



Criminal Justice Act 1991

1991 CHAPTER 53

PART V

FINANCIAL AND OTHER PROVISIONS

Cash limits

93 Cash limits for magistrates' courts

- (1) In section 55 of the 1979 Act (duties of local authorities outside Greater London), after subsection (2) there shall be inserted the following subsection—

“(2A) Nothing in subsection (1) or (2) above shall require a council to incur any expenditure or make any payment which would—

- (a) cause the net cost to it in any year of the matters mentioned in subsection (1) of section 59 of this Act to exceed the amount which, in relation to the council and that year, is for the time being determined by the Secretary of State under subsection (3)(b) of that section; or
- (b) cause its capital expenditure in any year in pursuance of functions under this Part of this Act to exceed the amount which, in relation to the council and that year, is for the time being determined by the Secretary of State under subsection (4)(b) of that section;

and in determining any such net cost as is mentioned in paragraph (a) above there shall be disregarded any such capital expenditure as is mentioned in paragraph (b) above.”

- (2) In section 58 of that Act (corresponding arrangements in inner London area), after subsection (2) there shall be inserted the following subsection—

“(2A) Nothing in subsection (1) or (2) above shall require the Receiver to incur any expenditure or make any payment which would—

- (a) cause the net cost to him in any year of the matters mentioned in subsection (1) of section 59 of this Act to exceed the amount which, in

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relation to the Receiver and that year, is for the time being determined by the Secretary of State under subsection (3)(b) of that section; or

- (b) cause his capital expenditure in any year in pursuance of functions under this Part of this Act to exceed the amount which, in relation to the Receiver and that year, is for the time being determined by the Secretary of State under subsection (4)(b) of that section;

and in determining any such net cost as is mentioned in paragraph (a) above there shall be disregarded any such capital expenditure as is mentioned in paragraph (b) above.”

- (3) For section 59 of that Act there shall be substituted the following section—

“59 Grants by Secretary of State to responsible authorities

- (1) The Secretary of State may out of money provided by Parliament pay to the responsible authorities grants towards the net cost to them in any year—
 - (a) of their functions under this Part or Part II of this Act;
 - (b) of their functions under any regulations made, or having effect as if made, under section 7 of the Superannuation Act 1972 with respect to court staff or, in the case of the Receiver, his corresponding functions; and
 - (c) of making payments under section 12 or 53 of this Act;
 and in determining any such net cost as is mentioned above there shall be disregarded any such capital expenditure as is mentioned in subsection (2) below.
- (2) The Secretary of State may also out of money provided by Parliament pay to the responsible authorities grants towards their capital expenditure in any year in pursuance of their functions under this Part of this Act.
- (3) The amount of any grant under subsection (1) above towards the net cost to a responsible authority in any year of the matters mentioned in that subsection shall not exceed 80 per cent. of whichever of the following is the less, namely—
 - (a) that net cost; and
 - (b) the amount which, in relation to the authority and that year, is for the time being determined by the Secretary of State.
- (4) The amount of any grant under subsection (2) above towards the capital expenditure in any year of a responsible authority in pursuance of its functions under this Part of this Act shall not exceed 80 per cent. of whichever of the following is the less, namely—
 - (a) that capital expenditure; and
 - (b) the amount which, in relation to the authority and that year, is for the time being determined by the Secretary of State.
- (5) The Secretary of State, with the concurrence of the Treasury, may by statutory instrument make regulations as to the manner in which—
 - (a) income and expenditure of responsible authorities are to be taken into account in determining the net cost to them in any year of the matters mentioned in subsection (1) above; or

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- (b) expenditure of such authorities is to be taken into account in determining their capital expenditure in any year in pursuance of their functions under this Part of this Act;

and for the purposes of this section any question as to that net cost or that capital expenditure shall (subject to the regulations) be determined by the Secretary of State.

- (6) The Secretary of State may direct that, in determining—
 - (a) the net cost to a responsible authority in any year of the matters mentioned in subsection (1) above; or
 - (b) the capital expenditure of such an authority in any year in pursuance of its functions under this Part of this Act,

there shall be taken into account or disregarded, to such extent as may be specified in the direction, such items as may be so specified.

- (7) Grants under this section shall be paid at such times, in such manner and subject to such conditions as the Secretary of State may with the approval of the Treasury determine.

- (8) In this section—

“court staff” means persons appointed or deemed to have been appointed as justices' clerks, or employed by a magistrates' courts committee to assist a justices' clerk, under Part III of the Justices of the Peace Act 1949 or Part II of this Act;

“responsible authority” means any of the following, namely, the council of a non-metropolitan county, metropolitan district or outer London borough, the Common Council of the City of London and the Receiver.”

- (4) In section 70 of that Act (interpretation), before the definition of “commission area” there shall be inserted the following definition—

““capital expenditure” means expenditure for capital purposes (construed in accordance with section 40 of the Local Government and Housing Act 1989);”.

94 Cash limits for probation services

- (1) After subsection (3) of section 51 of the 1973 Act (expenses and grants payable out of money provided by Parliament) there shall be inserted the following subsection—

“(3A) The amount of any payments under subsection (3) above towards any person's expenditure, or towards any expenditure out of the metropolitan police fund, in any year shall not exceed the appropriate percentage of whichever of the following is the less, namely—

- (a) that expenditure; and
- (b) the amount which, in relation to that expenditure and that year, is for the time being determined by the Secretary of State;

and in this subsection “the appropriate percentage”, in relation to expenditure of any description, means the percentage which in relation to expenditure of that description is for the time being determined by the Secretary of State.”

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(2) In paragraph 3 of Schedule 3 to the 1973 Act (the probation service and its functions)

(a) for paragraph (a) of sub-paragraph (1) there shall be substituted the following paragraph—

“(a) to appoint such number of probation officers—

(i) as may be determined by them without objection by the responsible authority; or

(ii) where objection is made, as may be agreed between them and that authority,

to be a sufficient number of such officers for their probation area, subject, in the case of such classes or descriptions of officers as may be prescribed, to the approval of the appointment by the Secretary of State;”;

(b) at the end of that sub-paragraph there shall be inserted the words “and any question as to number arising under paragraph (a) above shall, in default of agreement, be determined by the Secretary of State”; and

(c) for sub-paragraph (5) there shall be substituted the following sub-paragraph—

“(5) In this paragraph “the responsible authority”—

(a) in relation to a probation area other than the inner London probation area, means the local authority in whose area that probation area is situated; and

(b) in relation to the inner London probation area, means—

(i) the Receiver for the metropolitan police district; and

(ii) where that area includes one or more petty sessions areas outside the inner London area, the local authority or authorities in whose area or areas that petty sessions area or those petty sessions areas is or are situated;

and “supervision order” and “supervisor” have the meanings assigned to them by section 11 of the Children and Young Persons Act 1969.”

(3) After paragraph 16 of that Schedule there shall be inserted the following paragraph—

“Limits on sums payable under paragraphs 15 and 16

16A (1) Nothing in paragraph 15 or 16 above shall require a local authority to defray any sums which would cause its expenditure in any year to exceed the amount which, in relation to that expenditure and that year, is for the time being determined by the Secretary of State under section 51(3A)(b) of this Act.

(2) Nothing in paragraph 16 above shall require there to be paid out of the metropolitan police fund any sums which would cause the expenditure out of that fund in any year to exceed the amount which, in relation to that expenditure and that year, is for the time being so determined.

(3) In this paragraph “expenditure” means expenditure under this Schedule.”