations 2001 and shall come into force on 1st April 2001.
2. In the Fixed Penalty (Procedure) Regulations 1986(b)–
 - (a) in regulation 5(3) for the words “justices’ clerk”, in each place where they occur, there shall be substituted the words “justices’ chief executive”; and
 - (b) in regulation 8 for the words “justices’ clerk at” there shall be substituted the words “justices’ chief executive for”.

Home Office
10th March 2001

Jack Straw
One of Her Majesty’s Principal Secretaries of State

(a) 1988 c. 53; Part III (Fixed Penalties) of the Act is amended by section 90 of, and paragraphs 140 and 147 to 156 of Schedule 13 to, the Access to Justice Act 1999 (c. 22).
(b) S.I 1986/1330; which have effect as if made under section 84 of the 1988 Act, by virtue of section 2(2) of the Road Traffic (Consequential Provisions) Act 1988.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Fixed Penalty (Procedure) Regulations 1986 to transfer administrative functions of justices' clerks' under those Regulations to justices' chief executives in accordance with sections 90 (transfer of clerks' functions to chief executives) and 91 (accounting etc. functions of chief executives) of, and Schedule 13 to, the Access to Justice Act 1999.

Subsection (5) of section 90 provides that for the purposes of that section the administrative functions of justices' clerks are all of their functions apart from those which are legal functions within the meaning given by section 48(2) of the Justices of the Peace Act 1997 (c. 25), as substituted by section 89(1) of the 1999 Act.

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