
STATUTORY INSTRUMENTS

1992 No. 2047

MAGISTRATES' COURTS

**The Magistrates' Courts Committees
(Constitution) (Amendment) Regulations 1992**

<i>Made</i>	- - - -	<i>26th August 1992</i>
<i>Laid before Parliament</i>		<i>27th August 1992</i>
<i>Coming into force</i>	- -	<i>17th September 1992</i>

The Lord Chancellor, in exercise of the powers conferred by section 21 of the Justices of the Peace Act 1979⁽¹⁾, now vested in him⁽²⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Magistrates' Courts Committees (Constitution) (Amendment) Regulations 1992 and shall come into force on 17th September 1992.

(2) Unless a contrary intention appears, a regulation or schedule referred to means the regulation in or Schedule to the Magistrates' Courts Committees (Constitution) Regulations 1973⁽³⁾.

The Magistrates' Courts Committees (Constitution) Regulations 1973

2. The following shall be inserted after Regulation 4:—

“**4A.**—(1) Members shall be appointed to fill any vacancies on the committee for a petty sessional area, after an election held in accordance with Regulation 5 below, on 1 February of each year.

(2) Such appointments shall take effect from 1 April thereafter.

(3) A candidate for appointment must be nominated by four justices and must give written notice of his candidature, together with written details of his qualifications, experience, interests or any other matter which might support his candidature, to the clerk to the justices not later than 30 November.

4B. Where the number of nominees under Regulation 4A(3) exceeds the number of vacancies on the committee, the clerk to the justices shall, as soon as is practicable (and, in

(1) 1979 c. 55. There are no relevant amendments.

(2) S.I.1992/709.

(3) S.I. 1973/1522, as amended by S.I. 1980/1258 and 1985/1383.

any case, not later than 11 January), send to each justice a ballot paper, listing the names of each candidate, and a copy of the details supplied under paragraph 4A(3).”.

3. In regulation 5, for paragraphs (1) and (2) there shall be substituted the following:—
 - “(1) Elections under Regulation 4A(1) shall be by postal ballot.
 - (2) Each justice shall be entitled to cast one vote for as many candidates as he wishes, not exceeding the number of vacancies on the committee.”.
4. After Regulation 5(4) there shall be inserted the following:—
 - “(5) Rule 8 of the Justices of the Peace (Size and Chairmanship of Bench) Rules 1990(4) shall apply as appropriate to such elections as though they were elections under Rules 6 or 9 of those Rules.”.
5. In Regulation 6(1) for the words “the first day of December” there shall be substituted “1 April”.
6. In Regulation 6(2):—
 - (a) after the word “appoint” there shall be inserted the words “a justice”;
 - (b) the words “be made in the same manner, and when so made shall” shall be deleted; and
 - (c) for the figure “5” there shall be substituted “4A”.
7. The following shall be inserted after Regulation 8:—
 - “9.—(1) Where a person is invited by a committee to attend any meeting or meetings of the committee for the purposes of this regulation, and that invitation is not withdrawn, he shall be entitled—
 - (a) to attend that meeting or those meetings; and
 - (b) to make, in accordance with paragraph (3) below, representations to the committee on items of business transacted thereat.
 - (2) Subject to paragraphs (4) to (6) below, an invitation under this regulation may be given in respect of—
 - (a) the meetings of the committee generally (a “standing invitation”); or
 - (b) any meeting or meetings of the committee specified or described in the invitation.
 - (3) The items of business on which a person who attends a meeting pursuant to an invitation under this regulation may make representations to the committee are:—
 - (a) where the invitation specifies or describes any item or items in that behalf, that item or those items; or
 - (b) where the invitation does not specify or describe any item or items in that behalf, all items.
 - (4) A standing invitation shall only be given to a person who has been approved by the Lord Chancellor for that purpose.
 - (5) No more than two standing invitations shall be in force at any time.
 - (6) For the purposes of paragraph (5), a standing invitation is in force if it has been made and not withdrawn.
 - (7) Nothing in this regulation shall be taken to affect the right of members, clerks and officers of the committee to attend meetings of the committee.”.
8. In the Schedule:—

- (a) paragraph 2 shall be deleted; and
- (b) in paragraphs 3 and 4 the words “and 2” shall be deleted; and
- (c) in paragraph 4, for the figure “35” wherever it appears there shall be substituted the figure “20”.

Transitional provisions

9. Notwithstanding the provisions of Regulation 6, where individuals are members of committees at the date of this instrument, their appointments as committee members shall not expire until 31st March 1993.

Dated 26th August 1992

Mackay of Clashfern, C.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Magistrates' Courts Committees (Constitution) Regulations 1973. They change the election procedure for magistrates' courts committees and the size of committees. Committee members will be elected by postal ballot, after having details submitted in support of their candidature circulated to the justices entitled to vote, on 1 February. The Regulations also reduce the maximum number of members a committee may have to 20; and make provision with respect to persons entitled to attend the meetings of a committee. Transitional provisions provide for the extension of the life of existing committees until 31 March 1993.