



City of London (Courts) Act 1964

CHAPTER IV

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.

PART II

ADDITIONAL JUDGES OF THE CENTRAL CRIMINAL COURT

4. Additional judges of Central Criminal Court.
5. Appointment and qualification of additional judges of the Central Criminal Court.
6. Removal and retirement of judges.
7. Remuneration and pensions of judges.
8. Transitional and consequential provisions.

PART III

MAYOR'S AND CITY OF LONDON COURT

9. Interpretation for Part III.
10. Mayor's and City of London Court.

Section

11. Judges of court.
12. Recorder and Common Serjeant.
13. As to additional judges.
14. Appointment and removal of assistant judge of court.
15. Oaths.
16. Retirement of judges.
17. Court buildings.
18. Court fund.
19. Procedure.
20. Consequential amendments.
21. Savings.

PART IV

MISCELLANEOUS

22. Repeal.
23. Costs of Act.

SCHEDULE—Enactments repealed.

ELIZABETH II



1964 CHAPTER iv

An Act to make provision for the appointment of judges of the Central Criminal Court and with respect to the constitution and proceedings of the Mayor's and City of London Court; and for other purposes.

[25th March 1964]

WHEREAS—

(1) The additional judges of the Mayor's and City of London Court are, by virtue of section 1 of the Central Criminal Court Act, 1834, and subsequent enactments, judges of the Central Criminal Court in the city of London:

(2) The work of the Central Criminal Court has increased in recent years and is expected further to increase, and it is expedient to make provision for the appointment of judges of the Central Criminal Court who shall devote the whole of their time to the work of that court in place of the additional judges of the Mayor's and City of London Court:

(3) It is expedient to make further provision with respect to the appointment of judges of the Mayor's and City of London Court and the constitution and proceedings of that court and to repeal and re-enact with amendments provisions of the Mayor's and City of London Court Act, 1920, and other enactments relating to that court:

(4) The objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the City of London (Courts) Act 1964.

Division of Act into Parts.

2. This Act is divided into Parts, as follows:—

Part I.—Preliminary.

Part II.—Additional judges of the Central Criminal Court.

Part III.—Mayor's and City of London Court.

Part IV.—Miscellaneous.

Interpretation.

3.—(1) In this Act unless there be something in the subject or context repugnant to such construction—

“city” means the city of London;

“Corporation” means the mayor and commonalty and citizens of the city acting by the common council;

“enactment” includes an enactment in this Act or in any general or local Act and any order, byelaw, regulation, rule, scheme or other instrument made under any Act for the time being in force.

(2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Act.

PART II

ADDITIONAL JUDGES OF THE CENTRAL CRIMINAL COURT

Additional judges of Central Criminal Court.

4.—(1) There shall be not more than six judges of the Central Criminal Court (to be known as the additional judges of the Central Criminal Court) who shall devote the whole of their time to the work of the court.

(2) The additional judges of the Central Criminal Court shall take the place in that court of the additional judges of the Mayor's and City of London Court appointed under the Mayor's and City of London Court Act, 1920.

PART II
—cont.

5.—(1) Except as otherwise provided in subsection (1) of section 8 (Transitional and consequential provisions) of this Act, the additional judges of the Central Criminal Court shall be persons appointed by Her Majesty on the recommendation of the Lord Chancellor, but Her Majesty shall not be advised to make an appointment under this subsection unless the Lord Chancellor is satisfied that the appointment is necessary for disposing expeditiously of the business of the court.

Appointment and qualification of additional judges of the Central Criminal Court.

(2) No person shall be qualified to be appointed an additional judge of the Central Criminal Court unless he is a barrister of not less than ten years' standing.

(3) Before recommending any person to Her Majesty for appointment as an additional judge of the Central Criminal Court the Lord Chancellor shall take steps to satisfy himself that the health of that person is satisfactory.

(4) Every additional judge of the Central Criminal Court shall take in the presence of the Lord Chancellor the oath of allegiance and judicial oath, and the Promissory Oaths Act, 1868, shall have effect as if the officers named in the second part of the schedule to that Act included such judges.

6.—(1) The Lord Chancellor may, if he thinks fit, remove an additional judge of the Central Criminal Court for inability or misbehaviour.

Removal and retirement of judges.

(2) Any such judge shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy-two years:

Provided that where the Lord Chancellor considers it desirable in the public interest to retain any such judge in office after that judge attains the said age, he may from time to time authorise the continuance of that judge in office up to such later age (not exceeding seventy-five years) as he thinks fit.

7. The common council shall defray the remuneration of, and any pensions and other benefits payable to, or in respect of, the additional judges of the Central Criminal Court, as well as any pensions and other benefits payable to, or in respect of, the Recorder of London and the Common Serjeant.

Remuneration and pensions of judges.

8.—(1) The additional judges of the Mayor's and City of London Court holding office immediately before the commencement of this Act shall on the commencement of this Act become additional

Transitional and consequential provisions.

PART II
—cont.

judges of the Central Criminal Court, but shall not be required to take the oaths mentioned in subsection (4) of section 5 (Appointment and qualification of additional judges of the Central Criminal Court) of this Act.

(2) Section 1 of the Central Criminal Court Act, 1834 (which specifies the judges of the Central Criminal Court) shall have effect as if for the reference to the judges of the Sheriffs' Court of the City of London for the time being there were substituted a reference to the additional judges of the Central Criminal Court.

PART III

MAYOR'S AND CITY OF LONDON COURT

Interpretation
for Part III.

9. In this Part of this Act unless there be something in the subject or context repugnant to such construction—

“the court” means the Mayor's and City of London Court;

“financial year” means a year ending 31st March;

“the original Mayor's Court” means the former court of the Sovereign of this Kingdom holden before the Lord Mayor and Aldermen in the City of London.

Mayor's and
City of London
Court.

10. The court shall continue and shall have and exercise the same powers and jurisdiction as if this Act had not been passed, and accordingly shall have and exercise the powers and jurisdiction formerly exercisable by the original Mayor's Court (except the extended jurisdiction in small actions formerly given by section 12 of the Mayor's Court of London Procedure Act, 1857) and such powers and jurisdiction as would for the time being be exercisable by a county court for a district consisting of the city.

Judges of
court.

11.—(1) The judges of the court shall be the Recorder of London, the Common Serjeant and the assistant judge appointed under the Borough and Local Courts of Record Act, 1872.

(2) The jurisdiction of the court may be exercised by any one or more of the judges of the court, but the foregoing provision shall not be construed as prejudicing the powers of a deputy under section 43 of the Mayor's Court of London Procedure Act, 1857 (which provides for the appointment of deputies by the Recorder of London and the Common Serjeant to act for limited periods), or section 7 of the Borough and Local Courts of Record Act, 1872 (which provides for the appointment by a judge of a deputy).

Recorder
and Common
Serjeant.

12.—(1) The Recorder of London shall not exercise any judicial functions unless he is appointed by Her Majesty to exercise such functions.

(2) The Common Serjeant shall be a person appointed by Her Majesty but no person shall be qualified to be appointed the Common Serjeant unless he is a barrister of not less than ten years' standing.

PART III
—cont.

13. On the commencement of this Act the persons holding office as additional judges of the court under section 2 of the Mayor's and City of London Court Act, 1920, who, by virtue of section 8 (Transitional and consequential provisions) of this Act, become additional judges of the Central Criminal Court, shall cease to hold office as additional judges of the Mayor's and City of London Court.

As to
additional
judges.

14.—(1) The power to appoint an assistant judge under section 7 of the Borough and Local Courts of Record Act, 1872, shall, in relation to the court, be exercisable only by the Recorder of London, and any appointment of an assistant judge made by him under that section shall be subject to the approval of the common council.

Appointment
and removal
of assistant
judge of
court.

(2) An assistant judge so appointed shall not vacate his office upon the death, resignation or removal of the Recorder of London.

(3) Subsection (1) of section 8 of the County Courts Act, 1959, (which provides for the removal of judges), shall apply to the assistant judge as it applies to judges appointed under that Act.

15. The Common Serjeant and the assistant judge of the court shall take in the presence of the Lord Chancellor the oath of allegiance and judicial oath, and the Promissory Oaths Act, 1868, shall have effect as if the officers named in the second part of the schedule to that Act included the Common Serjeant and the assistant judge:

Oaths.

Provided that in relation to the persons now holding office as the Common Serjeant and the assistant judge respectively any reference in the Promissory Oaths Act, 1868, to the date of the acceptance of office shall be construed as a reference to the commencement of this Act.

16. A judge of the court shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy-two years:

Retirement of
judges.

Provided that if the Lord Chancellor is requested by the common council to retain any judge of the court in office after that judge attains the said age and the Lord Chancellor considers it desirable in the public interest to do so, he may from time to time authorise the continuance of that judge in office up to such later age (not exceeding seventy-five years) as he thinks fit.

PART III
—cont.Court
buildings.

17. The common council shall provide, equip and maintain suitable courts, offices and buildings within the city for the use of the court.

Court
fund.

18.—(1) The Chamberlain of the City of London shall continue to be the treasurer of the court fund.

(2) There shall be paid into the fund all moneys payable to the court under the enactments relating to the court.

(3) There shall be paid out of the fund the remuneration of, and any pension or other benefits payable to, or in respect of, the assistant judge of the court, and all outgoings and expenses of, or connected with, the court.

(4) Any deficiency arising in the court fund in any financial year shall be chargeable to, and made good from, the general rate of the city and any surplus arising in the court fund in any financial year shall be applied in aid of the general rate of the city.

Procedure.

19.—(1) Any cause or proceeding which could be brought within such jurisdiction as would for the time being be exercisable by a county court for a district consisting of the city shall be governed by the statutes and rules for the time being applicable to county courts.

(2) Any cause or proceeding to which the provisions of the foregoing subsection do not apply shall be governed by rules made under section 45 of the Mayor's Court of London Procedure Act, 1857, for applying in relation to any such cause or proceeding the procedure of the Supreme Court subject to any modifications specified in the rules.

Consequential
amendments.

20.—(1) Section 15 of the Administration of Justice (Miscellaneous Provisions) Act, 1938 (which makes provision as to appeals from the court) shall have effect as if for the reference therein to section 8 of the Mayor's and City of London Court Act, 1920, there were substituted reference to section 19 (Procedure) of this Act.

(2) Section 197 of the County Courts Act, 1959 (which applies to the court statutes and rules applicable to county courts) shall have effect as if for the reference therein to the Mayor's and City of London Court Act, 1920, there were substituted reference to this Act.

21.—(1) Any order, rule, regulation or scale of fees made, direction given, instrument issued or other thing done under any enactment relating to the court repealed by this Act shall not be invalidated by the repeal of that enactment but shall have effect as if it had been made, given, issued or done under the corresponding provision of this Act.

PART III
—cont.
Savings.

(2) Save as provided in section 13 (As to additional judges) of this Act, any person appointed to any office under, or by virtue of, any enactment relating to the court repealed by this Act shall be deemed to have been appointed to that office under, or by virtue of, this Act.

(3) The mention of particular matters in this section shall be without prejudice to the general application of section 38 of the Interpretation Act, 1889 (which makes provision as to the effect of repeals).

PART IV

MISCELLANEOUS

22. The enactments specified in the Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

23. The costs, charges and expenses preliminary to, and of, and incidental to, the preparing, obtaining and passing of this Act shall be paid by the Corporation out of the general rate of the city.

SCHEDULE

ENACTMENTS REPEALED

Chapter	Short title	Extent of repeal
51 & 52 Vict. c. 41	The Local Government Act, 1888	Section 42 (14).
10 & 11 Geo. 5 c. cxxxiv	The Mayor's and City of London Court Act, 1920	The whole Act.
1 Edw. 8 & 1 Geo. 6 c. xlv	The City of London (Various Powers) Act, 1937	Section 35.
12, 13 & 14 Geo. 6 c. 101	The Justices of the Peace Act, 1949	In section 11 (2), the words from "or any" to the end of the subsection.
2 & 3 Eliz. 2 c. xxvii	The City of London (Various Powers) Act, 1954	In section 19 (1), the words from "or any" to "1920".
4 & 5 Eliz. 2 c. 8	The County Courts Act, 1955	Section 7.
5 & 6 Eliz. 2 c. x	The City of London (Various Powers) Act, 1957	Section 14.

Table of Statutes referred to in this Act other than those referred to in the schedule

Short title	Session and chapter
Central Criminal Court Act, 1834	4 & 5 Will. 4 c. 36.
Mayor's Court of London Procedure Act, 1857	20 & 21 Vict. c. clvii.
Promissory Oaths Act, 1868	31 & 32 Vict. c. 72.
Borough and Local Courts of Record Act, 1872	35 & 36 Vict. c. 86.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Administration of Justice (Miscellaneous Provisions) Act, 1938	1 & 2 Geo. 6 c. 63.
County Courts Act, 1959	7 & 8 Eliz. 2 c. 22.

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