



# Justices of the Peace Act 1979

## 1979 CHAPTER 55

### PART III

#### INNER LONDON AREA

##### *Metropolitan stipendiary magistrates*

#### **31 Appointment, removal and retirement of 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 sixty or such larger number as Her Majesty may from time to time by Order in Council specify.
- (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 subsection (4) above shall not, by reason only of his being a justice of the peace for that area by virtue of that office, be qualified to be chosen under section 17(1) of this Act 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) Section 14 of this Act shall apply to metropolitan stipendiary magistrates as well as to other stipendiary magistrates in England or Wales.
- (7) Her Majesty shall not be recommended to make an Order in Council under subsection (1) above unless a draft of the Order has been laid before Parliament and approved by resolution of each House.

### **32 Allocation and sittings of metropolitan stipendiary magistrates**

- (1) The Lord Chancellor may assign metropolitan stipendiary magistrates to petty sessional divisions constituted under section 36 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.
- (2) 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.
- (3) 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.

### **33 Jurisdiction of metropolitan stipendiary magistrates and lay justices**

- (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 Part of 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 ; and the inner London area (having taken the place of the metropolitan stipendiary courts area) shall continue to be 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) above, exercise the jurisdiction conferred on metropolitan stipendiary magistrates as such by any enactment except the following, that is to say—
  - (a) the Extradition Acts 1870 to 1935 ;
  - (b) section 28 of the Pilotage Act 1913 (which relates to appeals by pilots against certain actions of pilotage authorities);
  - (c) section 25 of the Children and Young Persons Act 1933 (restrictions on persons under 18 going abroad for the purpose of performing for profit); and
  - (d) the Fugitive Offenders Act 1967 ;
 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.

- (4) Without prejudice to subsection (1) above, subsections (3) to (5) of section 16 of this Act shall have effect in relation to a metropolitan stipendiary magistrate as they have effect in relation to a stipendiary magistrate appointed under section 13 of this Act.

### **34 Acting metropolitan stipendiary magistrate**

- (1) If it appears to the Lord Chancellor that it is expedient to do so in order to avoid delays in the administration of justice in the inner London area, he may authorise any person, who is a barrister or solicitor of not less than seven years' standing, to act as a metropolitan stipendiary magistrate during such period (not exceeding three months at any one time) as the Lord Chancellor thinks fit.
- (2) All things required or authorised by law to be done by, to or before a metropolitan stipendiary magistrate may be done by, to or before any person acting as such in pursuance of this section.
- (3) The Lord Chancellor may, out of moneys provided by Parliament, pay to any person authorised to act under this section such remuneration as he may, with the approval of the Minister for the Civil Service, determine.