

## SCHEDULES

### SCHEDULE 8

#### MAGISTRATES' COURTS: MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART II

##### AMENDMENTS OF OTHER ENACTMENTS

###### *London Building Acts (Amendment) Act 1939*

- 24 In section 151 of the London Building Acts (Amendment) Act 1939 (Crown exemptions), in subsection (1)(bb) the words from “the magistrates' courts” to “City of London)” shall be omitted and for the words “that area” in the second place where they occur there shall be substituted the words “the inner London area within the meaning of the Justices of the Peace Act 1979”.

###### *Superannuation (Miscellaneous Provisions) Act 1967*

- 25 In section 15 of the Superannuation (Miscellaneous Provisions) Act 1967 (superannuation of metropolitan civil staffs), in subsection (1)(a)(ii), for the words from “or other officer” to “that area” there shall be substituted the words “, as a justices' chief executive for that area or as staff of the magistrates' courts committee for that area”.

###### *Pensions (Increase) Act 1971*

- 26 In Schedule 2 to the Pensions (Increase) Act 1971 (list of official pensions for the purposes of that Act), in paragraph 47, at the end of paragraph (b) there shall be added the words—

“or as staff of such a committee; or  
(c) service as a justices' chief executive.”

- 27 In Schedule 6 to that Act (employments relevant to section 13(2) of that Act), in paragraph (d) after the words “for that area” there shall be inserted the words “or by any magistrates' courts committee whose area includes all or part of that area”.

###### *Juries Act 1974*

- 28 In Schedule 1 to the Juries Act 1974, in Group B of Part I (persons ineligible) for the entry beginning “Justices' clerks” there shall be substituted—

“Justices' chief executives, justices' clerks and justices' clerks' assistants.”

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*Domestic Proceedings and Magistrates' Courts Act 1978*

- 29 In section 30 of the Domestic Proceedings and Magistrates' Courts Act 1978 (provisions as to jurisdiction and procedure), in subsection (1) for the words “the committee of magistrates” there shall be substituted the words “a magistrates' courts committee”.

*Magistrates' Courts Act 1980*

- 30 In section 70 of the Magistrates' Courts Act 1980 (jurisdiction of magistrates' courts in inner London for domestic proceedings), for the words “committee of magistrates” in subsections (1) and (2) there shall be substituted the words “magistrates' courts committee whose area consists of or includes that petty sessions area”.
- 31 In section 145 of that Act, subsection (1)(d) (by virtue of which rules may make provision as to the extent to which a justices' clerk may engage in practice as a legal representative) shall be omitted.

*Road Traffic Offenders Act 1988*

- 32 In section 82 of the Road Traffic Offenders Act 1988 (accounting for fixed penalties in England and Wales), for subsection (2) there shall be substituted—

“(2) Where, in England and Wales, a justices' clerk for a petty sessions area comprised in the area of one magistrates' courts committee (“the first committee”) discharges functions in connection with a fixed penalty for an offence alleged to have been committed in a petty sessions area comprised in the area of another magistrates' courts committee (“the second committee”)—

- (a) the paying authority or authorities in relation to the second committee must make to the paying authority or authorities in relation to the first committee such payment in connection with the discharge of those functions as may be agreed between all the paying authorities concerned or, in default of such agreement, as may be determined by the Lord Chancellor, and
- (b) any such payment between paying authorities shall be taken into account in determining for the purposes of section 59 of the Justices of the Peace Act 1979 the net cost to the responsible authorities of the functions referred to in subsection (1) of that section.

(2A) In subsection (2) above “paying authority” and “responsible authority” have the same meaning as in section 55 of the Justices of the Peace Act 1979.”

*Criminal Justice Act 1991*

- 33 (1) Section 76 of the Criminal Justice Act 1991 (provision of court security officers) shall be amended as follows.
- (2) In subsections (1)(b) and (2), for the words “responsible authority” there shall be substituted the words “paying authority or authorities”.
- (3) In subsection (3)—
- (a) the words from “in relation to” to “inner London area” shall be omitted, and

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- (b) for the words “responsible authority” there shall be substituted the words “paying authority or authorities”.
- (4) In subsection (4), for the words from “in relation to” to “responsible authority” there shall be substituted the words “any paying authority”.
- (5) Subsection (5) shall be omitted.
- (6) For subsection (6) there shall be substituted—
- “(6) In this section—
- “the committee”, in relation to a petty sessions area, means the magistrates' courts committee whose area consists of or includes that petty sessions area, and
- “paying authority”, in relation to a committee, has the same meaning as in section 55 of the 1979 Act.”
- 34 In section 77 of that Act (powers and duties of court security officers), in subsection (5)—
- (a) in paragraph (a), for the words “chief clerk” there shall be substituted the words “justices' chief executive”, and
- (b) in paragraph (b), for the words from “employed to” to “by him” there shall be substituted the words “of the magistrates' courts committee authorised by such a justices' chief executive or clerk”.

*Local Government Finance Act 1992*

- 35 In section 46 of the Local Government Finance Act 1992 (special items for purposes of section 45), in subsection (2)(d) for the words from “the magistrates' courts” to “that area” there shall be substituted the words “the probation service in the inner London area or the functions referred to in paragraph 4 of Schedule 7 to the Police and Magistrates' Courts Act 1994”.