



Justices of the Peace Act 1997

1997 CHAPTER 25

PART II

JUSTICES OF THE PEACE

Stipendiary magistrates

11 Appointment and removal of stipendiary magistrates

- (1) Her Majesty may appoint a person who has a 7 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990) to be, during Her Majesty's pleasure, a whole-time stipendiary magistrate in any commission area or areas outside the inner London area and the City of London, and may appoint more than one such magistrate in the same area or areas.
- (2) A person so appointed to be a stipendiary magistrate in any commission area shall by virtue of his office be a justice of the peace for that area.
- (3) Any stipendiary magistrate appointed under this section—
 - (a) shall be a person recommended to Her Majesty by the Lord Chancellor; and
 - (b) shall not be removed from office except on the Lord Chancellor's recommendation.
- (4) The number of stipendiary magistrates appointed under this section shall not at any time exceed 50 or such other number (which is not less than 40) as Her Majesty may from time to time by Order in Council specify.
- (5) No Order in Council may be made under subsection (4) above unless a draft of the Order has been laid before Parliament and approved by resolution of each House.

12 Retirement of stipendiary magistrates

- (1) A stipendiary magistrate appointed on or after 31st March 1995 shall vacate his office on the day on which he attains the age of 70.

- (2) A stipendiary magistrate appointed before 31st March 1995 shall vacate his office at the end of the completed year of service in the course of which he attains the age of 70.
- (3) Subsections (1) and (2) above are subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor's power to authorise continuance in office up to the age of 75) and to section 27 of that Act (completion of proceedings) and Schedule 7 to that Act (transitional provisions).

13 Acting stipendiary magistrate

- (1) Where it appears to the Lord Chancellor that it is expedient to do so in order to avoid delays in the administration of justice in any commission area in which a stipendiary magistrate can be appointed under section 11 above, the Lord Chancellor—
 - (a) may authorise any person qualified to be so appointed to act as a stipendiary magistrate in that area during such period (not exceeding three months at one time) as the Lord Chancellor thinks fit; or
 - (b) may require so to act any stipendiary magistrate appointed under that section in another commission area.
- (2) While acting as a stipendiary magistrate in any commission area under subsection (1) above, a person shall have the same jurisdiction, powers and duties as if he had been appointed stipendiary magistrate in that area and were a justice of the peace for that area.
- (3) Part V of this Act applies to a person acting as a stipendiary magistrate under subsection (1) above as it applies to a stipendiary magistrate.
- (4) The Lord Chancellor may pay to any person who is authorised to act under this section and is not a stipendiary magistrate such remuneration as he may, with the approval of the Treasury, determine.

14 Place of sitting and powers of stipendiary magistrates

- (1) A stipendiary magistrate appointed under section 11 above in any commission area shall sit at such court-houses in the area, 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.
- (2) A stipendiary magistrate appointed under section 11 above, sitting in a place appointed for the purpose, shall have power—
 - (a) to do any act; and
 - (b) to exercise alone any jurisdiction,which can be done or exercised by two justices, including any act or jurisdiction expressly required to be done or exercised by justices sitting or acting in petty sessions.
- (3) Subsection (2) above does not apply where the law under which the act or jurisdiction can be done or exercised was made after 2nd August 1858 and contains express provision contrary to that subsection.
- (4) Any statutory provision auxiliary to the jurisdiction exercisable by two justices of the peace shall apply also to the jurisdiction of such a stipendiary magistrate.
- (5) Subsections (2) and (4) above do not apply where the act or jurisdiction relates to the grant or transfer of any licence.

- (6) Any authority or requirement in any enactment for persons to be summoned or to appear at petty sessions in any case shall include authority or a requirement in such a case for persons to be summoned or to appear before such a stipendiary magistrate at the place appointed for his sitting.
- (7) Nothing in this section applies to the hearing or determination of family proceedings within the meaning of section 65 of the Magistrates' Courts Act 1980.

15 Certain restrictions on magistrates' courts not to apply to stipendiary magistrates

- (1) Subject to subsection (2) below, nothing in the Magistrates' Courts Act 1980—
 - (a) requiring a magistrates' court—
 - (i) to be composed of two or more justices; or
 - (ii) to sit in a petty sessional court-house or an occasional court-house; or
 - (b) limiting the powers of a magistrates' court—
 - (i) when composed of a single justice; or
 - (ii) when sitting elsewhere than in a petty sessional court-house,shall apply to any stipendiary magistrate sitting in a place appointed for the purpose.
- (2) Subsection (1) above does not apply to the hearing or determination of family proceedings within the meaning of section 65 of the Magistrates' Courts Act 1980.