S T A T U T O R Y I N S T R U M E N T S

1999 No. 3099

MAGISTRATES' COURTS, ENGLAND AND WALES

The Greater London Magistrates' Courts Authority (Constitution) Regulations 1999

Made - - - - -	*12th November 1999*
Laid before Parliament	*19th November 1999*
Coming into force - -	*10th December 1999*

The Lord Chancellor, in exercise of the powers conferred on him by section 30B of the Justices of the Peace Act 1997(**a**), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Greater London Magistrates' Courts Authority (Constitution) Regulations 1999 and shall come into force on 10th December 1999.

Interpretation

2. In these Regulations—

(a) "the 1997 Act" means the Justices of the Peace Act 1997;

"the 1999 Act" means the Access to Justice Act 1999(**b**);

"the Authority" means the Greater London Magistrates' Courts Authority referred to in section 30A(1) of the 1997 Act(**c**);

"category" means a category of members of the Authority described in regulation 4(2);

"the Mayor" means the Mayor of London elected under the Greater London Authority Act 1999(**d**);

"a mayoral nominee" means a person nominated by the Mayor to be a member of the Authority;

"the ALG" means the Association of London Government;

"a lay magistrate" means a justice of the peace who is not a District Judge (Magistrates' Courts); and

"the selection criteria" means the selection criteria set out in Schedule 1.

(b) a reference to a section by number alone is a reference to the section so numbered in the 1997 Act.

(**a**) 1997 c. 25. Section 30B is inserted into the Justices of the Peace Act 1997 by section 83(1) of the Access to Justice Act 1999 (c. 22).

(**b**) 1999 c. 22.

(**c**) Section 30A(1) is inserted into the Justices of the Peace Act 1997 by section 83(1) of the Access to Justice Act 1999 (c. 22). That part of section 83(1) which inserts section 30A(1) into the Justices of the Peace Act 1997 comes into force on such day as the Lord Chancellor may by order appoint.

(**d**) 1999 c. 29. Part I of the Greater London Authority Act 1999 contains the provisions for appointing a Mayor and is to come into force on such day as the Secretary of State may by order appoint.

Transitional provisions

3.—(1) The transitional provisions in Schedule 2 shall have effect.

(2) Until section 78 of the 1999 Act(**a**) comes into force, a reference in these Regulations to a District Judge (Magistrates' Courts) shall be read as a reference to a stipendiary magistrate.

Members of the Authority

4.—(1) There shall be a maximum of 15 members of the Authority including any member co-opted or appointed under regulation 13 unless the Lord Chancellor directs otherwise in accordance with paragraph (8).

(2) The membership of the Authority shall comprise—

(a) two members who are mayoral nominees; and

(b) the following members in the following categories who shall be selected by the selection panel:

(i) two members shall be representatives of the ALG ("the ALG category");

(ii) subject to paragraph (3), one member shall be a District Judge (Magistrates' Courts) ("the DJMC category"); and

(iii) subject to paragraphs (3) and (4), at least 4 but not more than 10 members shall be either lay magistrates or District Judges (Magistrates' Courts) ("the magistrates' category").

(3) No District Judge (Magistrates' Courts) shall be appointed as a member of the Authority unless he is for the time being acting as a justice of the peace in Greater London.

(4) No lay magistrate shall be appointed as a member of the Authority unless he is a justice of the peace for a commission area in Greater London.

(5) If a member of the Authority is appointed as a member in the ALG category and the ALG subsequently notifies the Authority that the member is no longer its representative, that member shall immediately cease to be a member of the Authority.

(6) If a member is appointed as a member in the DJMC category and he subsequently ceases to be a District Judge (Magistrates' Courts) who is for the time being acting as a justice of the peace in Greater London, that member shall at the same time cease to be a member of the Authority.

(7) If a member is appointed as a member in the magistrates' category and he subsequently ceases to be either—

(a) a lay magistrate for a commission area in Greater London; or

(b) a District Judge (Magistrates' Courts) who is for the time being acting as a justice of the peace in Greater London,

that member shall at the same time cease to be a member of the Authority.

(8) The Lord Chancellor may direct that any members co-opted or appointed under regulation 13 are to be left out of account in applying the upper limit of 15 members.

Mayoral nominees

5.—(1) The Mayor shall—

(a) give the names of the first two mayoral nominees to the clerk to the first selection panel; and

(b) specify which one shall be appointed for the term described in regulation 10(3)(a) and which one shall be appointed for the term described in regulation 10(3)(b),

as soon as practicable, and no later than three months, after the first Mayor has been elected.

(2) Where the Authority requires a mayoral nominee to take office on 1st April in any year, the Authority shall notify the Mayor by 31st December in the preceding year.

(**a**) Section 78 of the Access to Justice Act 1999 substitutes sections 10A to 10E of the Justices of the Peace Act 1997 for sections 11 to 20 of that Act. Section 78 is to come into force on such day as the Lord Chancellor may by order appoint.

(3) Where the Mayor is notified that the Authority requires a mayoral nominee to take office on 1st April in any year, the Mayor shall give the clerk to the selection panel the name of the nominee no later than 28th February in that year.

(4) The Mayor shall ensure that all mayoral nominees meet the selection criteria.

Selection panel

6.—(1) The Authority shall establish a selection panel which shall be responsible for selecting the members of the Authority except the mayoral nominees.

(2) All members of the selection panel shall have skill and experience in selection and recruitment, including the selection of appropriate persons by reference to specific criteria.

(3) The justices' chief executive of the Authority shall act as clerk to the selection panel.

(4) The selection panel shall consist of not less than 5 and not more than 11 members.

(5) The ALG shall nominate one member to serve on the selection panel in a year by notifying the clerk to the selection panel by 31st December in the preceding year.

(6) Subject to paragraph (7), the Authority shall nominate the other members to serve on the selection panel in a year by notifying the clerk to the selection panel by 31st December in the preceding year.

(7) The Authority may only nominate a person to serve on the selection panel if that person is either—

(a) a lay magistrate who is a justice of the peace for a commission area in Greater London; or

(b) a District Judge (Magistrates' Courts) who is for the time being acting as a justice of the peace in Greater London.

(8) No member shall be eligible for appointment to the selection panel if he would be 70 years of age before the expiry of the period for which, but for this paragraph, he would be appointed.

(9) No member of the selection panel shall be selected as a member of the Authority during the period of appointment.

(10) Subject to paragraph (14), a member of the selection panel shall be appointed for one year commencing on 1st January and shall, subject to paragraphs (8) and (9), be eligible for reappointment.

(11) The members of the selection panel shall choose a chairman from amongst themselves, and that chairman shall serve until the expiry of his period of appointment to the selection panel.

(12) A quorum of the selection panel shall be constituted by one lay magistrate and two other members who may, but need not, be lay magistrates.

(13) If a casual vacancy on the selection panel arises—

(a) if the vacancy was previously filled by a member nominated by the ALG, the ALG shall nominate a replacement by notifying the clerk to the selection panel;

(b) otherwise, the Authority may nominate a replacement by notifying the clerk to the selection panel, but there is no obligation to do so unless the selection panel would otherwise be inquorate.

(14) A replacement member shall serve only for the remaining part of the period for which the member he replaced was appointed.

Selection of the Authority

7.—(1) The selection panel shall decide how it wishes to select the members of the Authority it is required to select.

(2) The Authority shall inform the clerk to the selection panel of the number of members in each category which it requires the panel to select, subject to regulation 4:

(a) to take office on 1st April 2002, by 31st December 2001;

(b) to take office on 1st April in any year after 2002, by 31st December in the preceding year.

(3) The selection panel shall annually select the number of members in each category that the Authority requests the panel to select to take office.

(4) The selection panel shall make the selection referred to in paragraph (3) from those candidates whose written notice of candidature has been received by the clerk to the selection panel in accordance with regulation 8 and who meet the selection criteria.

(5) If the selection panel chooses to select members of the Authority by vote, each member of the selection panel shall have one vote per vacancy, and if the votes are equal for any candidate, the chairman of the selection panel shall have a casting vote.

(6) The selection panel shall make the selection and notify the candidates in writing of the result no later than 28th February in each year.

(7) If, for any reason, the number of candidates for appointment in the magistrates' category who meet the selection criteria, is less than the number of members requested by the Authority to be selected in that category to take office on 1st April in a particular year—

(a) the selection panel shall notify the Authority as soon as practicable after 31st December in the preceding year;

(b) the Authority may reduce the number of members it requires to be selected in that category to take office on 1st April of that year and notify the selection panel of the reduced number as soon as practicable after it receives the notification under paragraph (a); and

(c) if the number of candidates for that category who meet the selection criteria is still less than the number of members the Authority requires the selection panel to select to take office on 1st April, paragraph (8) shall apply.

(8) If this paragraph applies, the selection panel may appoint either—

(a) a lay magistrate who is a justice of the peace for a commission area in Greater London; or

(b) a District Judge (Magistrates' Courts) who is for the time being acting as a justice of the peace in Greater London,

to fill the vacancy and shall do so if there would otherwise be less than 4 members in the magistrates' category.

Notice of candidature

8.—(1) A candidate for appointment as a member of the Authority (except mayoral nominees) must give written notice of his candidature to the clerk to the selection panel by 31st December of the year preceding the year in which his appointment, if he were selected, would commence.

(2) The notice of candidature must—

(a) specify the category in which the candidate is applying for appointment;

(b) if the candidate is applying for appointment in the ALG category, include written confirmation from the ALG that the candidate is its representative; and

(c) include a written statement of the candidate's qualifications, experience, interests and any other matter which might support his candidature including matters which demonstrate how he meets the selection criteria.

(3) If a District Judge (Magistrates' Courts) specifies in his notice of candidature that he is applying for appointment in the DJMC category, he may indicate that he is willing to be appointed in the magistrates' category.

(4) If a District Judge (Magistrates' Courts) specifies in his notice of candidature that he is applying for appointment in the magistrates' category, he may indicate that he is willing to be appointed in the DJMC category.

Eligibility for membership of the Authority

9.—(1) No member shall be eligible for appointment to the Authority if he would be 70 years of age before the expiry of the period for which, but for this paragraph, he would be appointed.

(2) A member may not serve as a member of the Authority for a period or periods totalling more than nine years.

(3) Any period served before 1st April 2001 on the Authority, or on any magistrates' courts committee, shall not count towards the maximum period of service permitted under paragraph (2).

Rotation of membership of the Authority

10.—(1) Membership of the Authority shall rotate annually in accordance with the following paragraphs.

(2) Subject to paragraph (3), the first members of the Authority shall be appointed for a term commencing on 1st March 2000 and ending on the dates specified in columns 1, 2 and 3 of Schedule 3.

(3) The first two mayoral nominees shall be appointed for a term commencing on the date when the clerk to the first selection panel receives their nominations, and ending on—

(a) in the case of one of them the date specified in column 2 of Schedule 3; and

(b) in the case of the other, the date specified in column 3 of Schedule 3.

(4) All subsequent appointments shall, subject to regulations 12(5) and 13(2), be for a period of three years commencing on 1st April next after the appointment.

Chairman of the Authority

11.—(1) In this Regulation "chairman appointment meeting" means the first meeting of the Authority after 1st April 2002 and after 1st April in any subsequent year.

(2) The Authority shall appoint a chairman at each chairman appointment meeting, to hold office until the next chairman appointment meeting.

(3) Subject to paragraph (4), a chairman shall be eligible for reappointment as chairman if he remains a member of the Authority.

(4) A member may serve no more than a total of six terms of office as chairman.

Casual vacancies on the Authority

12.—(1) If a casual vacancy arises because a member who was a mayoral nominee ceases to be a member, the Authority shall notify the Mayor.

(2) Upon receiving notice under paragraph (1) the Mayor shall give to the clerk to the selection panel the name of a different nominee to fill the vacancy.

(3) If a casual vacancy arises in either the ALG category or the DJMC category, the Authority shall request the selection panel to select a different member in that category.

(4) If a casual vacancy arises in the magistrates' category, the Authority may request the selection panel to select a different member in that category to fill the vacancy and shall do so if there would otherwise be less than 4 members in the magistrates' category.

(5) A member who is appointed to a casual vacancy on the Authority shall serve only for the remaining part of the period for which the member he replaced was appointed.

(6) A casual vacancy includes a vacancy that occurs because a member ceases to be a member by virtue of regulation 4(5), (6), or (7).

Co-opted and appointed members

13.—(1) The Authority may include persons (who may, but need not, be lay magistrates or District Judges (Magistrates' Courts)) who are—

(a) co-opted by the Authority with the approval of the Lord Chancellor; or

(b) appointed by the Lord Chancellor.

(2) A member co-opted by the Authority under paragraph (1) shall serve for a period of one year from the date of the first meeting of the Authority following the approval by the Lord Chancellor of the co-option.

(3) The Authority may, with the approval of the Lord Chancellor, renew the period of co-option of a co-opted member.

(4) Where the Lord Chancellor appoints a member of the Authority under paragraph (1), he shall send written notice to the Authority of—

(a) the name, qualifications, experience, and interests of the appointee and the reason for the appointment; and

(b) the date on which the appointment is to take effect.

(5) If the Lord Chancellor terminates an appointment made under paragraph (1), he shall give written notice of the termination to the Authority and to the person so appointed, and of the date from which the termination is to take effect.

Travelling and subsistence allowances

14.—(1) Subject to paragraph (3), the Authority shall make to its members payments by way of travelling allowance or subsistence allowance where expenditure on travelling or, as the case may be, on subsistence is necessarily incurred by the member for the purpose of enabling him to perform his duties as a member including (without limitation) attendance at meetings of the Authority and of committees appointed by the Authority.

(2) Allowances payable under this regulation shall be paid at the rates set out in Schedule 4.

(3) The Authority shall not pay an allowance under this regulation if the member is entitled to receive, apart from this regulation, an allowance of the same nature for the performance of the same duties under any enactment, instrument, contract or by virtue of any other right.

Other payments

15.—(1) In this regulation "payment period" means the period commencing on 1st March 2000 and ending on 30th June 2000, and any period of three months commencing on 1st July, 1st October, 1st January and 1st April in every year after 30th June 2000.

(2) Subject to paragraphs (4), (5) and (6), the Authority shall at the end of each payment period pay, in respect of that payment period—

(a) to each of its members who has been a member for the whole of the payment period, the relevant amount; and

(b) to each of its members who has been a member for part only of the payment period, a proportion of the relevant amount representing the proportion of the payment period for which he was a member.

(3) In paragraph (2), "relevant amount" means:

(a) in respect of the payment period ending on 30th June 2000, £1,000; and

(b) in respect of any subsequent payment period, £750.

(4) A payment under paragraph (2) shall be reduced by the amount of any attendance allowance, special responsibility allowance, financial loss allowance or any allowance similar to those allowances that a member is entitled to receive under any enactment, instrument, contract or by virtue of any other right for the performance of the same duties.

(5) The Authority shall not make any payments under paragraph (2) to any member who is—

(a) a District Judge (Magistrates' Courts); or

(b) a member of the London Assembly established under the Greater London Authority Act 1999(**a**).

(**a**) 1999 c. 29. Part I of the Greater London Authority Act 1999 contains the provisions for establishing the London Assembly and is to come into force on such day as the Secretary of State may by order appoint.

(6) The Authority shall not, without the permission of the Lord Chancellor, make any payment under paragraph (2) to any member in respect of whom the Lord Chancellor has made an order under section 39B(2)(**a**).

Quorum

16.—(1) Subject to paragraph (2), a quorum of the Authority shall be constituted by five members.

(2) To constitute a quorum under paragraph (1), the majority of members present must be—

(a) lay magistrates; or

(b) District Judges (Magistrates' Courts); or

(c) lay magistrates and District Judges (Magistrates' Courts).

Proceedings of the Authority

17.—(1) The proceedings of the Authority shall not be invalidated by reason of any vacancy among the members or of any defect in the appointment of a member.

(2) The Authority shall, on at least one occasion in every calendar year, admit members of the public to a meeting of the Authority.

(3) The minutes of proceedings of every meeting of the Authority shall be open to inspection by members of the public at the offices of the Authority, except to the extent that the Authority determine that the minutes are of a confidential nature.

(4) If the Authority determine that any minutes are of a confidential nature, it shall give reasons for that determination.

(5) Copies of any minutes which are open to inspection under paragraph (3) shall be made available to the public on payment of such reasonable fee as the Authority may in any case determine.

Exercise of default powers

18.—(1) Where the Lord Chancellor has ordered the chairman of the Authority to vacate his office in accordance with section 38(3)(b)(i) the Authority shall, at its next meeting, appoint a different chairman.

(2) Where a vacancy on the Authority occurs because the Lord Chancellor has—

(a) ordered a member who was a mayoral nominee to vacate his office in accordance with section 38(3)(b)(ii); or

(b) made an order under section 39B(2)(a) that a member who was a mayoral nominee cease to be a member of the Authority or cease to be a member for a specified period,

the Mayor shall give to the clerk to the selection panel the name of a different nominee to fill the vacancy.

(3) Where a vacancy on the Authority occurs because the Lord Chancellor has—

(a) ordered a member in the ALG category to vacate his office in accordance with section 38(3)(b)(ii); or

(b) made an order under section 39B(2)(a) that a member in the ALG category cease to be a member of the Authority or cease to be a member for a specified period,

the selection panel shall select a different representative of the ALG to fill the vacancy.

(4) Where a vacancy on the Authority occurs because the Lord Chancellor has—

(a) ordered the member in the DJMC category to vacate his office in accordance with section 38(3)(b)(ii); or

---

(**a**) Section 39B is inserted into the Justices of the Peace Act 1997 (c. 25) by section 86 of the Access to Justice Act 1999 (c. 22).

(b) made an order under section 39B(2)(a) that the member in the DJMC category cease to be a member of the Authority or cease to be a member for a specified period,

the selection panel shall select a different member in that category to fill the vacancy.

(5) Where a vacancy on the Authority occurs because the Lord Chancellor has—

(a) ordered a member in the magistrates' category to vacate his office in accordance with section 38(3)(b)(ii); or

(b) made an order under section 39B(2)(a) that a member in the magistrates' category cease to be a member of the Authority or cease to be a member for a specified period,

the selection panel may select a different member in that category to fill the vacancy, and shall do so if there would otherwise be less than 4 members in the magistrates' category.

(6) Where the Lord Chancellor makes an order under section 38(4)(b) providing that all members of the Authority are to vacate their office and that for a specified period the Authority is to consist of persons nominated by him—

(a) the Lord Chancellor shall notify the Mayor and the Mayor shall give the clerk to the selection panel the name of two different mayoral nominees; and

(b) the selection panel shall select the other replacement members of the Authority (who shall be different members from those being replaced),

to take office after the expiry of the period of office of the persons nominated by the Lord Chancellor.

(7) Subject to paragraph (8), regulation 12(5) shall apply—

(a) to a member of the Authority appointed to replace a member under paragraphs (2), (3), (4) and (5); and

(b) to a member of the Authority appointed under paragraph (6) as if each member were appointed in the place of an individual member of the Authority replaced by the Lord Chancellor.

(8) If the Lord Chancellor has made an order under section 39B(2)(a) that a member of the Authority cease to be a member for a specified period, the replacment member shall serve only for that specified period.

(9) Any period of office served by a member of the Authority as a nominee of the Lord Chancellor under section 38(4)(b) shall not count towards the maximum periods of service set out in regulations 9(2) and 11(4).

(10) A person who—

(a) has been ordered to vacate office as chairman or as a member of the Authority under section 38(3) or (4); or

(b) is the subject of an order under section 39B(2)(a) that he cease to be a member or cease to be a member for a specified term,

shall be deemed to have served for a full term as chairman or member of the Authority, as the case may be, for the purpose of calculating the maximum periods of service set out in regulations 9(2) and 11(4).

(11) Where the Lord Chancellor has made an order under section 39B(2)(a) that a member of the selection panel cease to be a member of the selection panel or cease to be a member for a specified period—

(a) if the order relates to a member nominated by the ALG, the ALG shall nominate a replacement;

(b) otherwise, the Authority may nominate a replacement, by notifying the clerk to the selection panel, but there is no obligation to do so unless the selection panel would otherwise be inquorate.

(12) Subject to paragraph (13), regulation 6(14) shall apply to a member of the selection panel appointed to replace a member under paragraph (11).

(13) If the Lord Chancellor made an order under section 39B(2)(a) that a member of the selection panel cease to be a member for a specified period, the replacement member shall serve only for that specified period.

Vacancy in office of Mayor or incapacity of Mayor

19.—(1) Paragraph (2) applies if, at a time when—

(a) there is a vacancy in the office of Mayor; or

(b) the Mayor is unable to act in his office,

regulation 5(3) requires the Mayor to provide the name of a mayoral nominee who is to replace a mayoral nominee who is already a member of the Authority.

(2) Subject to regulation 9(2), the term of office of the mayoral nominee who is already a member of the Authority shall be extended until immediately before the commencment of the term of office of a replacement mayoral nominee.

(3) As soon as there is a Mayor who is able to provide the name of a replacement mayoral nominee, the Mayor shall do so as soon as practicable.

(4) The term of office of the replacement nominee shall commence on the date when the clerk to the selection panel receives his nomination and shall end on the date it would have ended had there been no delay in his appointment.

Signed by the authority of the Lord Chancellor

Jane Kennedy

Parliamentary Secretary
Lord Chancellor's Department

12th November 1999

SCHEDULE 1

Regulation 2(a)

SELECTION CRITERIA

1. The ability to think and plan strategically including—

(a) the ability to identify, analyse and evaluate all relevant matters in devising strategy; and

(b) the ability to identify and respond to, at a strategic level, the need for change.

2. The ability to make and support collective decisions including the ability to argue points of view persuasively before a collective decision is reached.

3. The ability to communicate effectively both orally and in writing.

The criteria specified in paragraphs 1, 2 and 3 must be demonstrated by reference to specific achievements.

4. Awareness of the interests of minority ethnic communities and equal opportunity issues.

SCHEDULE 2

Regulation 3(1)

TRANSITIONAL PROVISIONS

Interpretation

1. In this Schedule—

(a) "MCC" means magistrates' courts committee; and

(b) "the outer London SMB" means the Strategic Management Body representing MCCs in Greater London, other than the Inner London MCC and the City of London MCC.

Clerk designate

2.—(1) As soon as reasonably practicable after these Regulations come into force, and no later than 14th February 2000, the Inner London MCC, the City of London MCC and the outer London SMB (acting jointly) shall appoint a clerk designate for the Authority.

(2) The clerk designate (who may be the clerk to the selection panel appointed under paragraph 10) shall hold office until such time as the Authority appoints a person to be its justices' chief executive, and upon such appointment the office of clerk designate shall cease to exist.

(3) The clerk designate shall not be eligible for appointment as justices' chief executive to the Authority.

First selection panel

3. The first selection panel appointed after these Regulations come into force shall take office for a term commencing on 31st December 1999 and ending on 31st December 2001, after which regulation 6(10) shall apply.

4.—(1) Members of the first selection panel shall be nominated by the following, in the following numbers:

(a) by the Inner London MCC, four members;

(b) by the City of London MCC, one member;

(c) by the outer London SMB, five members;

(d) by the ALG, one member.

(2) The members of the selection panel nominated under sub-paragraphs (1)(a) to (c) shall be either lay magistrates who are justices of the peace for a commission area in Greater London or District Judges (Magistrates' Courts) who are for the time being acting as justices of the peace in Greater London.

5. The first selection panel shall consist of the members nominated under paragraph 4.

6. The names of the nominees for the first selection panel shall be notified to the clerk to the selection panel by 31st December 1999.

7.—(1) The first selection panel shall decide and publish the date by which candidates for appointment as first members of the Authority (apart from mayoral nominees) must give written notice of candidature, and the other details specified in regulation 8, to the clerk to the first selection panel.

(2) The date to be decided under sub-paragraph (1) shall be no later than 14th January 2000.

8.—(1) The first selection panel shall select the first members of the Authority (apart from mayoral nominees) from those candidates whose written notice of candidature has been received by the date published under paragraph 7 and who meet the selection criteria.

(2) The first selection panel shall notify the candidates in writing of the result of the selection no later than 14th February 2000.

9.—(1) Subject to sub-paragraphs (2) and (3), if a casual vacancy on the first selection panel occurs, the Authority shall appoint a replacement.

(2) If the member to be replaced was nominated by the ALG, the replacement member shall also be nominated by the ALG.

(3) If the vacancy occurs before section 30A(1)(**a**) is in force, the replacement member shall be nominated by the body that nominated the member to be replaced.

10. The Inner London MCC, the City of London MCC and the outer London SMB (acting jointly) shall by 14th December 1999 appoint a clerk to the selection panel and the clerk to the selection panel shall act as such until the Authority appoints a justices' chief executive.

Notice of candidature for first members of the Authority

11. Candidates for appointment as first members of the Authority (apart from mayoral nominees) shall give written notice of candidature, and the other details specified in regulation 8, to the clerk to the first selection panel by the date published under paragraph 7.

Appointment of first chairman of the Authority

12.—(1) The Authority shall appoint a chairman at its first meeting after 1st March 2000.

(2) The chairman appointed under sub-paragraph (1) shall hold office until 31st March 2002, after which regulation 11 shall apply.

SCHEDULE 3

Regulation 10(2) and (3)

DATE OF TERMINATION OF OFFICE OF FIRST MEMBERS OF THE AUTHORITY

Column 1 *Term of office to end on 31st March 2002*	*Column 2* *Term of office to end on 31st March 2003*	*Column 3* *Term of office to end on 31st March 2004*
one member in the ALG category	one mayoral nominee	one mayoral nominee
one member in the DJMC category	one member in the ALG category	up to 4 members in the magistrates' category
up to 3 members in the magistrates' category	up to 3 members in the magistrates' category	

SCHEDULE 4

Regulation 14(2)

RATES FOR TRAVELLING AND SUBSISTENCE ALLOWANCE

Travelling allowance

1.—(1) The rate for travel by public transport shall be the amount of the fare for the class in which the member chooses to travel, but, subject to sub-paragraph (2), shall not exceed the lowest available first class fare.

(2) The rate payable under sub-paragraph (1) shall, if the member so claims, be increased by expenditure incurred on reservation of a seat.

(**a**) Section 30A(1) is inserted into the Justices of the Peace Act 1997 (c. 25) by section 83(1) of the Access to Justice Act 1999 (c. 22). That part of section 83(1) which inserts section 30A(1) into the Justices of the Peace Act 1997 comes into force on such day as the Lord Chancellor may by order appoint.

2.—(1) The rate for travel by taxi shall be—

(a) in cases of urgency or where no public transport is reasonably available, the amount of the fare and any reasonable gratuity paid; and

(b) in any other case, the amount of the fare for travel by the appropriate public transport.

(2) In this paragraph "taxi" means a hired motor car that carries passengers for a fare.

3.—(1) Subject to sub-paragraph (2), the rate for travel by a member's own motor car and motor cycle shall be—

(a) for the use of a motor vehicle of cylinder capacity up to and including 1,100 cubic centimetres, 27.4p a mile;

(b) for the use of a motor vehicle of cylinder capacity of 1,101 cubic centimetres to 1,400 cubic centimetres, 36.8p a mile;

(c) for the use of a motor vehicle of cylinder capacity exceeding 1,401 cubic centimetres, 44.7p a mile.

(2) If a member exceeds 5,000 miles a year the rates in sub-paragraph (1) shall be 23.6p a mile.

(3) The appropriate rate specified in sub-paragraphs (1) and (2) shall, if the member so claims, be increased—

(a) in respect of the carriage of each passenger, not exceeding four, to whom a travelling allowance would otherwise be payable under any enactment by not more than 1p a mile; and

(b) by the amount of any reasonable expenditure incurred on tolls, ferries or parking fees.

4. The rate for travel by bicycle shall be 6.9p a mile.

5.—(1) Subject to sub-paragraph (2), the rate for travel by air shall be the rate applicable to travel by the appropriate public transport together with an allowance equivalent to the amount of any saving in subsistence allowance consequent upon travel by air.

(2) The rate for travel by air shall not exceed the fare paid.

Subsistence allowance

6.—(1) The rate of subsistence allowance shall be—

(a) in the case of an absence, not involving an absence overnight, from the usual place of residence—

(i) of more than 4, but not more than 8 hours, £6.57;

(ii) of more than 8 but not more than 12 hours, £9.16;

(iii) of more than 12 hours, £17.29.

(b) in the case of an absence overnight from the usual place of residence, £77.43; or for such an absence overnight in Greater London, £88.31.

(2) Any rate determined under paragraph 6(1)(b) shall be deemed to cover a continuous period of absence of 24 hours.

7. The rates specified in paragraph 6 shall be reduced by an appropriate amount in respect of any meal provided free of charge during the period to which the allowance relates.

8.—(1) Subject to sub-paragraph (3), when main meals (ie a full breakfast, lunch or dinner) are taken on trains during a period for which there is entitlement to subsistence allowance under paragraph 6(1)(a), the reasonable cost of the meals (including VAT), may be reimbursed in full, within the limits specified in sub-paragraph (2).

(2) The limitations of reimbursement are—

(a) absence of more than 4 but not more than 8 hours, the cost of 1 main meal;

(b) absence of more than 8 hours but not more than 12 hours, the cost of 2 main meals;

(c) absence of more than 12 hours, the cost of 3 main meals.

(3) Where the cost of meals taken on trains is reimbursed, the rate of subsistence allowance under paragraph 6(1)(a) for that period of duty shall not exceed the maximum payable if the period of absence from the usual place of residence were reduced by 4 hours in respect of each meal taken.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the membership, constitution and procedure of the Greater London Magistrates' Courts Authority. The Authority is to be established under section 30A(1) of the Justices of the Peace Act 1997, which is inserted into the 1997 Act by section 83(1) of the Access to Justice Act 1999. The Authority will be the magistrates' courts committee for Greater London when section 30A(2), which is also inserted into the Justices of the Peace Act 1997 by section 83(1) of the Access to Justice Act 1999, comes into force.

STATUTORY INSTRUMENTS

1999 No.

MAGISTRATES' COURTS, ENGLAND AND WALES

The Greater London Magistrates' Courts Authority (Constitution) Regulations 1999

ISBN 0-11-085529-9

9 780110 855295

£3.00p

© Crown copyright 1999

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
WO 5760 11/99 463908 19585