## JUSTICES' CLERKS

## 1953 No. 493

# The Justices' Clerks (Accounts) Regulations, 1953

*Made* - - - - 20*th March*, 1953

*Coming into Operation* 1*st April*, 1953

In pursuance of the power conferred upon me by subsection (9) of section twenty-seven of the Justices of the Peace Act, 1949(a), I hereby, with the concurrence of the Treasury, make the following Regulations:—

*Scope of Regulations*

**1.**—(1) These Regulations shall apply to—

(*a*) all sums received or paid by or owed to a justices' clerk in his capacity as justices' clerk or as collecting officer of any magistrates' court, except personal emoluments and other sums payable to him for his own use;

(*b*) all sums received by a justices' clerk, not being a clerk to county justices, in respect of work done by him as clerk to a compensation authority under the Licensing (Consolidation) Act, 1910(b).

(2) Any reference in these Regulations to sums received or paid by or owed to a justices' clerk shall be construed as referring only to sums to which, by virtue of the foregoing paragraph, these Regulations apply.

*Written accounts to be kept*

**2.**—(1) A justices' clerk shall keep such written accounts of all sums received or paid by or owed to him as shall be necessary to render to any authorised person inspecting the same a clear and accurate account of the said sums.

(2) Where a justices' clerk holds more than one clerkship, whether at a single salary or not, separate accounts shall, except where other arrangements are made with the approval of the Secretary of State, be kept in respect of each clerkship.

*Inspection and audit of accounts*

**3.**—(1) The accounts kept by a justices' clerk under these Regulations, other than those relating to sums payable under the Act by a responsible authority or payable out of the fund of any county or county borough under section seven of the Costs in Criminal Cases Act, 1952(c), shall be subject to inspection and audit by persons authorised in that behalf by the Secretary of State.

(2) Any accounts kept by a justices' clerk under these Regulations in respect of sums payable under the Act by a responsible authority shall be subject to inspection and audit by persons authorised in that behalf by the responsible authority.

(3) Any accounts kept by a justices' clerk under these Regulations in respect of sums payable out of the fund of any county or county borough under section seven of the said Act of 1952 shall be subject to inspection and audit

(a) 12, 13 & 14 Geo. 6. c. 101. (b) 10 Edw. 7 & 1 Geo. 5. c. 24.
(c) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 48.

by persons authorised in that behalf by the council of the county or county borough in whose area the petty sessions area or other jurisdiction for which the clerk acts is situate.

(4) Any persons authorised under the foregoing provisions of this Regulation to inspect or audit any class of accounts kept by a justices' clerk may, so far as they deem it necessary or expedient for the purpose of carrying out that inspection or audit, inspect any other class of accounts kept by the clerk under these Regulations.

(5) Justices' clerks shall give all reasonable assistance to persons inspecting or auditing accounts in accordance with this Regulation and shall produce to them all relevant moneys, books and documents.

*Bank accounts*

**4.**—(1) A justices' clerk shall maintain one or more separate accounts at a joint stock bank in respect of each class of sums for which separate audit provision is made by paragraphs (1) to (3) of the last foregoing Regulation:

Provided that the authority responsible for audit under paragraph (2) or (3) of that Regulation may dispense with the requirement of maintaining a bank account in respect of any class of sums to which the paragraph relates.

(2) No sums other than sums of the appropriate class shall be paid into a bank account maintained under this Regulation.

*Remission of sums to Secretary of State*

**5.**—(1) A justices' clerk shall, unless other arrangements as to times of remission are made with the approval of the Secretary of State, remit to the Secretary of State not later than the tenth day of each month all sums held by the clerk at the expiration of the previous month which are payable to the Secretary of State under subsection (1) of section twenty-seven of the Act.

(2) A separate remittance shall be made under this Regulation in respect of each clerkship or group of clerkships for which separate accounts are kept under these Regulations.

*Return to be sent to Secretary of State*

**6.**—(1) A justices' clerk shall, in respect of each clerkship or group of clerkships held by him for which a separate remittance is required to be made under the last foregoing Regulation, send to the Secretary of State on or after the first, and not later than the twenty-first, day of January, April, July and October in each year a return, together with a duplicate thereof, in the form set out in the Schedule to these Regulations, showing in relation to the period of three months ending at the expiration of the previous month—

(*a*) the total of the sums held by the clerk in the said period and payable to the Secretary of State under subsection (1) of section twenty-seven of the Act;

(*b*) the arrears outstanding at the end of the said period in respect of sums owed to the clerk and payable to the Secretary of State under the said subsection.

(2) The first return to be made under this Regulation shall be made in respect of the period of three months ending at the expiration of the month of June, 1953.

*Interpretation*

**7.**—(1) In these Regulations—

"the Act" means the Justices of the Peace Act, 1949;

"justices' clerk" means a clerk to the justices for any petty sessions area in England or Wales, a clerk to a stipendiary magistrate, a clerk to a metropolitan stipendiary court, a clerk at either of the justice rooms of the City of London and a clerk of special sessions;

and other expressions have the meanings assigned to them in subsection (10) of section twenty-seven or, as the case may be, subsection (1) of section forty-four of the Act.

(2) The Interpretation Act, 1889(a), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

*Citation and commencement*

**8.** These Regulations may be cited as the Justices' Clerks (Accounts) Regulations, 1953, and shall come into operation on the first day of April, 1953.

*David Maxwell Fyfe,*
One of Her Majesty's Principal Secretaries of State.

18th March, 1953.

We concur,

*Herbert Butcher,*
*Edward Heath,*
Two of the Lords Commissioners of Her Majesty's Treasury.

20th March, 1953.

## SCHEDULE

RETURN OF FINES, FEES AND ANY OTHER SUMS PAYABLE TO THE SECRETARY OF STATE UNDER SECTION 27 (1) OF THE JUSTICES OF THE PEACE ACT, 1949

Quarter ending....., 19... Borough of / or / Petty Sessional Division of .....

County of .....

1. In accordance with Regulation 6 of the Justices' Clerks (Accounts) Regulations, 1953, a Return in the Form annexed must be forwarded to the Finance Division, Home Office, Whitehall, London, S.W.1, not later than 21st January, 21st April, 21st July and 21st October in each year for the quarter ending at the expiration of the preceding month, using the prepaid labels supplied.

2. The Return *must* be made up to the end of the quarter to which it relates.

3. The Return concerns only fines, fees and other sums which are payable to the Secretary of State under section 27 of the Justices of the Peace Act, 1949. Fines which under any enactment are payable to the Commissioners of Customs and Excise, or to any officer of theirs or person appointed by them, will continue to be so paid by justices' clerks; these fines are not payable to the Secretary of State and will therefore not be included in any Part of this Return.

(a) 52 & 53 Vict. c. 63.

4. The Return is in three Parts. Part I is for fines payable to the Secretary of State (other than fines required to be returned under Part II) which constitute Exchequer moneys within the meaning of section 27 of the Justices of the Peace Act, 1949. " Exchequer moneys " is defined in section 27 (10) as meaning moneys which, if section 27 had not been passed, would be paid into the Exchequer or to any Government department or person on behalf of Her Majesty by virtue of a specific provision to that effect made by or under any Act or would have been so paid but for any local or other special right or privilege of whatever origin. Fines imposed under statutes passed on or after 1st April, 1953, may also constitute Exchequer moneys within the meaning of section 27 by virtue of an appropriate provision made in the particular statute.

In Part I particulars are required of the individual fines.

Part II is for fines payable to the Secretary of State which constitute Exchequer moneys within the meaning of section 27 but which by virtue of an appropriation in aid made by direction of the Treasury under paragraph (3) of section 2 of the Public Accounts and Charges Act, 1891, are payable by the Secretary of State to the Minister of Transport. Fines so payable at present are those imposed under the Roads Act, 1920, the Road Transport and Lighting Acts, 1927 and 1945, the Road Traffic Acts, 1930 and 1934, the Road and Rail Traffic Act, 1933, and the Vehicles (Excise) Act, 1949. Justices' clerks will be informed if any changes are made in this list.

Part III is for other fines payable to the Secretary of State, all fees and any other sums so payable.

5. Parts I and II are divided as follows:—(*a*) the total sums to which that Part relates received by the justices' clerk during the quarter and payable to the Secretary of State; this is sub-divided into (i) the fines imposed during the quarter and paid, in whole or in part, during the quarter, and (ii) the arrears received: (*b*) the arrears outstanding at the end of the quarter; this is sub-divided into (i) arrears in respect of fines imposed during the quarter, and (ii) arrears in respect of fines imposed in any previous quarter.

Part III is similarly divided as regards fines and fees, but in this Part there is an additional head under (*a*) in which a return will be made of sums (other than fees) payable to the Secretary of State under section 27 (1) (*b*) of the Justices of the Peace Act, 1949; under this head there may be included sums received by the clerk in previous quarters, for example an unclaimed periodical payment.

## SUMMARY

### Amounts Payable to the Secretary of State

| | £ s. d. |
|---|---|
| Part I (*a*) (column 5) ... ... ... ... ... ... ... | |
| Part II (*a*) ... ... ... ... ... ... ... ... | |
| Part III (*a*) ... ... ... ... ... ... ... ... | |
| *Total ... ... ... £ | |

### Arrears Outstanding at End of Quarter

| | £ s. d. |
|---|---|
| Part I (*b*) ... ... ... ... ... ... ... ... ... | |
| Part II (*b*) ... ... ... ... ... ... ... ... ... | |
| Part III (*b*) ... ... ... ... ... ... ... ... ... | |
| Total ... ... ... £ | |

I certify that this Return is correct,

Date..... .....

Clerk to the Justices.

* Note:—If this total does not agree with the total of the sums remitted to the Secretary of State in respect of the quarter under Regulation 5 of the Justices' Clerks (Accounts) Regulations, 1953, a letter of explanation should be sent with this Return.

## *Part I*

*Fines (other than fines required to be returned under Part II) which constitute Exchequer moneys within the meaning of section 27 of the Justices of the Peace Act*, 1949

(*a*) TOTAL AMOUNTS RECEIVED DURING THE QUARTER

NOTE:—In column (4) enter the amount of the fine imposed after deduction of any court or police fees payable thereout; the amount entered should not include any sums ordered to be paid as costs, damages or compensation. In column (5) enter only the amount received which is applicable in whole or part payment of the amount shown in column (4).

| (1) Date of conviction | (2) Name of person fined | (3) Act under which fine imposed | (4) Amount of fine imposed | (5) Amount received during quarter | (6) Amount unpaid | (7) Remarks | (8) For use in Home Office |
|---|---|---|---|---|---|---|---|
| (i) Fines to which this Part applies imposed during the quarter (whether paid or outstanding): | | | £ s. d. | £ s. d. | £ s. d. | | |
| | | | | Total (i) £ | | | |
| (ii) Arrears received: | | | £ s. d. | £ s. d. | £ s. d. | | |
| | | | | Total(ii) £ | | | |

TOTAL AMOUNT RECEIVED DURING QUARTER (that is, total of totals (i) and (ii)) £

(*b*) ARREARS OUTSTANDING AT END OF QUARTER £ s. d.

(i) In respect of fines to which this Part applies imposed during the quarter ... ... ... ... ... ... ... ...

(ii) In respect of such fines imposed in any previous quarter... ... ... ... ... ... ... ... ... ... ...

Total ... ... ... ... ... £

*Part II*

*Fines which constitute Exchequer moneys within the meaning of section 27 of the Justices of the Peace Act, 1949, but which by virtue of an appropriation in aid made by direction of the Treasury under paragraph (3) of section 2 of the Public Accounts and Charges Act, 1891, are payable by the Secretary of State to the Minister of Transport*

NOTE:—In (*a*) below enter the amounts received after deduction of any court or police fees payable thereout; the amounts entered should not include any sums applicable in payment of costs, damages or compensation.

(*a*) TOTAL AMOUNTS RECEIVED DURING THE QUARTER

| | £ | s. | d. |
|---|---|---|---|
| (i) In whole or part payment of fines to which this Part applies imposed during the quarter ... ... ... ... ... | | | |
| (ii) Arrears received ... ... ... ... ... ... ... | | | |
| Total ... ... ... £ | | | |

(*b*) ARREARS OUTSTANDING AT END OF QUARTER

| | £ | s. | d. |
|---|---|---|---|
| (i) In respect of fines to which this Part applies imposed during the quarter ... ... ... ... ... ... ... | | | |
| (ii) In respect of such fines imposed in any previous quarter ... | | | |
| Total ... ... ... £ | | | |

*Part III*

*Fines (not constituting Exchequer moneys) payable to the Secretary of State, all fees and any other sums so payable*

(*a*) TOTAL AMOUNTS PAYABLE TO THE SECRETARY OF STATE

| | £ | s. | d. |
|---|---|---|---|
| (i) Amount received in whole or part payment of fines to which this Part applies imposed, and of any fees charged, during the quarter ... ... ... ... ... ... ... | | | |
| (ii) Arrears received in respect of such fines imposed, and of any fees charged, in any previous quarter ... ... ... | | | |
| (iii) Sums (other than fees) payable to the Secretary of State under section 27 (1) (*b*) of the Justices of the Peace Act, 1949 ... | | | |
| Total ... ... ... £ | | | |

(*b*) ARREARS OUTSTANDING AT END OF QUARTER

| | £ | s. | d. |
|---|---|---|---|
| (i) In respect of fines to which this Part applies imposed, and of any fees charged, during the quarter ... ... ... ... | | | |
| (ii) In respect of such fines imposed, and of any fees charged, in any previous quarter ... ... ... ... ... ... | | | |
| Total ... ... ... £ | | | |