



Administration of Justice Act 1964

1964 CHAPTER 42

PART III

SUPPLEMENTAL

35 Application of supplementary provisions of the London Government Act 1963

- (1) The following provisions of the London Government Act 1963, that is to say—
- (a) section 84 (power to make orders containing consequential, transitional and supplementary provisions);
 - (b) section 85(1) to (4) (transfer and compensation of officers); and
 - (c) section 87 (local Acts and instruments);
- shall, subject to subsections (2) to (4) of this section, have effect as if the provisions of Part I of and Schedule 4 to this Act were provisions of that Act.
- (2) The officers to whom the said section 85(1) applies by virtue of subsection (1) of this section shall not include any persons other than clerks of the peace, deputy clerks of the peace and other officers of a court of quarter sessions, members of the staff of metropolitan stipendiary courts, justices' clerks and other members of the staff of magistrates' courts and probation officers and other persons employed by probation committees or the Secretary of State in connection with the work of probation officers.
- (3) Section 85(2) of the London Government Act 1963 shall have effect subject to the following modifications:—
- (a) the reference to local authorities who are or include a council to whom section 3(1)(b) of the said Act of 1963 applies and the second reference to local authorities shall include a reference to the following authorities, that is to say—
 - (i) the Secretary of State ;
 - (ii) the standing joint committees for the counties of London and Middlesex ;

Status: This is the original version (as it was originally enacted).

- (iii) the magistrates' courts committees for the counties of London and Middlesex and the county boroughs of Croydon, East Ham and West Ham;
 - (iv) the probation committees for the county of Middlesex, the said county boroughs and the petty sessional division of Beacontree in the county of Essex;
 - (b) the authorities to whom any person may be transferred under the subsection shall, in the case of a person affected by Part I of this Act, include such of the following authorities for a London commission area or a county adjoining any such area as may be specified in or determined under the order, that is to say, the court of quarter sessions, the magistrates' courts committee (or in the case of the inner London area the committee of magistrates) and the probation committee;
 - (c) the power of making orders under the subsection in the case of persons not employed by a local authority shall be exercisable by the Secretary of State and not by the Minister of Housing and Local Government.
- (4) For the purposes of section 85(1) to (4) of the London Government Act 1963 and of this section the clerk of the peace, deputy clerk of the peace and justices' clerk for any area shall each be treated as employed by an authority, if that authority appointed him, and as having been transferred to, and thereafter as being in, the employment of an authority, if that authority has power to appoint such a clerk.
- (5) Nothing in section 86 of the said Act of 1963 shall be construed as requiring a joint committee established under that section to consider any matters falling to be dealt with under section 84 or 87 of that Act by virtue only of this section.

36 Orders, rules and regulations

- (1) Any power to make orders, rules or regulations under this Act shall be exercisable by statutory instrument.
- (2) Any order under any provision of this Act may be varied or revoked by a subsequent order under that provision.

37 Financial provisions

- (1) Any increase attributable to the provisions of this Act in the sums payable under any other enactment out of the Consolidated Fund or out of moneys provided by Parliament shall be paid out of that Fund or out of moneys so provided.
- (2) Any sums paid to the Lord Chancellor under section 5 of this Act shall be paid into the Exchequer.
- (3) Any expenses falling to be defrayed by the Greater London Council under this Act or any enactment applied by this Act shall, except so far as the expenses are incurred in relation to the Central Criminal Court or any matter connected with that Court, be chargeable only on the London boroughs; but the foregoing provision shall have effect subject to any express provision of this Act or of any other enactment with respect to any particular sums which by virtue of any Act fall to be paid by the Council.
- (4) Any sums payable to the Greater London Council under section 8(4) of this Act, section 77(3)(a) of the Criminal Justice Act 1948 or section 27(2) of the Justices of the Peace Act 1949 shall be placed to the credit of the special London account out of

which the relevant expenses of the Council are payable; and in this subsection " the relevant expenses " means—

- (a) in relation to payments under section 8(4) of this Act, expenses under that section;
- (b) in relation to payments under section 77(3)(a) of the said Act of 1948, expenses under Schedule 5 to that Act;
- (c) in relation to payments under section 27(2) of the said Act of 1949, expenses under section 25(2) of that Act.

38 Interpretation

- (1) In this Act, unless the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them, that is to say—

" the City " means the City of London ;

" committed for sentence or order " means committed to be dealt with under section 28 or 29 of the Magistrates' Courts Act 1952, or under section 67 of the Mental Health Act 1959;

" domestic court " has the meaning assigned to it by section 11 of this Act;

" existing ", in relation to any authority or thing, means that authority or thing as it existed immediately before the commencement of this Act;

" London commission areas ", " inner London area " and " outer London areas " have the meanings respectively assigned to them by section 2 of this Act;

" officer " includes the holder of any place, situation or employment and " office " shall be construed accordingly;

" Receiver " means the Receiver for the metropolitan police district;

" stipendiary magistrate " includes metropolitan stipendiary magistrate.

- (2) References in this Act to any enactment shall, except in so far as the context otherwise requires, be construed as references to that enactment as amended by or under any subsequent enactment including this Act.

39 Consequential and minor modifications and amendments

- (1) Part I of Schedule 3 to this Act shall have effect for the purpose of making general adaptations of enactments in consequence of the foregoing provisions of this Act.
- (2) The enactments specified in Part II of the said Schedule 3 shall have effect subject to the modifications and amendments set out in that Part, being modifications and amendments consequential on the foregoing provisions of this Act and other minor amendments.

40 Transitional provisions

- (1) Schedule 4 to this Act shall have effect for the purposes of the transition to the provisions of this Act from the law in force before the commencement of this Act.
- (2) No provision contained in this Act or any instrument thereunder shall be construed as prejudicing the powers conferred by section 148 of the Local Government Act 1933, Part II of the Local Government Act 1958 or section 84 or 87 of the London

Government Act 1963 (whether as originally enacted or as extended by section 35 of this Act).

41 Short title, commencement, extent and repeal

- (1) This Act may be cited as the Administration of Justice Act 1964.
- (2) Subject to the provisions of Schedule 4 to this Act, Part I of this Act shall come into force on 1st April 1965 except that if the Secretary of State by order appoints an earlier day for the commencement of any provision of the said Part I, that provision shall come into force on that earlier day.
- (3) The following provisions of this Act, that is to say, Part II (except section 31), section 39 and subsection (8) of this section shall come into force on such day as the Secretary of State may by order appoint.
- (4) Different days may be appointed under this section for different purposes of this Act; and any reference in any provision of this Act to the commencement of this Act shall, unless otherwise provided by any order under this section, be construed as a reference to the day on which that provision comes into operation.
- (5) Any order under this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or any provisions of this Act then in force as appear to him necessary or expedient in consequence of the partial operation of this Act (whether before or after the day appointed by the order).
- (6) This Act, except section 31 and so much of Schedule 3 as amends the House of Commons Disqualification Act 1957, shall not extend to Scotland.
- (7) This Act, except so much of Schedule 3 as amends the said Act of 1957, shall not extend to Northern Ireland.
- (8) The enactments described in Schedule 5 to this Act (which include enactments which were already obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent specified in the third column of that Schedule.