CHAPTER 34

An Act to make new arrangements as to the administration of criminal justice in Lancashire and matters connected therewith, and to amend the law of England and Wales as to recorders and courts of quarter sessions in boroughs, as to the retirement or removal of chairmen and deputy chairmen of quarter sessions and of stipendiary magistrates in London, as to the liability of boroughs to contribute to the costs of magistrates' courts and courts of quarter sessions for the county and as to the constitution for purposes of appeals of the court of quarter sessions for the county of London, to make further provision about shorthand notes taken on trials on indictment, and to transfer to the Lord Chancellor or the Chancellor of the Duchy of Lancaster certain functions of the Secretary of State and to the Rule Committee of the Supreme Court the power to make rules of court under the Criminal Appeal Act, 1907, and rules under the Indictments Act, 1915.

[28th March, 1956]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

NEW ARRANGEMENTS AS TO ADMINISTRATION OF JUSTICE IN LANCASHIRE

Establishment of new courts at Liverpool and Manchester for criminal trials.

1.—(1) There may be set up in accordance with this section two new courts for the purpose of exercising such jurisdiction as is commonly conferred on courts of assize by the commissions of oyer and terminer and of gaol delivery, namely—

(*a*) a court to act in and for the West Derby division of Lancashire and to be known as "the Crown Court at Liverpool"; and

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(*b*) a court to act in and for the Salford division of Lancashire, and to be known as " the Crown Court at Manchester ".

(2) Each of the courts shall be set up by Her Majesty's commissions of oyer and terminer and gaol delivery for the court's division, addressed to the judges for the time being of the High Court and to the recorders for the time being of Liverpool and Manchester, and assigning to them the duty to exercise jurisdiction under the commissions as judges of the court.

(3) In addition to those judges and recorders, the commissions may name as judges of the court any persons who may be named as commissioners in commissions of assize.

(4) The court so set up shall be a superior court of record, and shall have a seal; and, subject to the provisions of this Act, references in any enactment to a court of assize and to assizes (including references in this Act and in enactments passed after this Act) shall respectively include the court and its sessions, except in so far as the context otherwise requires.

(5) Unless otherwise directed by the Lord Chancellor, sessions of the court shall be held at least eleven times in every year, at times to be fixed by the court or a judge thereof.

(6) The court may sit in more than one division simultaneously, and the jurisdiction of the court may be exercised by any one or more of the judges of the court.

(7) Any judge of the court when acting as such shall have the same powers as a judge of the High Court has when so acting (including the power to direct or consent to the preferment of a bill of indictment before the court); and sections eight and fourteen of the Criminal Justice Act, 1948 (which relate to the powers exercisable in relation to a person convicted after a probation order or order of conditional discharge has been made in his case, and in relation to fines and forfeited recognizances), shall apply to the court as they apply to the Central Criminal Court and not as they apply to other courts of assize.

(8) Without prejudice to any powers exercisable apart from this subsection, a judge of the court may, in any case where he thinks fit, make such order postponing a trial before the court as appears necessary in order to enable the trial to take place before a judge of the High Court, and any such order may include such provision as the judge making it thinks fit as to admitting the accused person to bail, as to the enlargement of recognizances, and otherwise.

(9) A judge of the court shall, when engaged in the exercise of the court's jurisdiction under this section, be deemed to constitute a court of the High Court.

(10) Commissions under this section shall be issued in the same manner as commissions of assize, and may be revoked by

Order in Council, and, if not so revoked, shall continue in force until superseded by new commissions under this section. PART I —*cont.*

Effect of establishment of Crown Courts.

2.—(1) The following provisions of this section shall have effect so long as commissions under the foregoing section are in force.

(2) There shall be no general commission of assize for the dispatch of criminal business for the West Derby division or for the Salford division, or for any area wholly or partly comprised in either of those divisions; but (subject to any Order in Council under this Act or under section seventy-two of the Supreme Court of Judicature (Consolidation) Act, 1925) there shall be general commissions of assize for the Northern division of Lancashire for the dispatch of criminal business at Lancaster instead of commissions for the whole county.

(3) The courts of quarter sessions for Liverpool and Manchester shall not sit; but for the purposes of the enactments relating to the committal of persons for trial at assizes or quarter sessions and to matters connected therewith the Crown Court at Liverpool shall be regarded not only as a court of assize for the West Derby division but also as a court of quarter sessions for Liverpool, and the Crown Court at Manchester not only as a court of assize for the Salford division but also as a court of quarter sessions for Manchester.

Liverpool and Manchester shall continue to be treated as boroughs having a separate court of quarter sessions, notwithstanding that the sittings of the court are suspended under this subsection.

(4) (*a*) Jurors to serve at the Crown Court at Liverpool or at Manchester or at any other court of assize in Lancashire (not being a court held by virtue of any special commission of assize) shall be summoned by the sheriff or other officer charged with the return of jurors in pursuance of precepts issued by the clerk of assize; and, where it appears that civil and criminal assizes will be in progress at any place at the same time (whether or not they are to begin together), a single precept may be issued for those assizes, directing that jurors be summoned for the trial of all issues, whether civil or criminal, which may come on for trial at those assizes.

(*b*) The sheriff or other officer summoning jurors to serve as aforesaid shall have regard to the convenience of the persons summoned, as to their respective places of residence, and in the case of jurors to serve at either of the Crown Courts shall have regard also to the fact that the court deals with cases which, but for this Act, would be dealt with by the court of quarter sessions for Liverpool or Manchester, as the case may be.

(*c*) For the purposes of the Juries Act, 1949, the Crown Court and any other court of assize at Liverpool or Manchester shall

PART I —*cont.*

be treated as a court of assize held for the city; and, where by virtue of paragraph (*a*) of this subsection a single precept is issued for civil and criminal assizes at the same place in Lancashire, section five of the Juries Act, 1949 (which provides for the reimbursement to local authorities of payments attributable to civil business at assizes), shall apply as if the business of those assizes were the business of a single court of assize.

(5) Where it appears to Her Majesty that, by reason of the small number of prisoners or otherwise, it is usually inexpedient to hold separate winter or spring assizes in a county or division adjoining the division for which the Crown Court at Liverpool or the Crown Court at Manchester acts, Her Majesty may by Order in Council direct that those assizes shall not be held in that county or division, but that at such sessions of that court as may be specified in the Order the jurisdiction of that court under section one of this Act shall extend to that county or division as if it formed part of the division for which the court acts; and the Order in Council may include any such supplementary provisions as may be included in an Order in Council under section seventy-two of the Supreme Court of Judicature (Consolidation) Act, 1925, uniting one county to another for the purpose of winter or spring assizes.

Subsections (3) to (5) of the said section seventy-two (which relate to revocation, publication and other incidental matters) shall apply to an Order in Council under this subsection as they apply to an Order in Council under that section.

(6) The West Derby division, the Salford division and the Northern division shall, in relation to offences tried in the Crown Court at Liverpool or Manchester or any court of assize in the Northern division, be deemed to be separate counties for the purposes of sections twelve and thirteen of the Criminal Law Act, 1826 (which relate to offences committed on boundaries of counties or during a journey); and, subject to the next following subsection, each of those courts and any judge thereof shall have, in relation to the division for which the court acts, the same jurisdiction and powers as if the court were a court for the whole of a county.

(7) For the purposes of section three of the Assizes Relief Act, 1889 (which enables proceedings to be taken in a court of assize for the discharge or trial of a person committed to gaol for trial at any quarter sessions, but not tried at those sessions), the jurisdiction of a court of assize for the Northern division shall extend to the whole of Lancashire, and references in that section to a court of oyer and terminer or gaol delivery shall not include the Crown Court at Liverpool or Manchester.

(8) In the case of Liverpool and Manchester section two hundred and nine of the Lunacy Act, 1890 (which requires

special sessions in a borough to be held for the purposes of Part VIII of that Act at the same time as the quarter sessions), shall not apply, but special sessions for the purposes of that Part of that Act shall be held once in every quarter of a year.

Additional jurisdiction of Crown Courts as courts of quarter sessions for Liverpool and Manchester.

3.—(1) In addition to its jurisdiction and powers under section one of this Act, the Crown Court at Liverpool shall exercise any other jurisdiction or powers which, but for the last foregoing section, would be exercisable by the court of quarter sessions for Liverpool, and the Crown Court at Manchester any other jurisdiction or powers which, but for that section, would be exercisable by the court of quarter sessions for Manchester.

(2) In the exercise of any jurisdiction or powers conferred by this section, the court shall be subject to the control of the High Court to the same extent, and shall have the same powers and duties in relation to the stating of cases for the consideration of the High Court, and the proceedings on a case stated by the court shall be the same, as if the court were a court of quarter sessions.

(3) Any judgment or order of the court in the exercise of its jurisdiction or powers under this section shall be of the same effect and subject to the same appeal (if any), and shall be enforceable in the same way, as if it were a judgment or order of the court of quarter sessions for Liverpool or for Manchester, as the case may be.

(4) Any person qualified and liable to serve as a juror for the purposes of the court's jurisdiction under section one of this Act shall be qualified and liable to serve on any jury required for the purposes of the court's jurisdiction under this section; and any such jury shall be drawn from the persons summoned for the purposes of the said section one, and service thereon shall be treated for the purposes of the Juries Act, 1949 (which relates to payments in respect of jury service), in the same way as service for the purposes of the said section one.

(5) Subject to the provisions of this Act, in any enactment relating to any jurisdiction or powers exercisable by the court under this section or to matters connected therewith (including this Act and any enactment passed after this Act)—

(*a*) references to a court of quarter sessions shall apply to the court as they apply to the court of quarter sessions for Liverpool or Manchester, as the case may be; and

(*b*) references to the recorder shall include any judge of the court; and

(*c*) references to quarter sessions shall include any session of the court;

except in so far as the context otherwise requires.

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(6) Nothing in the last foregoing subsection, shall be taken as authorising anyone other than a judge of the court to act as such or to exercise any jurisdiction or powers of the court under this section, or as applying in relation to the court any enactment regulating the composition or holding of courts of quarter sessions or the appointment of officers of courts of quarter sessions; and section eight of the Criminal Justice Act, 1948 (which relates to the powers exercisable in relation to a person convicted after a probation order or order of conditional discharge has been made in his case), shall apply in the same way in relation to orders made by the court in the exercise of its jurisdiction under this section as in relation to orders made by it in the exercise of its jurisdiction under section one of this Act.

Status, salary and pension of recorders of Liverpool and Manchester.

4.—(1) While the recorder of Liverpool or of Manchester is a judge of the Crown Court at Liverpool and the Crown Court at Manchester, his office shall be a whole-time pensionable office.

(2) The recorder, during his service as judge of those courts, shall by virtue of his office be a justice of the peace for Lancashire, but before acting as such he shall take the oaths required by law to be taken by a justice of the peace for the county, unless he is already a justice of the peace for the county apart from this subsection and has taken the oaths required by law to be taken to enable him to act as such.

(3) The recorder, during his service as judge of those courts, shall not—

(*a*) be capable of being elected or of sitting as a member of the House of Commons; or

(*b*) practise as a barrister, or act for any remuneration to himself as arbitrator or referee.

(4) The recorder's salary, during his service as judge of those courts, shall be at the rate of four thousand pounds a year and shall be charged on and paid out of the Consolidated Fund.

(5) If either—

(*a*) the recorder's office is vacated in pursuance of subsection (1) of section thirteen of this Act after he has served five years as judge of those courts; or

(*b*) the recorder retires after five years' service as judge of those courts, and the Lord Chancellor is satisfied by means of a medical certificate that, by reason of infirmity of mind or body, the recorder is incapable of discharging the duties of his office, and that the incapacity is likely to be permanent; or

(*c*) the recorder retires after fifteen years' service as judge of those courts, and at the time of retirement has attained the age of sixty-five years;

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the Lord Chancellor may recommend to the Treasury that there shall be paid to the recorder a pension at the rate of one thousand pounds a year, with an addition of one hundred pounds a year for each completed year of that service in excess of five, but so that the rate of pension shall not exceed two thousand pounds a year.

(6) Sections two to eight of the Administration of Justice (Pensions) Act, 1950 (which relate in the main to widows' and children's pensions), shall have effect as if the capacities listed in the First Schedule to that Act included those of the recorders of Liverpool and Manchester, and as if in relation to a pension for service as recorder of either city references in those sections to relevant service referred to service as judge of the Crown Courts at Liverpool and Manchester.

(7) Before recommending any person for appointment to the office of recorder of Liverpool or Manchester, the Lord Chancellor shall take steps to satisfy himself that the health of that person is satisfactory.

(8) Any pension or other benefit payable by virtue of subsection (5) or (6) of this section shall be charged on and paid out of the Consolidated Fund.

(9) References in this section to service as judge of the Crown Courts at Liverpool and Manchester refer only to a person's service in that capacity while recorder of Liverpool or Manchester.

Officers of Crown Courts.

5.—(1) The duties of the clerk of assize on the northern circuit shall include the performance, as clerk of the Crown Court at Liverpool and as clerk of the Crown Court at Manchester, of the like functions as he would perform as clerk of assize or clerk of the crown in relation to a court held for the same division as that court by virtue of a general commission of assize for the dispatch of criminal business, and references to the clerk of assize or clerk of the crown shall be construed accordingly.

(2) The duties of the clerk of assize on the northern circuit shall include the performance, as clerk of the said courts, of the functions of the clerk of the peace for Liverpool or of the clerk of the peace for Manchester, as the case may be; and accordingly while the commissions setting up the said courts are in force there shall not be a clerk of the peace for either of those cities and references to the clerk of the peace, in so far as they relate to his functions as such or matters connected therewith, shall have effect as references to the clerk of assize.

(3) If it appears to the Lord Chancellor expedient having regard to the foregoing subsections, he may appoint one or more persons to be assistant to the clerk of assize on the northern circuit, and section one of the Supreme Court of Judicature

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(Circuit Officers) Act, 1946, and the Administration of Justice (Pensions) Act, 1950, shall apply in relation to such assistants (except as regards the person to make the appointment) in the same way as they apply in relation to clerks of assize.

(4) The Lord Chancellor may direct which of the functions of the clerk of assize on the northern circuit are to be performed by any person appointed under the last foregoing subsection, but subject to any such direction a person so appointed shall perform (under the direction of the clerk of assize) such of the functions of the clerk of assize as the clerk of assize may from time to time determine.

(5) Anything done by, to or before a person so appointed shall be of the same effect as if done by, to or before the clerk of assize.

(6) Subject to the foregoing subsections, any clerical duties in connection with the work of the Crown Court at Liverpool or of the Crown Court at Manchester shall form part of the business of the central office of the Supreme Court, and accordingly shall be performed by the officers of the central office in such manner as the Lord Chancellor may, in the exercise of his powers under Part V of the Supreme Court of Judicature (Consolidation) Act, 1925, by order direct.

Divisions of Lancashire for assizes.

6.—(1) Subject to the provisions of this Act, references in this Act to the West Derby, Salford and Northern divisions of Lancashire refer to the divisions of those names into which the county is at the passing of this Act divided for the purposes of assizes by virtue of Orders in Council made under the Assizes Act, 1833, that is to say—

(*a*) the West Derby division means a division consisting of the hundred of West Derby;

(*b*) the Salford division means a division consisting of the hundred of Salford;

(*c*) the Northern division means a division consisting of the hundreds of Lonsdale, Amounderness, Leyland and Blackburn.

(2) The said Orders in Council shall cease to have effect on the first coming into force of commissions under section one of this Act; but (subject to any Order in Council under this Act or under section seventy-two of the Supreme Court of Judicature (Consolidation) Act, 1925) Lancashire shall continue to be divided into the said three divisions for the purpose of civil assizes, as well as for the purposes of this Part of this Act, and those assizes shall continue to be held at Liverpool, Manchester and Lancaster.

(3) The power conferred by the said section seventy-two to divide or alter the division of a county for the purposes of an Order in Council under that section shall, in relation to

PART I —*cont.*

Lancashire, include power to divide or alter the division of it for the purposes of this Act, and any such Order may adapt references in this Act to the West Derby division, the Salford division or the Northern division, or to the clerk of assize on the northern circuit, in such manner as appears to Her Majesty to be necessary or expedient for the purposes of the Order.

(4) Any reference in any enactment (including an enactment passed after this Act) to a division of a county constituted by an Order in Council under the said section seventy-two shall include the divisions of Lancashire as constituted for the time being under or by virtue of this section, unless the context otherwise requires.

Transfer to Lancashire of the part of Stockport now in Cheshire.

7. For the purposes of assizes and quarter sessions (including jury service at assizes or quarter sessions), and for the purposes of the Licensing Act, 1953, that part of the county borough of Stockport which at the passing of this Act forms part of Cheshire shall cease to do so, and shall instead belong to Lancashire, and to the hundred of Salford, in the same way as the remainder of the borough.

Provision of assize courts, etc.

8.—(1) It shall be the duty of the city councils of Liverpool and Manchester, and not of the Lancashire county council or of the joint committee set up by section forty-seven of the Local Government Act, 1888, to provide, equip, maintain and manage at Liverpool and Manchester respectively such court houses and other accommodation as may be required for the purposes of the Crown Court or any other court of assize (including judges' lodgings for commissioners of assize and for judges of the Crown Court, other than the recorders of Liverpool and Manchester, and including also such office accommodation as may be required in or about the courthouses for the clerk and other officers of the court).

(2) The Lord Chancellor shall pay to each of the city councils such sum by way of rent for the office accommodation so provided by the council as may be agreed between the Lord Chancellor and the council.

(3) The city council of Liverpool or Manchester, in discharging their duties under subsection (1) of this section, may by arrangement with the standing joint committee of Lancashire provide, equip, maintain and manage accommodation for the court of quarter sessions for the county on such terms as may be agreed between the city council and the standing joint committee.

In this subsection, "the standing joint committee of Lancashire" means the standing joint committee of the court of quarter sessions and of the county council appointed in accordance with section thirty of the Local Government Act, 1888.

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(4) The city council of Liverpool or of Manchester may use the whole or part of any accommodation provided by the council under subsection (1) of this section, or permit it to be used, for any purpose which does not interfere with its use for the purposes for which it is provided.

(5) This section shall come into force on the first coming into force of commissions under section one of this Act.

Sharing of costs of assize courts and jury service among local authorities.

9.—(1) As from the coming into force of the last foregoing section, the net annual cost to the responsible authority of assize courts in the West Derby Division, in the Salford Division and in the Northern Division shall be borne by the Lancashire county council and the councils of the county boroughs in the division in question, and shall be divided between them in proportion to the populations in that division of the administrative county and of the county boroughs.

In this section " the responsible authority " in relation to any division means the authority responsible for providing court houses and other accommodation for courts of assize in that division.

(2) For this purpose the net annual cost to the responsible authority of assize courts shall (subject to the provisions of this Act) be taken to be—

(*a*) the annual cost to that authority of their functions under subsection (1) of the last foregoing section (after making all proper allowances, whether for sums received or treated as received by way of rent for the use of any accommodation or otherwise); and

(*b*) the annual cost to that authority of making payments in respect of jury service at courts of assize (after making allowance for any sums reimbursed under section five of the Juries Act, 1949, as attributable to civil business).

(3) So long as commissions under section one of this Act are in force, in arriving at the net annual cost of assize courts to the city councils of Liverpool and Manchester, there shall be deducted (as representing costs attributable to quarter sessions business done in the Crown Court) from the amounts referred to in paragraphs (*a*) and (*b*) of the last foregoing subsection—

(*a*) in the case of Liverpool, one eighth of the amount referred to in the said paragraph (*a*) except in so far as it is attributable to judges' lodgings, and in the case of Manchester one twelfth of the amount referred to in the said paragraph (*a*) except in so far as it is attributable either to judges' lodgings or to the erection and first equipping of the new court houses required at the passing of this Act;

(*b*) in the case of Liverpool and in the case of Manchester, one half of the amount referred to in the said paragraph (*b*).

(4) Subject to the following provisions of this section, the nature and amount of the expenditure to be incurred on the matters referred to in paragraph (*a*) of subsection (2) of this section shall be determined by the responsible authority.

(5) The responsible authority shall from time to time submit to each of the other authorities liable under subsection (1) of this section for the net annual cost of assize courts in the division in question (hereafter in this section referred to as " contributing authorities ") provisional estimates showing the nature and amount—

(*a*) of any such expenditure which the responsible authority proposes to incur (including expenditure of a capital nature); and

(*b*) of any provision to be made in arriving at that net annual cost, by way of loan charges or otherwise, for the capital cost of buildings and for other items not directly included.

(6) The responsible authority, before coming to a final determination on any estimates so submitted, shall allow the contributing authorities a reasonable time not exceeding two months to make representations thereon, and take into consideration any representations made by them within that time, and on coming to such a determination shall send notice of it as soon as may be to each contributing authority.

(7) Without prejudice to the responsible authority's obligation under subsection (5) of this section to submit such further estimates as occasion may require, provisional estimates shall be submitted by the responsible authority in accordance with that subsection not later than the end of October in each year for the twelve months beginning with April in the following year; and the responsible authority, in sending to any contributing authority notice of their final determination on the annual estimates required by this subsection, shall send with it an estimate of the amount for those twelve months of that contributing authority's liability for the net annual cost of assize courts in the division in question.

(8) As soon as may be after the end of March in each year, the responsible authority shall send to each contributing authority accounts showing the net annual cost to the responsible authority of assize courts in the division for the twelve months ending with March in that year.

(9) If a contributing authority objects to any determination of the responsible authority on any estimates submitted as aforesaid, or (except as regards matters covered by any such determination) to the said accounts or any amounts shown therein, the

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contributing authority may appeal to the Secretary of State within one month of receiving notice of the determination or a copy of the accounts, as the case may be; and the Secretary of State, after giving the responsible authority an opportunity to make representations, may direct that any amount which in his opinion ought to be disallowed shall be left out of account for the purposes of subsection (2) of this section.

(10) The amount for which a contributing authority is liable under this section on account of the net annual cost of assize courts in any division for the twelve months ending with March in any year shall be paid by that authority to the responsible authority at such time or times as may be agreed between them; but in default of agreement the contributing authority shall in those twelve months pay the amount of their estimated liability, as shown in the notice under subsection (7) of this section, by two equal instalments due on the twentieth day of September and the twentieth day of March, and any underpayment or overpayment shall be made good by a further payment or by a repayment as soon as may be after the amount of their liability is finally ascertained.

(11) For the purposes of subsection (1) of this section, the population of a county borough or of any part of the administrative county for the twelve months beginning with April in any year shall be assumed to be its population according to the estimates of the registrar-general last published before the beginning of that year.

Expenses other than expenses of provision of assize courts, etc.

10.—(1) There shall be paid out of moneys provided by Parliament any increase attributable to this Part of this Act—

(*a*) in the sums so payable on account of salaries and of pensions and other benefits under the Supreme Court of Judicature (Consolidation) Act, 1925, and the Administration of Justice (Pensions) Act, 1950; or

(*b*) in the expenses of the Lord Chancellor on account of assize courts in Lancashire (including expenses incurred on or in connection with the provision of office accommodation for the use of the clerk of assize and other officers of the courts); or

(*c*) in the sums so payable under Part I of the Local Government Act, 1948, or under the Local Government (Financial Provisions) (Scotland) Act, 1954.

(2) There shall be paid to the Lord Chancellor by the city council of Liverpool and by the city council of Manchester, at such times as may be agreed between him and the council, one half or such other part as may with the concurrence of the Treasury be so agreed—

(*a*) of the sums referred to in paragraphs (*a*) and (*b*) of the foregoing subsection, so far as they are attributable

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to the Crown Court at Liverpool or Manchester, as the case may be; and

(*b*) of the sums payable under this Act on account of the salary of the recorder of Liverpool or Manchester, as the case may be, or on account of any pension or other benefit in respect of service as such recorder;

and any sums received by the Lord Chancellor under this subsection shall be paid into the Exchequer.

Supplementary.

11.—(1) In this Part of this Act—

(*a*) "commission of assize" means a commission of assize within the meaning of the Supreme Court of Judicature (Consolidation) Act, 1925, issued under section seventy of that Act;

(*b*) "enactment" includes any order, rules, regulations or other instrument having effect under an Act of Parliament, and "passed", in relation to an enactment, includes "made".

(2) The First Schedule to this Act shall have effect to provide for matters of a transitional nature arising out of this Part of this Act.

PART II

MISCELLANEOUS AMENDMENTS

Extension of Administration of Justice (Miscellaneous Provisions) Act, 1938, s. 2.

12. For the purposes of section two of the Administration of Justice (Miscellaneous Provisions) Act, 1938 (under which a court of quarter sessions has an extended jurisdiction at a session presided over by a legally qualified chairman), the recorder, deputy recorder or assistant recorder of any borough having a separate court of quarter sessions shall be deemed to be a legally qualified chairman in relation to that court, and the qualifying offices listed in subsection (3) of that section shall include the office of recorder of any such borough.

Retirement or removal of recorder and others.

13.—(1) A recorder of a borough having a separate court of quarter sessions, if appointed after the coming into force of this section, shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy-two:

Provided that where the Lord Chancellor considers it desirable in the public interest to retain a recorder in office after the time for the recorder's office to be vacated under this subsection, the Lord Chancellor may from time to time authorise the recorder to continue in office up to such age (not exceeding seventy-five years) as the Lord Chancellor thinks fit.

(2) A recorder of a borough having a separate court of quarter sessions may be removed from office by the Lord Chancellor for inability.

(3) The foregoing provisions of this section shall apply to a paid chairman or deputy chairman of the quarter sessions for the county of London as they apply to a recorder of a borough

PART II —*cont.*

having a separate court of quarter sessions; and for the purposes of section twenty-two of the Administration of Justice (Pensions) Act, 1950, a chairman or deputy chairman vacating office in pursuance of subsection (1) of this section (as applied by this subsection) shall be treated as retiring after the end of the completed year of service in the course of which he attains the age of seventy-two years.

(4) Subsection (1) of this section shall also apply to a metropolitan stipendiary magistrate (whenever appointed) as it applies to a recorder appointed after the coming into force of this section of a borough having a separate court of quarter sessions.

Remuneration of temporary recorders.

14. Where, under subsection (2) of section one of the Recorders, Stipendiary Magistrates, and Clerks of the Peace Act, 1906, the Lord Chancellor appoints a person to act temporarily in the office of the recorder of a borough during a vacancy, the remuneration to be paid to the person appointed for so acting shall be such part of the yearly salary payable to the last holder of the office as the Lord Chancellor may direct.

Additional courts of quarter sessions in boroughs.

15.—(1) The power of the recorder under section one hundred and sixty-eight of the Municipal Corporations Act, 1882, to order a second court to be formed shall extend to the formation of more than one additional court, up to such number as may be authorised by the resolution of the borough council enabling him to exercise his powers under that section; and that section shall apply in relation to each additional court so formed as it applies in relation to the second court mentioned in the section.

(2) An assistant recorder may exercise his jurisdiction and powers as such, whether or not the recorder is sitting in quarter sessions.

(3) Any assistant recorder, assistant clerk of the peace or additional crier appointed under section one hundred and sixty-eight of the Municipal Corporations Act, 1882, for an additional court formed under that section shall receive, for each day on which the court sits, such remuneration as may for the time being be laid down by resolution of the borough council passed with the approval (as respects the assistant recorder) of the Lord Chancellor; and the remuneration shall be payable on a certificate of the recorder or deputy recorder showing the amount due.

(4) Certificates given under the last foregoing subsection shall not be subject to any stamp duty or other tax.

(5) Any reference in this section to section one hundred and sixty-eight of the Municipal Corporations Act, 1882, shall include a reference to that section as extended by section seven of the Summary Jurisdiction (Appeals) Act, 1933.

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Transfer to the Lord Chancellor or the Chancellor of the Duchy of Lancaster of certain functions of the Secretary of State.

16.—(1) References to the Lord Chancellor shall be substituted for references to the Secretary of State—

(*a*) in section twenty-two of the Administration of Justice (Pensions) Act, 1950 (which relates to the pensions of chairmen and deputy chairmen of the court of quarter sessions for the county of London); and

(*b*) in the following enactments relating to the salary, retirement and pensions of stipendiary magistrates, that is to say, the Police Magistrates (Superannuation) Act, 1915, sections thirty-two and thirty-three of the Justices of the Peace Act, 1949, section fourteen of the Administration of Justice (Pensions) Act, 1950 (so far as that section relates to stipendiary magistrates in England and Wales), paragraphs 5 and 6 of the Third Schedule to the last mentioned Act and subsection (4) of section one of the Judicial Offices (Salaries etc.) Act, 1952:

Provided that this subsection shall not affect anything done under any of the said enactments before the subsection comes into force, or the operation of any of those enactments in relation to anything so done, except as respects the exercise after the coming into force of this subsection of the powers formerly exercisable by the Secretary of State.

(2) The Stipendiary Magistrates Act, 1869, as amended by the Justices of the Peace Act, 1949, and (so far as it relates to stipendiary magistrates) the Recorders, Stipendiary Magistrates and Clerks of the Peace Act, 1906, shall cease to have effect, and instead the Second Schedule to this Act (which reproduces the effect of the said Acts except that it transfers certain functions from the Secretary of State to the Lord Chancellor or Chancellor of the Duchy of Lancaster) shall have effect.

Exemption of boroughs with separate commissions of the peace from county contributions for magistrates' courts, etc.

17.—(1) After the end of March, nineteen hundred and fifty-six a borough having a separate commission of the peace shall not be chargeable for expenditure of the county council in respect of the costs of magistrates' courts, nor, if the borough has a separate court of quarter sessions, for expenditure of the county council in respect of the costs of quarter sessions.

(2) For the purposes of this section " the costs of magistrates' courts ", in relation to a county council, means—

(*a*) the costs of the county council's functions under Parts III and IV and, so far as it relates to the said Part III, section forty-two of the Justices of the Peace Act, 1949, or under Part I of the Third Schedule (justices' clerks and their staffs) to the Local Government (Superannuation) Act, 1953, or any regulations made under the said Part I; and

PART II —*cont.*

(*b*) the cost of making payments under section eight of the said Act of 1949 (which relates to justices' travelling and lodging allowances), otherwise than in respect of duties as chairman, deputy chairman or member of a court of quarter sessions; and

(*c*) the cost of making payments in respect of the remuneration or superannuation benefits payable to or in respect of any stipendiary magistrate, or in respect of the remuneration payable to any deputy or other person appointed to act for a stipendiary magistrate; and

(*d*) any costs falling on the county council by virtue of paragraph 5 of the Fifth Schedule to the Criminal Justice Act, 1948 (which relates to the expenses of probation committees etc.).

(3) For the purposes of this section, "the costs of quarter sessions" includes the cost of making payments under section eight of the Justices of the Peace Act, 1949, in respect of duties as chairman, deputy chairman or member of the court of quarter sessions, and the cost of making payments in respect of jury service at the court of quarter sessions, but does not include any costs incidental to the quarter sessions which are borne by the county council as costs payable out of local funds in accordance with section seven of the Costs in Criminal Cases Act, 1952, or are otherwise borne by the county council in common with the corresponding costs incidental to the borough quarter sessions.

(4) In this section "court of quarter sessions" includes any committee by which the powers and duties of such a court are exercisable by virtue of any Act, and "quarter sessions" shall be construed accordingly.

Constitution for purposes of appeals of court of quarter sessions for London.

18.—(1) In subsection (2) of section eight of the Summary Jurisdiction (Appeals) Act, 1933 (which relates to the panel of justices who may act as members of the court of quarter sessions for the county of London in relation to appeals), for the words "one representative of each petty sessional division" and the words "the representative of the division" there shall respectively be substituted the words "representatives of each petty sessional division" and the words "the representative or one of the representatives of the division".

(2) The panel under the said subsection (2) shall include such number of representatives of each petty sessional division as may from time to time be provided by an Order in Council made with reference to any alteration under section eighteen of the Justices of the Peace Act, 1949, of the division of the county into petty sessional divisions:

PART II —*cont.*

Provided that until the coming into force of any such Order in Council the number shall continue to be one.

(3) Any such Order in Council may include transitional provisions with respect to the constitution of a new panel or otherwise, but subject to the provisions of any such Order, no alteration of the division of the county into petty sessional divisions shall affect the constitution of the panel until the time when new nominations would regularly come into force.

(4) For the purposes of section eight of the Summary Jurisdiction (Appeals) Act, 1933, in its application to appeals from a juvenile court, the panel constituted under subsection (2) of that section shall include, in addition to the members provided for by that subsection, a special section consisting of—

(*a*) fifteen justices to be nominated annually from amongst themselves by the members of the panel constituted for juvenile courts in the metropolitan stipendiary court area under paragraph 2 of the Second Schedule to the Children and Young Persons Act, 1933; and

(*b*) one justice to be nominated annually from amongst themselves by the members of any panel constituted under paragraph 1 of that Schedule for juvenile courts in a petty sessional division of the county of London not wholly comprised in that area;

and arrangements shall be made to secure that, so far as practicable, when an appeal from a juvenile court is to be heard by the court of quarter sessions for the county of London, members of the special section will be available to sit with the chairman of the court, and will be not less than half the justices so sitting:

Provided that this subsection shall not have effect in relation to any appeal entered by the clerk of the peace before such day as the Secretary of State may appoint by order made by statutory instrument.

Transfer of power to make rules of court under Criminal Appeal Act, 1907, and rules under Indictments Act, 1915.

19.—(1) After the coming into force of this section rules of court under the Criminal Appeal Act, 1907, and rules under the Indictments Act, 1915, shall be made by the Rule Committee of the Supreme Court, instead of in the manner provided by those Acts.

(2) In the foregoing subsection "the Rule Committee of the Supreme Court" means the authority for the time being empowered to make rules of court under the Supreme Court of Judicature (Consolidation) Act, 1925; but the Lord Chancellor may appoint two persons appearing to him to have special experience in criminal procedure, one being a practising barrister and one a practising solicitor, to be members of the committee for the purpose of the powers transferred to it by

PART II —*cont.*

this section in addition to the persons appointed under subsection (4) of section ninety-nine of that Act.

(3) The coming into force of this section shall not be taken to invalidate any rules previously made.

(4) The following enactments shall cease to have effect and are hereby repealed to the extent specified, that is to say—

(*a*) in the Criminal Appeal Act, 1907, subsection (1) of section eighteen from the first " shall " to " Rules so made ", and subsection (2) of that section; and

(*b*) in the Indictments Act, 1915, in section one the words " by the rule committee ", subsection (1) of section two, in subsection (2) of section two the words " subject to the approval of the Lord Chancellor ", in subsection (3) of section two the words " made by the rule committee " and subsection (4) of section two.

Transcript of shorthand notes of trial on indictment.

20. In subsection (2) of section sixteen of the Criminal Appeal Act, 1907 (under which the Secretary of State is entitled to have a transcript of the shorthand notes taken at a trial on indictment made and furnished to him for his use), the words " for his use " shall be omitted.

PART III

SUPPLEMENTARY

Short title, extent and repeal.

21.—(1) This Act may be cited as the Criminal Justice Administration Act, 1956.

(2) Nothing in this Act extends to Scotland or Northern Ireland, except in so far as Part I affects the operation of the law of Scotland or Northern Ireland in relation to courts in England and Wales.

(3) In addition to the enactments repealed by section nineteen of this Act, the enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, but in the case of the enactments mentioned in Part I of the Schedule only from the coming into force of section eight of this Act.

SCHEDULES

FIRST SCHEDULE

Section 11.

TRANSITIONAL PROVISIONS IN CONNECTION WITH PART I

1.—(1) Subject to the provisions of this paragraph, for the purpose of enabling the like proceedings to be had after the date of the first coming into force of commissions under section one of this Act (in this paragraph referred to as "the relevant date") as, but for the coming into force of those commissions, would have been had in respect of, or in consequence of, anything done or omitted to be done before the relevant date—

(*a*) the Crown Court at Liverpool shall be treated as succeeding to, and being the same court as, the criminal assize court previously held at Liverpool or as the court of quarter sessions for Liverpool, as the case may require; and

(*b*) the Crown Court at Manchester shall be treated as succeeding to, and being the same court as, the criminal assize court previously held at Manchester or as the court of quarter sessions for Manchester, as the case may require; and

(*c*) the criminal assize court to be held at Lancaster for the Northern division of Lancashire shall be treated as succeeding to, and being the same court as, the criminal assize court previously held at the same place for the whole county;

and any order, writ, summons, warrant, recognizance, notice, proceeding or document shall have effect accordingly.

(2) Subject to the two next following sub-paragraphs, subsections (2) to (6) of section three of this Act shall apply in relation to anything done by virtue of this paragraph by, to or before the Crown Court at Liverpool or Manchester as the court succeeding to the court of quarter sessions of the city.

(3) Where before the relevant date any person has been indicted at, or committed for trial to, or otherwise ordered to be tried before, the court of quarter sessions for Liverpool or Manchester for any indictable offence, and by virtue of this paragraph the trial takes place before the Crown Court, the Crown Court shall be deemed to be exercising its jurisdiction under section one of this Act, and not to be acting as a court of quarter sessions.

(4) Anything done by virtue of this paragraph by the Crown Court at Liverpool or Manchester or a judge thereof under section six, eight or fourteen of, or the First Schedule to, the Criminal Justice Act, 1948, in respect of a probation order, order for conditional discharge or other order made by a court of quarter sessions shall be taken as done in the exercise of the jurisdiction under section one of this Act, except where the order of the court of quarter sessions was made in or in connection with proceedings falling within the jurisdiction transferred to the Crown Court by section three of this Act.

(5) Nothing in this Act shall invalidate any summons or warrant issued before the relevant date under section eight of the Criminal

1ST SCH. —*cont.*

Justice Act, 1948, by a committing justice within the meaning of that section in respect of a probation order or order of conditional discharge made by an assize court held at Liverpool or Manchester or by the court of quarter sessions for Liverpool or Manchester; but the foregoing provisions of this paragraph shall apply to any proceedings after the relevant date in pursuance of the summons or warrant as if such a justice had jurisdiction for the purposes of subsection (1) of the said section eight in respect of orders made by the Crown Court at Liverpool or Manchester, as the case may be.

2.—(1) Section seven of this Act shall not affect the jurisdiction or powers of any court of assize or quarter sessions for Cheshire in proceedings begun in the court during the two months beginning with the date of the passing of this Act, or in relation to anything done or omitted to be done in any such proceedings; and for this purpose the proceedings arising out of a person's being committed for trial or sentence to, or otherwise ordered to be tried before, such a court or out of any appeal to such a court shall be deemed to have been begun in the court on the date when the committal or order is made or notice of appeal is given, as the case may be.

(2) The said section seven shall not affect any person's qualification for or liability to jury service at any court of assize or quarter sessions for Cheshire or Lancashire before the coming into force of the jurors book for the county in the year nineteen hundred and fifty-six.

3.—(1) On the coming into force of section eight of this Act, the joint committee set up by section forty-seven of the Local Government Act, 1888, shall be dissolved, and all property then vested for the purposes of the Manchester Assize Courts Act, 1858, in that committee or the Lancashire county council, or in any person on behalf of that committee or council, shall vest in the city council of Manchester for the purposes of their functions under the said section eight, together with any rights or liabilities of that committee or council, or of any such person, in respect of that property, and together with any other rights or liabilities of that committee (including any right to or liability for payments not falling due until after the coming into force of the said section eight).

(2) The committee, the county council and any such person shall, at the request of the city council, execute all such assurances and take such other steps as appear to the city council to be desirable for perfecting or evidencing their title to any property or rights transferred by this paragraph, and any instrument made for that purpose shall be exempt from stamp duty.

(3) Any expenditure of the city council in respect of liabilities transferred to them by this paragraph shall, for the purposes of section nine of this Act, be included in the net annual cost to them of assize courts in the Salford division.

Section 16.

SECOND SCHEDULE

APPOINTMENT ETC. OF DEPUTY OF STIPENDIARY MAGISTRATE

1.—(1) In the event of the illness or unavoidable absence of a stipendiary magistrate, it shall be lawful for him, with the approval on each occasion of the Lord Chancellor, to appoint a person to act as his deputy for any period not exceeding three months at one time.

(2) It shall also be lawful for a stipendiary magistrate, with the approval of the Lord Chancellor, to appoint a deputy to act for him for any period or periods not exceeding in the aggregate six weeks in any consecutive period of twelve months.

(3) If at any time it appears to the Lord Chancellor that a stipendiary magistrate is, by reason of illness, absence or any other cause, incapable of appointing or removing a deputy, the Lord Chancellor may exercise that power on his behalf.

2.—(1) Any person appointed deputy of a stipendiary magistrate under the foregoing paragraph shall be paid such remuneration as the Lord Chancellor may direct.

(2) Any remuneration of such a deputy shall be paid by the authority paying the magistrate's salary and, in the case of a deputy for a metropolitan stipendiary magistrate, shall be paid by the Lord Chancellor out of moneys provided by Parliament.

(3) Where a stipendiary magistrate has been appointed for a joint district within the meaning of section twenty-nine of the Justices of the Peace Act, 1949, each of the authorities paying his salary in that office shall be liable under this paragraph for the remuneration of the magistrate's deputy, but it shall be borne by them in the shares agreed or last agreed for the magistrate's salary.

3.—(1) If the office of a stipendiary magistrate becomes vacant by death or otherwise, any person who immediately before the vacancy was a duly appointed deputy of the magistrate or, if there is no such deputy or no such deputy willing to act, any person appointed for the purpose by the Lord Chancellor may act temporarily in the office until a person is duly appointed to fill the vacancy:

Provided that the power of a person to act temporarily under this provision shall not extend beyond a period of six months from the occurrence of the vacancy.

(2) A person acting temporarily in the office of a stipendiary magistrate under this paragraph shall be in the same position as respects remuneration and otherwise as if he were the last holder of the office.

4. A person shall not be appointed under this Schedule to be the deputy of, or to act temporarily as, a stipendiary magistrate unless he has the qualification required by law for appointment to the magistrate's office.

5. All things required or authorised by law to be done by, to or before a stipendiary magistrate may be done by, to or before any deputy appointed or any person acting temporarily in the office under this Schedule, as if that deputy or person were the holder of the office.

6. In relation to a stipendiary magistrate appointed under Part II of the Manchester Division and Borough of Salford (Stipendiary Justices) Act, 1878, references to the Chancellor of the Duchy of Lancaster shall be substituted—

(*a*) for the references to the Lord Chancellor in sub-paragraph (2) of paragraph 1 and in sub-paragraph (1) of paragraph 3 of this Schedule; and

2ND SCH. —*cont.*

(*b*) as respects the remuneration of a deputy appointed under sub-paragraph (2) of paragraph 1 of this Schedule, for the reference to the Lord Chancellor in sub-paragraph (1) of paragraph 2 thereof.

7. Any approval or direction given, or appointment made, under any of the enactments replaced by this Schedule shall have effect for the purposes of this Schedule as if given or made under the corresponding provision of this Schedule and, where necessary, as if given or made by the Lord Chancellor or the Chancellor of the Duchy of Lancaster instead of by the Secretary of State.

THIRD SCHEDULE

Section 21.

REPEALS

PART I

MANCHESTER ASSIZE COURTS

Session and Chapter	Short Title	Extent of Repeal
21 & 22 Vict. c. xxiv.	The Manchester Assize Courts Act, 1858.	The whole Act.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Section forty-seven.

PART II

REPEALS DEPENDING ON PART II OF ACT

Session and Chapter	Short Title	Extent of Repeal
32 & 33 Vict. c. 34.	The Stipendiary Magistrates Act, 1869.	The whole Act.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	Subsections (3) and (8) of section one hundred and sixty-eight; paragraph 2 of the Fourth Schedule.
6 Edw. 7. c. 46	The Recorders, Stipendiary Magistrates and Clerks of the Peace Act, 1906.	In subsection (6) of section one the words " stipendiary magistrate ".
23 & 24 Geo. 5. c. 38.	The Summary Jurisdiction (Appeals) Act, 1933.	Subsection (8) of section seven from " and in subsection (3) " onwards.
1 & 2 Geo. 6. c. 63.	The Administration of Justice (Miscellaneous Provisions) Act, 1938.	In section two, in paragraph (*f*) of subsection (2), the words " having a population of not less than fifty thousand ", in subsection (3) the words " and a population of not less than fifty thousand ", and subsection (4).
12, 13 & 14 Geo. 6. c. 101.	The Justices of the Peace Act, 1949.	Subsection (3) of section thirty-one; section thirty-five; in section thirty-nine, paragraph (*a*) of subsection (3) from " to sanction " onwards.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Criminal Law Act, 1826	7 Geo. 4. c. 64.
Assizes Act, 1833	3 & 4 Will. 4. c. 71.
Manchester Assize Courts Act, 1858	21 & 22 Vict. c. xxiv.
Stipendiary Magistrates Act, 1869	32 & 33 Vict. c. 34.
Manchester Division and Borough of Salford (Stipendiary Justices) Act, 1878	41 & 42 Vict. c. lv.
Municipal Corporations Act, 1882	45 & 46 Vict. c. 50.
Local Government Act, 1888	51 & 52 Vict. c. 41.
Assizes Relief Act, 1889	52 & 53 Vict. c. 12.
Lunacy Act, 1890	53 & 54 Vict. c. 5.
Recorders, Stipendiary Magistrates, and Clerks of the Peace Act, 1906	6 Edw. 7. c. 46.
Criminal Appeal Act, 1907	7 Edw.7. c. 23.
Police Magistrates (Superannuation) Act, 1915 ...	5 & 6 Geo. 5. c. 74.
Indictments Act, 1915	5 & 6 Geo. 5. c. 90.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Children and Young Persons Act, 1933	23 & 24 Geo. 5. c. 12.
Summary Jurisdiction (Appeals) Act, 1933 ...	23 & 24 Geo. 5. c. 38.
Administration of Justice (Miscellaneous Provisions) Act, 1938	1 & 2 Geo. 6. c. 63.
Supreme Court of Judicature (Circuit Officers) Act, 1946	9 & 10 Geo. 6. c. 78.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Criminal Justice Act, 1948	11 & 12 Geo. 6. c. 58.
Juries Act, 1949	12, 13 & 14 Geo. 6. c. 27.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Administration of Justice (Pensions) Act, 1950...	14 & 15 Geo. 6. c 11.
Judicial Offices (Salaries etc.) Act, 1952 ...	15 & 16 Geo. 6. & 1 Eliz. 2. c. 12.
Costs in Criminal Cases Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 48.
Local Government (Superannuation) Act, 1953...	1 & 2 Eliz. 2. c. 25.
Licensing Act, 1953	1 & 2 Eliz. 2. c. 46.
Local Government (Financial Provisions) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 13.

PRINTED BY JOHN ROUGHTON SIMPSON, C.B.
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament
LONDON : PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE
Price 1*s.* 0*d.* net
PRINTED IN GREAT BRITAIN
(38866)