



Administration of Justice Act 1964

1964 CHAPTER 42

PART I

GREATER LONDON

Summary jurisdiction in inner London

9 Integration of jurisdiction of stipendiary and lay magistrates

- (1) In the inner London area the jurisdiction conferred on justices of the peace by any enactment, by their commission or by the common law shall be exercisable both by metropolitan stipendiary magistrates and by justices of the peace for that area who are not metropolitan stipendiary magistrates (hereafter in this Act referred to as lay justices).
- (2) Metropolitan stipendiary magistrates shall continue to exercise the jurisdiction conferred on them as such by any enactment, but the inner London area shall take the place of the metropolitan stipendiary courts area as the area for which magistrates' courts are to be held by metropolitan stipendiary magistrates.
- (3) Lay justices for the inner London area may, in addition to exercising the jurisdiction mentioned in subsection (1) of this section, exercise the jurisdiction conferred on metropolitan stipendiary magistrates as such by any enactment except the following enactments:—
 - (a) the Extradition Acts 1870 to 1935 ;
 - (b) section 40 of the Pawnbrokers Act 1872 ;
 - (c) the Fugitive Offenders Act 1881;
 - (d) section 28 of the Pilotage Act 1913 ;
 - (e) section 25 of the Children and Young Persons Act 1933 ;

but a magistrates' court consisting of lay justices for the inner London Area shall not by virtue of this subsection try an information summarily or hear a complaint except when composed of at least two justices.

Status: This is the original version (as it was originally enacted).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

- (4) Without prejudice to subsection (1) of this section, sections 1 to 3 of the Stipendiary Magistrates Act 1858 (which enable a provincial stipendiary magistrate sitting alone to exercise the jurisdiction exercisable by two justices of the peace, except jurisdiction exercisable by quarter sessions) shall apply to metropolitan stipendiary magistrates.

10 Metropolitan stipendiary magistrates

- (1) Metropolitan stipendiary magistrates shall be appointed by Her Majesty and Her Majesty shall from time to time appoint such number of persons as is necessary, but the number of metropolitan stipendiary magistrates shall not at any time exceed forty.
- (2) A person shall not be qualified to be appointed a metropolitan stipendiary magistrate unless he is a barrister or solicitor of not less than seven years' standing.
- (3) The Lord Chancellor shall designate one of the metropolitan stipendiary magistrates to be the chief metropolitan stipendiary magistrate.
- (4) The following provisions shall apply to each metropolitan stipendiary magistrate, that is to say—
- (a) he shall by virtue of his office be a justice of the peace for each of the London commission areas and for the counties of Essex, Hertfordshire, Kent and Surrey;
 - (b) he shall not during his continuance in office practise as a barrister or solicitor;
 - (c) he may be removed from office by the Lord Chancellor for inability or misbehaviour.
- (5) A metropolitan stipendiary magistrate who is by virtue of his office a justice of the peace for any area mentioned in paragraph (a) of subsection (4) of this section shall not by reason only of his being a justice of the peace for that area by virtue of that office—
- (a) act as a member of a court of quarter sessions for that area; or
 - (b) be qualified to be chosen under section 13(2) of the Justices of the Peace Act 1949 as chairman or deputy chairman of the justices for a petty sessional division of that area or to vote under that subsection at the election of any such chairman or deputy chairman.
- (6) The Lord Chancellor may assign metropolitan stipendiary magistrates to petty sessional divisions constituted under section 14 of this Act and may alter any assignment under this subsection, but the assignment of a magistrate to a particular division shall not preclude him from exercising jurisdiction for any other division of the inner London area.
- (7) Metropolitan stipendiary magistrates shall sit at such courthouses provided for the inner London area under the following provisions of this Act, on such days and at such times as may be determined by or in accordance with directions given by the Lord Chancellor from time to time.
- (8) The chief metropolitan stipendiary magistrate shall cause to be held at least once in every quarter of a year a meeting of all the metropolitan stipendiary magistrates or such of them as are able to attend and, if present, shall preside over the meeting.

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

11 Composition of courts for domestic proceedings

- (1) For the purpose of exercising jurisdiction to hear domestic proceedings a magistrates' court for an inner London petty sessions area shall be composed of—
 - (a) a metropolitan stipendiary magistrate as chairman and one or two lay justices ;
or
 - (b) two or three lay justices;or, if it is not practicable for such a court to be so composed, the court shall for that purpose be composed of a metropolitan stipendiary magistrate sitting alone; and section 56(2) of the Magistrates' Courts Act 1952 (composition of magistrates' courts for hearing domestic proceedings) shall not apply to a magistrates' court for any such area.
- (2) A domestic court for an inner London petty sessions area which includes lay justices shall, so far as practicable, include both a man and a woman.
- (3) A domestic court for an inner London petty sessions area shall, in addition to hearing proceedings which (apart from the next following subsection) may be heard by a domestic court for that area, have jurisdiction to hear proceedings which could be heard before a domestic court for any other such area, but shall not exercise the jurisdiction conferred by this subsection except in such cases or classes of case as may be determined by the committee of magistrates.
- (4) A magistrates' court for an inner London petty sessions area shall not hear any domestic proceedings if the committee of magistrates so determine.
- (5) In this section—
 - " domestic court " means a magistrates' court when composed for the purpose of exercising jurisdiction to hear domestic proceedings;
 - " domestic proceedings " has the same meaning as in the Magistrates' Courts Act 1952; and
 - " inner London petty sessions area " means the City or any petty sessional division of the inner London area.

12 Composition of juvenile courts

- (1) Without prejudice to the general adaptations of enactments for which provision is made hereafter in this Act, Schedule 2 to the Children and Young Persons Act 1963 (constitution of juvenile courts) shall have effect as if for any reference to the metropolitan stipendiary court area there were substituted a reference to the inner London area, and Part II of that Schedule shall apply accordingly to the inner London area and the City subject to the following provisions of this section.
- (2) In paragraph 15 of the said Schedule 2 for any reference to a justice or justices of the peace for the county of London there shall be substituted a reference to a lay justice or justices for the inner London area.
- (3) The functions of the Secretary of State under the said Part II with respect to the nomination or selection of the chairmen and other members of the juvenile courts shall be transferred to the Lord Chancellor, and accordingly for any reference to the Secretary of State in paragraphs 15, 16 and 18 of the said Schedule 2 there shall be substituted a reference to the Lord Chancellor.

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

13 The committee of magistrates

- (1) No magistrates courts' committee shall be set up under section 16 of the Justices of the Peace Act 1949 for the inner London area, but instead a committee (to be known as the committee of magistrates) shall be set up for that area in accordance with the following provisions of this section with such functions in relation to—
 - (a) the division of that area into petty sessional divisions,
 - (b) the employment of clerks and other officers,
 - (c) the division of work between the metropolitan stipendiary magistrates and lay justices,
 - (d) the provision of courses of instruction for justices, and
 - (e) other matters of a financial or administrative character,as are or may be provided by or under this Act or as the committee may be authorised to undertake by the Secretary of State.
- (2) The *custos rotulorum* for the inner London area, the chairman of the court of quarter sessions for that area and the chief metropolitan stipendiary magistrate shall each, by virtue of his office, be a member of the committee of magistrates.
- (3) The committee of magistrates shall in addition to the members mentioned in subsection (2) of this section consist of the following members:—
 - (a) one lay justice chosen from amongst themselves by the lay justices for each petty sessional division ;
 - (b) three members of the juvenile court panel for the inner London area and the City, chosen jointly by the members of that panel and by any chairmen of juvenile courts for that area and the City who are not members of that panel;
 - (c) such number of metropolitan stipendiary magistrates nominated by the chief metropolitan stipendiary magistrate as is equal to the total number of members required to be chosen under paragraphs (a) and (b) of this subsection.
- (4) The members of the committee of magistrates who are chosen or nominated under subsection (3) of this section shall hold office as such for the period of one year beginning on such date as the Secretary of State may direct, but may again be chosen or nominated as members of the committee.
- (5) There shall be a chairman, a vice-chairman and a deputy chairman of the committee of magistrates, and the chairman of the court of quarter sessions for the inner London area shall be the chairman of the committee, the chief metropolitan stipendiary magistrate shall be the vice-chairman and a person chosen from amongst themselves by the lay justices who are members of the committee shall be the deputy chairman.
- (6) The chief metropolitan stipendiary magistrate shall, subject to and in accordance with any directions given by the committee of magistrates, carry on the day to day administration of the magistrates' courts in the inner London area (including domestic courts and including juvenile courts for that area and the City).
- (7) Paragraphs 7 to 11 of Schedule 4 to the Justices of the Peace Act 1949 (which relate to the proceedings of a magistrates' courts committee), except so much of paragraph 9 of that Schedule as relates to the chairman of such a committee, shall apply to the committee of magistrates as it applies to a magistrates' courts committee.

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

14 Establishment of petty sessional divisions

- (1) The Secretary of State may, on the recommendation of or after consultation with the committee of magistrates, by order make provision for the division of the inner London area or any part thereof into petty sessional divisions.
- (2) It shall be the duty of the committee of magistrates from time to time and also when directed to do so by the Secretary of State to take into consideration the division of the inner London area into petty sessional divisions and to recommend to the Secretary of State (giving reasons for their recommendation) whether or not to make any changes in those divisions and, if changes are recommended, what changes; and the Secretary of State shall not act otherwise than in accordance with any recommendations under this subsection except after consultation with the committee.
- (3) An order under this section may contain transitional and other consequential provisions.

15 Appointment of justices' clerks and other officers

- (1) It shall be the duty of the committee of magistrates, subject to the following provisions of this section, to appoint—
 - (a) a principal chief clerk for the inner London area, one or more chief clerks for each petty sessional division of that area and one or more chief clerks for the juvenile courts for that area and the City ; and
 - (b) such deputy chief clerks and other officers as may be necessary;and the committee shall, where there is more than one chief clerk for such a division or for those courts, designate one of them to be the senior chief clerk for that division or all those courts, as the case may be.
- (2) The officers mentioned in subsection (1)(a) of this section shall rank as justices' clerks and be treated as such for the purposes of the enactments relating to justices' clerks.
- (3) The principal chief clerk shall assist the chief metropolitan stipendiary magistrate to perform the latter's duty under section 13(6) of this Act of carrying on the day to day administration of the magistrates' courts in the inner London area.
- (4) The justices' clerks and deputy chief clerks mentioned in subsection (1) of this section shall not be appointed or dismissed by the committee of magistrates without the approval of the Secretary of State, and—
 - (a) the committee shall inform the Secretary of State of the age, qualification and experience of any person proposed to be appointed such a clerk and, if the Secretary of State so requires, of any other person offering himself for the appointment;
 - (b) before approving the dismissal of any such clerk the Secretary of State, shall consider any representations made to him by the clerk.
- (5) The number of justices' clerks and of other officers employed by the committee of magistrates in each grade below that of principal chief clerk, the grades in which such officers below that of deputy chief clerk are to be employed and the terms and conditions of employment of all officers employed by the committee shall be such as may from time to time be determined by the committee.
- (6) The following provisions of this subsection shall have effect with respect to determinations under subsection (5) of this section and related matters:—

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

- (a) no such determination shall have effect unless confirmed with or without modifications, by the Secretary of State ;
 - (b) the committee of magistrates shall not make or refuse to make any such determination with respect to terms and conditions of employment except after consultation with persons appearing to the committee to represent the interests of the officers affected ;
 - (c) any refusal of the Committee to make any such determination with respect to any terms and conditions of employment may be reviewed by the Secretary of State and on the review the Secretary of State may confirm the refusal or make such determination with respect to those terms and conditions as he thinks fit;
 - (d) in the case of any matter which falls to be determined under the said subsection (5) and affects officers employed by the committee who immediately before 1st April 1965—
 - (i) were clerks or other officers of metropolitan stipendiary courts; or
 - (ii) were justices' clerks or officers employed by the magistrates' courts committee for the county of London,
 the functions of the Secretary of State under paragraphs (a) to (c) of this subsection shall be exercised in such manner as he thinks necessary for protecting the interests of those officers.
- (7) The Secretary of State may by order amend subsection (1)(a) of this section by substituting for or adding to the offices therein mentioned such other offices as he thinks fit; and any such order—
- (a) may contain transitional and other consequential provisions (including provisions amending the foregoing provisions of this section); and
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) Sections 19 and 23 of the Justices of the Peace Act 1949 (appointment and conditions of service of justices' clerks) shall not apply to the inner London area.

16 Other functions of the committee of magistrates

- (1) It shall be the duty of the committee of magistrates to keep under consideration the division of work in the inner London area between the metropolitan stipendiary magistrates and the lay justices and to give general directions as to the division of the work.
- (2) It shall be the duty of the committee of magistrates, in accordance with arrangements approved by the Lord Chancellor, to make and administer schemes providing for courses of instruction for justices of the peace of the inner London area.
- (3) In addition to exercising the functions conferred on them by or by virtue of the foregoing provisions of this Part of this Act, the committee of magistrates shall consider any matters referred to them by the Lord Chancellor or the Secretary of State and, if required to do so, shall make recommendations on any matter so referred.

17 Administrative and financial provisions

- (1) The Receiver shall provide such courthouses and other accommodation, and such furniture, books and other things, as the committee of magistrates may determine to be proper for the due transaction of the business, and convenient keeping of the records

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

and documents, of magistrates' courts in the inner London area (including domestic courts and including juvenile courts for that area and the City) or for enabling the justices' clerks for that area or for juvenile courts for that area and the City to carry out their duties; but any determination under this subsection shall not have effect unless confirmed, with or without modifications, by the Secretary of State.

- (2) The Receiver shall pay out of the metropolitan police fund—
 - (a) any expenses of the committee of magistrates, to such an amount and of such a nature as may be approved by the Secretary of State ;
 - (b) the sums payable by way of salary or expenses to justices' clerks and other officers employed by the committee of magistrates, together with any employer's contributions payable in respect of those officers under the National Insurance Acts 1946 to 1963 ;
 - (c) any superannuation benefits payable in respect of such clerks and other officers under the enactments and instruments applied to them under section 24 of this Act, other than benefits payable by the Greater London Council, and any superannuation contributions and other payments for which the committee of magistrates may be liable as their employer under those enactments and instruments.
- (3) Any accommodation provided under this section for any magistrates' court or justices' clerk may be outside the area for which the court or clerk acts and, if outside that area, shall be deemed to be in that area for the purpose of the jurisdiction of the court.
- (4) The Secretary of State may assign courthouses and other accommodation either to petty sessional divisions of the inner London area or to particular magistrates' courts for that area (including domestic courts and including juvenile courts for that area and the City) and may alter any assignment under this subsection, but after the committee of magistrates has been set up shall not exercise his powers under this subsection except after consultation with the committee.
- (5) Sections 25 and 26 of the Justices of the Peace Act 1949 (which impose on councils of counties and certain boroughs duties similar to those imposed by this section on the Receiver) shall not apply to the inner London area.