



Police and Magistrates' Courts Act 1994

1994 CHAPTER 29

PART IV

MAGISTRATES' COURTS

Default powers

88 Default powers

- (1) The Lord Chancellor may make an order under subsection (3) below if he is of the opinion that, without reasonable excuse, a magistrates' courts committee—
 - (a) are failing properly to discharge any duty imposed on them by or under any enactment, or
 - (b) have so failed and are likely to do so again.
- (2) Before making an order under subsection (3) below, the Lord Chancellor shall give a written warning to the magistrates' courts committee specifying the default or defaults to which the order relates.
- (3) An order under this subsection shall—
 - (a) state that the Lord Chancellor is of the opinion mentioned in subsection (1) above, and
 - (b) provide either or both of the following—
 - (i) that, on the making of the order, the chairman of the committee is to vacate his office as chairman, or
 - (ii) that, on the making of the order, one or more specified members of the committee (who may include the chairman but may not consist of all the members of the committee) are to vacate their office.
- (4) If, after making an order under subsection (3) above, the Lord Chancellor remains of the opinion mentioned in subsection (1) above, he may make an order—
 - (a) stating that he remains of that opinion, and
 - (b) providing—

Status: This is the original version (as it was originally enacted).

- (i) that all the members of the committee are to vacate their office on the making of the order, and
 - (ii) that for a specified period, not exceeding three months, beginning with the making of the order the committee is to consist of persons nominated by the Lord Chancellor (who need not be justices of the peace).
- (5) An order under subsection (4) above shall provide for new members of the committee to be chosen, in accordance with regulations under section 21 of the 1979 Act, to take office at the end of the specified period.
- (6) In relation to the magistrates' courts committee for an area which consists of or includes the whole or any part of the inner London area, the reference in subsection (3) (b)(ii) above to members of the committee does not include the chief metropolitan stipendiary magistrate; and where an order under subsection (4) above is made in relation to any such committee, subsections (3) and (4) of section 20 of the 1979 Act (under which the chief metropolitan stipendiary magistrate and other stipendiary magistrates are members of the committee) shall not have effect in relation to the committee during the period specified in the order.