



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.

Provisions relating to committee of magistrates

35 Committee of magistrates for inner London area

- (1) No magistrates' courts committee shall be set up under Part II of this Act for the inner London area, but instead there shall continue to be a committee (to be known as the " committee of magistrates ") set up for that area in accordance with the following provisions of this Part of this Act, 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 by the Secretary of State to undertake.
- (2) The chief metropolitan stipendiary magistrate shall by virtue of his office be a member of the committee of magistrates.
- (3) In addition to the chief metropolitan stipendiary magistrate, the committee of magistrates shall consist of the following members, that is to say—
- (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 of London, 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; and
 - (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) above.

Status: This is the original version (as it was originally enacted).

- (4) The members of the committee of magistrates who are chosen or nominated under subsection (3) above 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 deputy chairman of the committee of magistrates ; and—
- (a) the chief metropolitan stipendiary magistrate shall be the chairman;
 - (b) a metropolitan stipendiary magistrate chosen from amongst the members of the committee by the chief metropolitan stipendiary magistrate shall be vice-chairman ; and
 - (c) a person chosen from amongst themselves by the lay justices who are members of the committee shall be the deputy chairman.
- (6) Section 22 of this Act, with the exception of—
- (a) so much of subsection (1) as relates to the chairman of a magistrates' courts committee ; and
 - (b) subsection (3),
- shall apply to the committee of magistrates as it applies to a magistrates' courts committee.

36 Petty sessional divisions in inner London area

- (1) The Secretary of State may, on the recommendation of or after consultation with the committee of magistrates, by order made by statutory instrument make provision for the division of the inner London area or any part of that area 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 recommendation under this subsection except after consultation with the committee.
- (3) An order under this section may contain transitional and other consequential provisions.

37 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 of London, 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 for all those courts, as the case may be.

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

- (2) The officers mentioned in subsection (1) (a) above shall rank as justices' clerks and be treated as such for the purposes of the enactments relating to justices' clerks, including (except where otherwise expressly provided) any such enactment contained in this Act.
- (3) The justices' clerks and deputy chief clerks mentioned in subsection (1) above 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; and
 - (b) before approving the dismissal of any such clerk the Secretary of State shall consider any representations made to him by the clerk.
- (4) 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 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.
- (5) The following provisions of this subsection shall have effect with respect to determinations under subsection (4) above and related matters, that is to say—
 - (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 subsection (4) above and affects officers employed by the committee who immediately before the 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) above shall be exercised in such manner as he thinks necessary for protecting the interests of those officers.
- (6) The Secretary of State may by order made by statutory instrument amend subsection (1) (a) above by substituting for or adding to the offices therein mentioned such other offices as he thinks fit; and any such order may contain transitional and other consequential provisions (including provisions amending the preceding provisions of this section).
- (7) Any statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

38 Other functions for which committee is or may be responsible

- (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) 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 of London).
- (3) The principal chief clerk for the inner London area shall assist the chief metropolitan stipendiary magistrate to perform his duty under subsection (2) above of carrying on the day to day administration of the magistrates' courts in that area.
- (4) In addition to exercising the functions conferred on them by, or by virtue of, the preceding 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.