



Access to Justice Act 1999

1999 CHAPTER 22

PART V

MAGISTRATES AND MAGISTRATES' COURTS

Territorial organisation

74 Commission areas

- (1) For sections 1 and 2 of the Justices of the Peace Act 1997 (commission areas outside London and London commission areas) substitute—

“1 Commission areas

- (1) England and Wales shall be divided into areas for each of which there shall be a commission of the peace.
- (2) The areas shall be as specified by the Lord Chancellor by order made by statutory instrument; but a commission area may not consist of an area partly within and partly outside Greater London.
- (3) An area for which there is a commission of the peace shall be known as a commission area.”

- (2) In that Act, after section 32 insert—

“32A Alteration of commission areas

- (1) A magistrates' courts committee may at any time submit to the Lord Chancellor written proposals for an alteration of any commission area which includes the whole or any part of their area.
- (2) Before submitting such proposals the magistrates' courts committee shall consult—

Status: This is the original version (as it was originally enacted).

- (a) the magistrates for their area or that of any affected magistrates' courts committee; and
 - (b) any affected magistrates' courts committee.
- (3) Before making an order under section 1(2) above which makes an alteration of a commission area, other than an order which implements proposals submitted to him under subsection (1) above, the Lord Chancellor shall consult—
- (a) the magistrates for the area of any affected magistrates' courts committee; and
 - (b) any affected magistrates' courts committee.
- (4) For the purposes of subsection (3) above an order shall be taken to implement proposals if it implements them without changes or any departures from the proposals do not, in the opinion of the Lord Chancellor, effect important changes in the proposals.
- (5) An order under section 1(2) above which makes an alteration of a commission area may contain such consequential and transitional provisions as appear to the Lord Chancellor to be necessary or expedient.
- (6) A statutory instrument containing an order under section 1(2) above which makes an alteration of a commission area shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section references to the alteration of a commission area include (as well as a change in the boundaries of the area)—
- (a) the combination of the area with another commission area; and
 - (b) the division of the area between two or more commission areas.
- (8) For the purposes of this section a magistrates' courts committee is affected by proposals or a proposed order if the alteration proposed would affect any commission area which includes the whole or any part of their area.”

75 Petty sessions areas

- (1) For section 4 of the Justices of the Peace Act 1997 (petty sessions areas and petty sessional divisions) substitute—

“4 Petty sessions areas

- (1) England and Wales shall also be divided into areas known as petty sessions areas.
 - (2) The areas and their names shall be as specified by the Lord Chancellor by order made by statutory instrument.
 - (3) Each petty sessions area shall consist of either—
 - (a) the whole of a commission area; or
 - (b) an area wholly included within a commission area.”
- (2) For section 33 of that Act (functions of magistrates' courts committee as to petty sessional divisions and related procedure) substitute—

“33 Alteration of petty sessions areas

- (1) A magistrates' courts committee may at any time submit to the Lord Chancellor a draft order which makes an alteration of a petty sessions area for which they are the committee.
 - (2) A magistrates' courts committee shall, if directed to do so by the Lord Chancellor, consider whether any alteration is required to any petty sessions area for which they are the committee and, on completion of its consideration, shall submit to the Lord Chancellor either—
 - (a) a draft order under subsection (1) above; or
 - (b) a report giving reasons for no alteration.
 - (3) The Lord Chancellor may only make an order under section 4(2) above which makes an alteration of a petty sessions area where—
 - (a) the magistrates' courts committee for the area have submitted a draft order to him under subsection (1) above and the alteration made by the order is in the terms of the draft or subject only to such modifications as the Lord Chancellor thinks fit;
 - (b) a magistrates' courts committee fail to comply within six months with a direction of the Lord Chancellor under subsection (2) above or he is dissatisfied with the draft order or report submitted in pursuance of such a direction; or
 - (c) the alteration is consequential on an order under section 1(2) or 27A(2) above.
 - (4) An order under section 4(2) above which makes an alteration of a petty sessions area may contain such consequential and transitional provisions as appear to the Lord Chancellor to be necessary or expedient.
 - (5) In this section and section 34 below references to the alteration of a petty sessions area include (as well as a change in the boundaries of the area)—
 - (a) the combination of the area with another petty sessions area;
 - (b) the division of the area between two or more petty sessions areas; and
 - (c) changing the name of the area.”
- (3) In section 34 of that Act (procedure relating to alteration of petty sessions areas)—
- (a) in subsection (1) (consultation), after “any” insert “petty sessions”,
 - (b) in subsection (3) (copies of proposals), for “section 33 above about any area” substitute “section 4(2) above which makes an alteration of a petty sessions area”, and
 - (c) in subsection (4) (objections and inquiry), for “section 33 above” substitute “section 4(2) above which makes an alteration of a petty sessions area,”.

76 Areas: consequential provision

- (1) The Lord Mayor and aldermen of the City of London shall not be justices of the peace unless appointed by the Lord Chancellor in accordance with the Justices of the Peace Act 1997.
- (2) Schedule 10 (which contains other provisions consequential on sections 74 and 75) has effect.

77 Youth courts

- (1) Part I of the Second Schedule to the Children and Young Persons Act 1933 (constitution of youth courts outside the metropolitan area) is amended in accordance with subsections (2) to (5).
- (2) Omit the headings “Outside Metropolitan Area” and “Youth court panels”.
- (3) Omit paragraph 1 (exclusion of inner London and the City of London from the scope of Part I).
- (4) In paragraph 8 (as amended by Schedule 10) (prohibition on forming combined youth court panel unless the area consists of single commission area), at the end insert “, or includes the City of London”.
- (5) For paragraph 9 substitute—

“9 No order under this Schedule shall provide for the formation of a combined youth panel for an area unless the area consists of, or is wholly included in, the area of a single magistrates' courts committee.”
- (6) Omit Part II of that Schedule (particular provision for inner London and the City).