



Administration of Justice Act 1973

1973 CHAPTER 15

PART I

JUSTICES OF THE PEACE

1 Appointment of justices of the peace, and supplemental list

- (1) Subject to the following subsections, there shall in England and Wales be a commission of the peace for the following areas (in this Act referred to as "commission areas") and no others, that is to say any county, any London commission area and the City of London; and the commission for any commission area shall be a commission under the Great Seal addressed generally, and not by name, to all such persons as may from time to time hold office as justices of the peace for the commission area.
- (2) Justices of the peace for any commission area, other than stipendiary magistrates, shall be appointed on behalf and in the name of Her Majesty by instrument under the hand of the Lord Chancellor, and a justice so appointed may be removed from office in like manner; and in any commission area other than the City of London such one of the justices as may be designated by the Lord Chancellor shall be keeper of the rolls.
- (3) There shall be transmitted to the keeper of the rolls for each commission area, and be enrolled in the records of the justices for that area, a copy of any instrument appointing or removing a justice of the peace in that area in accordance with this section; and the keeper of the rolls shall be notified in such manner as the Lord Chancellor may direct of any resignation or death of a justice so appointed, and shall cause to be kept and from time to time rectified a record of those for the time being holding office by virtue of any such appointment.
- (4) There shall be kept in the office of the Clerk of the Crown in Chancery—
 - (a) a record of all persons for the time being holding office as justice of the peace by virtue of appointments made in accordance with this section, together with the instruments of appointment or removal; and
 - (b) a supplemental list for England and Wales as provided for by subsection (5) below.

- (5) The supplemental list for England and Wales under this Act shall be in lieu of the supplemental lists provided for by section 4 of the Justices of the Peace Act 1949, but shall include the like names and be of the like effect as those lists, except that—
- (a) where a person ceases to be a justice for any commission area and is thereupon appointed a justice for another area the Lord Chancellor may direct that his name shall be entered in the supplemental list; and
 - (b) the entry of a person's name in the supplemental list shall not preclude him, if so authorised by the Lord Chancellor, from acting as a judge of the Crown Court so long as he has not attained the age of 72 years.
- (6) Subsections (1) to (3) above shall be without prejudice to the position of the Lord Mayor and aldermen as justices for the City of London by virtue of the charters of the City, but so that any of them may be excluded by the Lord Chancellor from the exercise of his functions as a justice ; and in the application of subsection (3) to the City a reference to the Lord Mayor shall be substituted for any reference to the keeper of the rolls.
- (7) In relation to the counties of Greater Manchester, Mersey-side and Lancashire subsections (1) to (3) above shall have effect with the substitution for references to the Lord Chancellor of references to the Chancellor of the Duchy of Lancaster; and in subsection (5) the references to the Lord Chancellor shall have effect as references to the Chancellor of the Duchy of Lancaster so far as relates to the entry in or removal from the supplemental list of the name of a person who is a justice of the peace only for any of those counties.
- (8) For the purposes of this section the Isles of Scilly shall form part of the county of Cornwall.
- (9) There shall cease to have effect—
- (a) section 1 of the Metropolitan Police Act 1829 in so far as it regulates the appointment or removal of the Commissioner of Police of the Metropolis ; and
 - (b) so much of section 2 of the Metropolitan Police Act 1856 as provides for the Assistant Commissioners of Police of the Metropolis to be justices of the peace;
- and the Commissioner of Police shall be appointed in like manner as Assistant Commissioners are under the said section 2 to be appointed.

2 Stipendiary magistrates

- (1) It shall be lawful for Her Majesty to appoint a barrister or solicitor of not less than seven years standing to be, during Her Majesty's pleasure, a whole-time stipendiary magistrate in any commission area or areas outside the Inner London area and the City of London, and to appoint more than one such magistrate in the same area or areas ; and a person so appointed to be a magistrate in any commission area shall by virtue of his office be a justice of the peace for that area.
- (2) Any appointment of a stipendiary magistrate under this section shall be of a person recommended to Her Majesty by the Lord Chancellor, and a stipendiary magistrate appointed under this section shall not be removed from office except on the Lord Chancellor's recommendation.

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

- (3) A stipendiary magistrate so appointed in any commission area shall sit at such court houses in the area, 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.
- (4) For purposes of pension and of any derivative benefit under the Administration of Justice (Pensions) Act 1950 service as a stipendiary magistrate under this section shall be treated as service as a metropolitan stipendiary magistrate.
- (5) Where a stipendiary magistrate would, apart from this Act, be required by section 2(2) of the Justices of the Peace Act 1968 to vacate his office at the end of the completed year of service in the course of which he attains the age of 70, but the Lord Chancellor considers it desirable in the public interest to retain him in office after that time, the Lord Chancellor may from time to time authorise him to continue in office up to such age not exceeding 72 as the Lord Chancellor thinks fit.
- (6) So much of section 10(1) of the Administration of Justice Act 1964 as limits the number of metropolitan stipendiary magistrates to forty shall cease to have effect, but—
 - (a) the number of metropolitan stipendiary magistrates shall not at any time exceed sixty or such larger number as Her Majesty may from time to time by Order in Council specify; and
 - (b) the number of stipendiary magistrates appointed under this section shall not at any time exceed forty or such larger number as may be so specified ;and Her Majesty shall not be recommended to make an Order in Council under this subsection unless a draft of the Order has been laid before Parliament and approved by resolution of each House.
- (7) Section 16(2) of the Criminal Justice Administration Act 1956 and Schedule 2 to that Act shall cease to have effect but where it appears to the Lord Chancellor that it is expedient so to do in order to avoid delays in the administration of justice in any commission area in which a stipendiary magistrate may be appointed under this section, he may authorise any person qualified to be so appointed to act as a stipendiary magistrate in that area during such period (not exceeding three months at one time) as the Lord Chancellor thinks fit, and may require so to act any stipendiary magistrate appointed under this section in another commission area; and while so acting in any area under this subsection, a person shall have the same jurisdiction, powers and duties as if he had been appointed stipendiary magistrate in that area, and were a justice of the peace for that area. The Lord Chancellor may, out of moneys provided by Parliament, pay to any person authorised to act under this subsection, not being a stipendiary magistrate, such remuneration as he may, with the approval of the Minister for the Civil Service, determine.

3 Courses of instruction for justices of the peace

- (1) There may be paid out of moneys provided by Parliament any expenses incurred by the Lord Chancellor in providing courses of instruction for justices of the peace ; and a justice of the peace following a course of instruction so provided shall be entitled to the like allowances as are payable to justices following a course provided under section 17 of the Justices of the Peace Act 1949 or section 16(2) of the Administration of Justice Act 1964, and the enactments relating to allowances so payable shall apply accordingly.

- (2) If courses of instruction are not provided for justices of the peace of any area as required by section 17 of the Justices of the Peace Act 1949 or section 16(2) of the Administration of Justice Act 1964, then any expenses incurred by the Lord Chancellor in providing courses of instruction to make good the default shall be recoverable by him from the magistrates' courts committee or committee of magistrates in default, and any sums received by him under this subsection shall be paid into the Consolidated Fund.

4 Amendment as to right to practise of justices of the peace who are solicitors

In section 33 of the Solicitors Act 1957 (which precludes a solicitor from acting in connection with proceedings before justices for any area if he or his partner is a justice for that area) there shall be inserted after subsection (1) the following subsection:—

- “(1A) Where the area for which a solicitor is a justice of the peace is divided into petty sessional divisions, his being a justice for the area shall not subject him or any partner of his to any disqualification under this section in relation to proceedings before justices acting for a petty sessional division for which he does not ordinarily act.”

5 Consequential

The provisions of Parts I to III of Schedule 1 to this Act, which reproduces, with the modifications required by the foregoing sections.—

- (a) in Part I the effect of the enactments relating to the retirement and personal pension of stipendiary magistrates; and
- (b) in Part II the effect of the enactments and rules relating to supplemental lists kept by virtue of section 4 of the Justices of the Peace Act 1949 ; and
- (c) in Part III the effect of section 8 of the Justices of the Peace Act 1949 and later enactments with respect to the allowances payable to justices of the peace;

shall have effect in place of the enactments and rules referred to in paragraphs (a) to (c) above; and any such enactment or instrument as is referred to in Part IV of that Schedule shall have effect subject to the amendments there provided for, being amendments consequential on the foregoing sections of this Act or on Parts I to III of that Schedule.