
STATUTORY INSTRUMENTS

1996 No. 674

MAGISTRATES' COURTS

**The Local Government Changes for England
(Magistrates' Courts) Regulations 1996**

<i>Made</i>	- - - -	<i>5th March 1996</i>
<i>Laid before Parliament</i>		<i>8th March 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

The Secretary of State, in exercise of the powers conferred on him by sections 19 and 26 of the Local Government Act 1992(1), hereby makes the following Regulations;

1.—(1) These Regulations may be cited as the Local Government Changes for England (Magistrates' Courts) Regulations 1996 and, subject to paragraph (2), shall come into force on 1st April 1996.

(2) These Regulations shall come into force immediately after the coming into force of paragraphs 10 and 11 of Schedule 2 to the Local Government (Wales) Act 1994(2).

2. The enactments listed in the Schedule shall be amended or construed as provided therein.

3.—(1) Every person who immediately before 1st April 1996 holds office as a justice of the peace for an old commission area shall on and after that date hold office as a justice of the peace for the new commission area which includes the petty sessions area for which he acts, and the commissions of the peace for the hold commission areas shall accordingly have effect as commissions of the peace for the new commission areas.

(2) In paragraph (1)—

“old commission area” means an area in England for which there was a commission of the peace immediately before 1st April 1996;

“new commission area” means an area in England for which, in accordance with section 1 of the Justices of the Peace Act 1979(3), there should be a commission of the peace on and after 1st April 1996.

(1) 1992 c. 19.

(2) 1994 c. 19: section 1(3) and paragraphs 10 and 11 of Schedule 2 are to come into force on 1st April 1996, see S.I. 1995/3198.

(3) 1979 c. 55, as amended by paragraph 10 of Schedule 2 to the Local Government (Wales) Act 1994 (c. 19) and paragraph 1 of the Schedule to these Regulations.

4. Where by virtue of an order under section 17 of the Local Government Act 1992 one or more commission areas are created, abolished or altered, regulation 3 shall have effect in relation to that change with the following modifications:

- (a) for every reference to 1st April 1996 there shall be substituted the date on which the order comes into force;
- (b) for the reference to section 1 of the Justices of the Peace Act 1979 there shall be substituted a reference to the order;
- (c) at the end of paragraph (1) there shall be inserted the words “until such time as commissions of the peace for the new commission areas are granted”.

5.—(1) Subject to any order made under section 23 of the Justices of the Peace Act 1979, every petty sessions area which, immediately before 1st April 1996, was a petty sessional division of a non-metropolitan county in England shall continue in existence on and after that date as a petty sessional division of the relevant area corresponding to that county.

(2) Subject to any order made under section 69 of the Police and Magistrates' Courts Act 1994⁽⁴⁾, every magistrates' courts committee for a non-metropolitan county in England existing immediately before 1st April 1996 shall continue in existence on and after that date as the magistrates' courts committee for the relevant area corresponding to that county.

(3) In this regulation “relevant area” has the meaning given by section 70 of the Justices of the Peace Act 1979 as amended by paragraph 1(7)(a) of the Schedule to these Regulations, and a relevant area corresponds to a county if it comprises the area of that county as it existed immediately before 1st April 1995.

Signed by authority of the Secretary of State

5th March 1996

David Curry
Minister of State
Department of the Environment

(4) 1994 c. 29.

SCHEDULE

Regulation 2

PART I

AMENDMENTS TO ENACTMENTS CONCERNING MAGISTRATES' COURTS

Justices of the Peace Act 1979

- 1.—(1) In section 1 of the Justices of the Peace Act 1979⁽⁵⁾—
- (a) at the beginning of the section, there shall be inserted—
“Subject to any order made under section 17 of the Local Government Act 1992,”;
 - (b) the words “(in this Act referred to as “commission areas”) and no others” shall be repealed;
 - (c) the following shall be substituted for paragraph (a)—
“^(a) every metropolitan county or relevant area in England;”;
 - (d) at the end of the section, there shall be inserted—
“and in this Act “commission area” means an area for which there is a commission of the peace.”.
- (2) In section 4(1A) of that Act, after “construed” there shall be inserted “, in relation to England, as a reference to a relevant area and”.
- (3) In section 12 of that Act—
- (a) subsection (5)(d) shall be repealed;
 - (b) the following shall be inserted after subsection (5)(e)—
“^(f) in relation to any other commission area—
 - (i) the council of the county or unitary district which is or includes the petty sessions area for which the justice acts, or
 - (ii) where the justice acts for a petty sessions area which is partly included in two or more counties or unitary districts, the councils of those counties and unitary districts;”;
 - (c) in subsection (5A), for “subsection (5)(b)(ii)” there shall be substituted “subsection (5)”, and for “inner London boroughs” there shall be substituted “appropriate authorities”.
- (4) In section 19(2)(a) of that Act, for “non-metropolitan county” there shall be substituted “relevant area”.
- (5) Section 24 of that Act shall be amended as follows—
- (a) in subsections (1)(a) and (2), for “metropolitan district” there shall be substituted “unitary district”;
 - (b) in subsection (6)(a), after “in the county” there shall be inserted “(other than a unitary district)”.
- (6) Section 24B of that Act shall be amended as follows—
- (a) in subsections (1)(a) and (2), for “metropolitan district” there shall be substituted “unitary district”;
 - (b) in subsection (4)(a), after “in the county” there shall be inserted “(other than a unitary district)”.

(5) 1979 c. 55, as amended by paragraph 10 of Schedule 2 to the Local Government (Wales) Act 1994 (c. 19).

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(7) Section 70 of that Act shall be amended as follows—

(a) the following shall be inserted after the definition of “preserved county”—

““relevant area” means the area of a non-metropolitan county created by Part I of the Local Government Act 1972⁽⁶⁾, as it stood immediately before 1st April 1995;”;

(b) the following shall be inserted at the end of the section—

““unitary district” means a district comprised in an area for which there is no county council.”.

Magistrates' Courts Act 1980

2.—(1) In section 1(8) of the Magistrates' Courts Act 1980⁽⁷⁾ for the words from “any county” to the end there shall be substituted “any commission area in England or preserved county in Wales”.

(2) In section 2(1) and (3) of that Act—

(a) for “a county in England, a preserved county in Wales, a London commission area or the City of London” there shall be substituted “a commission area in England or a preserved county in Wales”;

(b) for “the county, the preserved county, the London commission area or the City” there shall be substituted “the commission area or preserved county”.

(3) In section 3(4) of that Act for the words from “any county” to the end there shall be substituted “any commission area in England or preserved county in Wales”.

(4) In section 97(1) of that Act—

(a) for “any county, any London commission area or the City of London” there shall be substituted “any commission area in England or any county in Wales”;

(b) for “that county, that London commission area or the City” there shall be substituted “that commission area or county”.

(5) In section 97(1A) of that Act, for “that county, that London commission area or the City” there shall be substituted “that commission area or county”.

(6) In section 116(3) of that Act, for the words from “any county” to the end there shall be substituted “commission areas in England and counties in Wales”.

(7) The following shall be inserted after the definition of “bail in criminal proceedings” in section 150(1) of that Act—

““commission area”, in relation to England, has the meaning given by section 1 of the Justices of the Peace Act 1979.”.

PART II

AMENDMENTS AND MODIFICATIONS TO OTHER ENACTMENTS

Sheriffs Act 1887

3. In section 38 of the Sheriffs Act 1887⁽⁸⁾ the following shall be inserted at the end—

⁽⁶⁾ 1972 c. 70.

⁽⁷⁾ 1980 c. 43, as amended by paragraph 11 of Schedule 2 to the Local Government (Wales) Act 1994 (c. 19).

⁽⁸⁾ 1887 c. 55; the previous definition of county in section 38 was repealed by Schedule 30 to the Local Government Act 1972 (c. 70) and a new definition was inserted by S.I. 1995/1748.

“Any reference to a justice of the peace for a county shall be construed in relation to any area in England outside Greater London as a reference to a justice of the peace for a commission area (as defined in section 1 of the Justices of the Peace Act 1979) comprising the whole or any part of that county.”.

Probation Service Act 1993

4.—(1) In sub-paragraph (3) of paragraph 6 of Schedule 1 to the Probation Service Act 1993⁽⁹⁾, for the words “any county” there shall be substituted “any commission area in England, or any county in Wales,”.

(2) For sub-paragraph (4) of that paragraph there shall be substituted the following—

“(4) In sub-paragraph (3) “commission area” has the meaning given by section 1 of the Justices of the Peace Act 1979.”.

Modification of references

5.—(1) In the enactments to which this paragraph applies—

- (a) any reference to a justice of the peace for, of or within a county shall be construed in relation to any area in England outside Greater London as a reference to a justice of the peace for a commission area (as defined in section 1 of the Justices of the Peace Act 1979);
- (b) any reference to county justices shall be construed in relation to any area in England outside Greater London as a reference to justices of the peace for a commission area (as so defined); and
- (c) any reference to a county, without more, shall be construed in relation to any area in England outside Greater London as a reference to a commission area (as so defined).

(2) The enactments to which this paragraph applies are the following—

- (a) section 10 of the Parochial Libraries Act 1708⁽¹⁰⁾;
- (b) section 4 of the Distress for Rent Act 1737⁽¹¹⁾;
- (c) section 4 of the Inclosure Act 1773⁽¹²⁾;
- (d) section 2 of the Burial Ground Act 1816⁽¹³⁾;
- (e) section 2 of the Distress (Costs) Act 1817⁽¹⁴⁾;
- (f) section 1 of the Inclosure and Drainage (Rates) Act 1833⁽¹⁵⁾;
- (g) section 1 of the Geological Survey Act 1845⁽¹⁶⁾;
- (h) section 159 of the Inclosure Act 1845⁽¹⁷⁾;
- (i) section 18 of the London Hackney Carriage Act 1853⁽¹⁸⁾;
- (j) the Second Part of the Schedule to the Promissory Oaths Act 1868⁽¹⁹⁾;
- (k) paragraph 8 of Schedule 2 to the Children and Young Persons Act 1933⁽²⁰⁾;

⁽⁹⁾ 1993 c. 47.

⁽¹⁰⁾ 7 Anne c.14.

⁽¹¹⁾ 11 Geo. 2 c.19.

⁽¹²⁾ 13 Geo. 3 c.81.

⁽¹³⁾ 56 Geo. 3 c.141.

⁽¹⁴⁾ 57 Geo. 3 c.93.

⁽¹⁵⁾ 3 & 4 Will. 4 c.35.

⁽¹⁶⁾ 8 & 9 Vict. c.63.

⁽¹⁷⁾ 8 & 9 Vict. c.118.

⁽¹⁸⁾ 16 & 17 Vict. c.33.

⁽¹⁹⁾ 31 & 32 Vict. c.72.

⁽²⁰⁾ 1933 c. 12.

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- (l) section 19(1) of the Prison Act 1952(21);
- (m) sections 2(2), 85(1), 187(1), 188(1) and 193(1) and (2) of the Licensing Act 1964(22);
- (n) section 177 of the Representation of the People Act 1983(23).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are consequential upon the provisions of the Local Government Act 1992 concerning local government reorganisation in England. The Regulations amend primary legislation, in particular the Justices of the Peace Act 1979 and the Magistrates' Courts Act 1980, and have the following effects.

(1) Commission areas outside London and the metropolitan counties are to be based not on counties but on “relevant areas”, namely the areas of the non-metropolitan counties as existing immediately before 1st April 1995.

(2) Petty sessions areas outside London and the metropolitan counties are to be “relevant areas” or divisions of such areas.

(3) Magistrates' courts committee areas outside London and the metropolitan counties are to be based on “relevant areas” and not on counties.

(4) Existing commissions of the peace, petty sessions areas and magistrates' courts committees are to continue after 1st April 1996, and provision is made for commissions of the peace to continue after orders are made creating, abolishing or altering commission areas until such time as new commissions are issued.

(5) Provisions in the Justices of the Peace Act 1979 governing certain functions of local authorities in relation to magistrates' courts are amended to cover cases in which the authority concerned is a unitary authority other than a county council, or where the commission area or petty sessions area concerned falls within the area of more than one authority.

(6) References to justices for a county in other legislation are amended or construed (in relation to areas outside Greater London) to refer to justices for a commission area.

The corresponding instrument made in relation to Wales is the Magistrates' Courts (Wales) (Consequences of Local Government Changes) Order 1996 (S.I. [1996/675](#)).

(21) [1952 c. 52](#), as amended by Schedule 30 to the Local Government Act 1972 (c. 70).

(22) [1964 c. 26](#), as amended by S.I. [1985/1383](#) and paragraph 2 of Schedule 2 to the Local Government (Wales) Act 1994 (c. 19).

(23) [1983 c. 2](#).