STATUTORY INSTRUMENTS

1965 No. 705

MAGISTRATES' COURTS

The Justices' Clerks (Accounts) Regulations 1965

Made - - - - 29*th March* 1965

Coming into Operation 1*st July* 1965

In pursuance of the power conferred upon me by section 27(9) of the Justices of the Peace Act 1949(a), I hereby, with the concurrence of the Treasury, make the following Regulations:—

1. For the form of 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, set out in the Schedule to the Justices' Clerks (Accounts) Regulations 1953(b), as amended by the Justices' Clerks (Accounts) Regulations 1962(c), there shall be substituted the form set out in the Schedule to these Regulations.

2. The Justices' Clerks (Accounts) Regulations 1962 are hereby revoked.

3. This Order may be cited as the Justices' Clerks (Accounts) Regulations 1965 and shall come into operation on 1st July 1965.

Frank Soskice,
One of Her Majesty's Principal Secretaries of State.

26th March 1965.

We concur,

G. H. R. Rogers,
Harriet Slater,
Two of the Lords Commissioners of Her Majesty's Treasury.

29th March 1965.

(a) 12, 13 & 14 Geo. 6. c. 101.
(b) S.I. 1953/493 (1953 I, p. 1006).
(c) S.I. 1962/1014 (1962 II. p. 1172).

Regulation 1 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 .....

	Total amount received during quarter	Arrears outstanding at end of quarter
	£ s. d.	£ s. d.
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		
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		
PART III Fines (not constituting Exchequer moneys) payable to the Secretary of State, all fees and any other sums so payable		
Analysis of total sums returned under Part III received during quarter £ s. d. (i) Total amount of fines and fees (ii) Sums (other than fees) payable to the Secretary of State under section 27(1)(*b*) of the Justices of the Peace Act 1949		
TOTALS	*	

* 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.

SUMS REMITTED TO THE SECRETARY OF STATE IN RESPECT OF THE QUARTER			
	£	s.	d.
First payment			
Second payment			
Third payment			
TOTAL			

I certify that this Return is correct

Date.....?... .....
Clerk to the Justices

NOTES

1. In accordance with Regulation 6 of the Justices' Clerks (Accounts) Regulations 1953, a Return in the Form annexed must be sent to the Secretary of State 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. The Return should be forwarded to the Finance Division, Home Office, Horseferry House, Dean Ryle Street, London, S.W.1, 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.

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.

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 section 2(3) 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 include such fines under the Road Traffic Act 1960 as by section 247(1) of that Act are to be deemed to be Exchequer moneys, and also any fines imposed under the Road Traffic Act 1934, the Road Transport Lighting Act 1957, the Vehicles (Excise) Act 1962 and the Road Traffic Act 1962. Fines levied under sections 1(8), 5(2), 5(3) and 11(4) of the Road Traffic and Roads Improvement Act 1960 should also be included in Part II. Justices' clerks will be informed if any changes are made in this list.

Sums paid by way of fixed penalty under section 1 of the Road Traffic and Roads Improvement Act 1960 are to be treated as if they were fines imposed on summary conviction for the offence to which they relate. The Part in which such sums should be included therefore depends on the Act creating the offence. No fee should be deducted.

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

Parts I and II should show the amounts of the fines imposed after deduction of any court or police fees payable thereout; the amounts entered should not include any sums ordered to be paid as costs, damages or compensation.

5. Parts I and II are divided as follows:—

(*a*) the total sums received by the justices' clerk during the quarter and payable to the Secretary of State;

(*b*) the arrears outstanding at the end of the quarter.

Part III is similarly divided as regards the total received and the arrears, but the total received is to be divided between (i) fines and fees and (ii) sums other than fees payable to the Secretary of State under section 27(1)(*b*) of the Justices of the Peace Act 1949 (under head (ii) there may be included sums received by the clerk in previous quarters, for example an unclaimed periodical payment).

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Justices' Clerks (Accounts) Regulations 1953 (as amended) by substituting a new form for the form therein prescribed of the return of fines and other sums payable to the Secretary of State under section 27(1) of the Justices of the Peace Act 1949, which is required to be made by justices' clerks. On the form as altered clerks will no longer be required to specify the statute under which a fine has been imposed, nor will they be required to distinguish between arrears in respect of fines imposed in the current quarter and arrears in respect of fines imposed in previous quarters.