JUSTICES OF THE PEACE

The Justices of the Peace Act, 1949 (Commencement No. 2) Order, 1951

1951 No. 1182 (C. 3)

Made - - - - *29th June,* 1951

At the Court at Windsor, the 29th day of June, 1951

Present,

The King's Most Excellent Majesty in Council

Whereas by subsections (1) and (2) of section forty-five of the Justices of the Peace Act, 1949(a) (hereafter in this Order called "the Act"), it is provided that the Act shall come into force on such day as His Majesty may by Order in Council appoint and that, except in so far as the Act provides to the contrary, different days may be appointed for the purpose of different provisions of the Act and for different purposes of the same provision:

And Whereas by subsection (3) of the said section forty-five it is provided that any Order in Council under the section may make such transitional provision as appears to His Majesty to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or of any provisions of the Act then in force as appear to His Majesty necessary or expedient in consequence of the partial operation of the Act (whether before or after the day appointed by the Order):

And Whereas on the coming into force of section ten of the Act the separate commissions of the peace and quarter sessions of certain non-county boroughs and other areas will be abolished:

And Whereas by paragraphs 16 to 18 of the Second Schedule to the Act it is provided that His Majesty may by Order in Council make such supplementary provision as appears to Him to be necessary or expedient in consequence of the establishment or abolition by the Act of any commission of the peace or quarter sessions or of any change made by the Act in the area in which any court of quarter sessions or justices have jurisdiction, including, inter alia, provision to avoid interruption or inconvenience in the administration of justice or the discharge of other functions of justices (including recorders):

Now, therefore, His Majesty, in pursuance of the powers vested in Him by the said section forty-five and by the said paragraphs 16 to 18, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. Subject to Article 3 of this Order, the provisions of the Act specified in the first column of the First Schedule to this Order (which relate to the matters specified in the second column of the said Schedule) shall come into force on the first day of October, 1951.

(a) 12, 13 & 14 Geo. 6. c. 101.

2. The provisions of the Act specified in the first column of the Second Schedule to this Order (which relate to the matters specified in the second column of the said Schedule) shall come into force on the first day of January, 1952.

3. The transitional and supplemental provisions set out in the Third Schedule to this Order shall have effect in connection with the provisions brought into force by Article 1 of this Order.

4. This Order may be cited as the Justices of the Peace Act, 1949 (Commencement No. 2) Order, 1951.

E. C. E. Leadbitter.

FIRST SCHEDULE

PROVISIONS COMING INTO FORCE ON 1ST OCTOBER, 1951

Provisions of the Act	Subject matter of provisions
Section ten	Area of commission.
Subsection (1) of section eleven	Saving for City of London.
Section thirty-eight	Place for holding county quarter sessions.
Section forty-two	Compensation for loss of office.
Second Schedule	Provisions consequential on changes in commission of the peace.
Third Schedule	Non-county boroughs retaining commissions of the peace.
In the Sixth Schedule, paragraphs 1 to 3	Consequential provisions as to local Act stipendiaries.
So much of Part III of the Seventh Schedule as is set out in the Appendix hereto.	Repeals.

APPENDIX TO FIRST SCHEDULE

Session and Chapter	Title or Short Title	Extent of Repeal
27 Hen. 8. c. 24	The Jurisdiction in Liberties Act, 1535.	Sections two, four, five and, so far as they relate to justices of the peace, fourteen and fifteen.
34 & 35 Hen. 8. c. 26.	The Laws in Wales Act, 1542...	In section twenty-one the words "There shall be justices of the peace and also one custos rotulorum in every of the said twelve shires" and the word "said".
14 Eliz. c. 13...	An Act for the annexing of Hexam and Hexamshire to the county of Northumberland.	The words "justices of peace".

Session and Chapter	Title or Short Title	Extent of Repeal
51 Geo. 3. c. 36	The Cinque Ports Act, 1811 ...	Sections one to five and section eight.
6 & 7 Will. 4. c. 87.	The Liberties Act, 1836 ...	Section two so far as it provides for any place to be a liberty for the purpose of justices and sections three, six, seven and nine to eleven.
5 & 6 Vict. c. 110.	An Act to annex the county of the City of Coventry to Warwickshire, and to define the boundary of the City of Coventry.	The first proviso to section one; section seven; in section ten the words " and no recorder ".
13 & 14 Vict. c. 105.	The Liberties Act, 1850 ...	In section one, the words " to the justices of any liberty, or "; in section two, the words from " and shall also " to " advertised and given ", the words " or liberty " in both places, the words " custos rotulorum " and the words " clerk of the peace " where last occurring; in section three, the words from " as well " to " therein "; section four from " and shall " onwards; sections six and seven.
18 & 19 Vict. c. 48.	The Cinque Ports Act, 1855 ...	Sections three to eight.
20 & 21 Vict. c. 1.	The Cinque Ports Act, 1857 ...	The whole Act.
28 & 29 Vict. c. 37.	The County of Sussex Act, 1865	Sections four to eight and section eleven.
28 & 29 Vict. c. 103.	The Falmouth Gaol Discontinuance Act, 1865.	The whole Act.
30 & 31 Vict. c. 124.	The Merchant Shipping Act, 1867.	The whole Act.
32 & 33 Vict. c. 53.	The Cinque Ports Act, 1869...	The whole Act.
37 & 38 Vict. c. 45.	The County of Hertford and Liberty of St. Alban Act, 1874.	Section six.
41 & 42 Vict. c. cxciii.	The Ramsgate Improvement Act, 1878.	Sections eighteen and nineteen.
42 & 43 Vict. c. cxix.	The Stratford upon Avon Borough Act, 1879.	Section seventy-eight as respects justices of the peace.

Session and Chapter	Title or Short Title	Extent of Repeal
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	In section two hundred and forty-eight, subsection (2) except in its application to the coroners of Hastings and Dover and subsections (3), (4), (6) and (7).
46 & 47 Vict. c. 18.	The Municipal Corporations Act, 1883.	Subsection (2) of section seventeen from "and to have" onwards.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	In section thirty-eight, paragraph (7) and in paragraph (8) the words from "and if" to "justices"; subsection (3) of section forty-eight; paragraphs (7) and (8) of section eighty-three; subsection (1) of section one hundred and seventeen from "but" onwards.
52 & 53 Vict. c. clxvii.	The Local Government Board's Provisional Order Confirmation (No. 2) Act, 1889.	In the Schedule, in Article VI, the words "custos rotulorum", the words "quarter sessions, justices" and the words "and clerk of the peace"; paragraph (1) of Article VII; in paragraph (2) of Article VII the words "or quarter sessions"; paragraph (2) of Article VIII; Articles IX, XI and XII; in Article XV the words from the beginning to "Southampton and" where first occurring and the words "and quarter sessions"; in Articles XVI and XVII the words "and quarter sessions" wherever occurring, and in paragraph (2) of Article XVII the words from "and all" to "order".
53 & 54 Vict. c. 5.	The Lunacy Act, 1890	In subsections (4) and (6) of section ten, the words "or place" wherever occurring.
63 & 64 Vict. c. clvii.	The Ramsgate Corporation Act, 1900.	Section eighteen from the words "and from" onwards, so far as relates to the court of quarter sessions for the county of Kent or any division thereof; sections nineteen and twenty.

Session and Chapter	Title or Short Title	Extent of Repeal
4 Edw. 7. c. clvii.	The County of Suffolk Act, 1904	Sections four, five and six; in section seven the words " either at courts of sessions of the peace or "; section eight; in section sixteen the words " or custos rotulorum " and the words " custos rotulorum " in the second place where they occur; section seventeen to the words " respectively and "; section nineteen.
10 Edw. 7. and 1 Geo. 5. c. 24.	The Licensing (Consolidation) Act, 1910.	The concluding paragraph of subsection (1) of section twenty-nine; in section one hundred and ten in the definition of " county ", the first paragraph.
12 & 13 Geo. 6. c. 27.	The Juries Act, 1949	In subsection (4) of section six the words " or at a court of quarter sessions held for that county "; in section nine the words " and quarter sessions " in both places.

SECOND SCHEDULE

PROVISIONS COMING INTO FORCE ON 1ST JANUARY, 1952

Provisions of the Act	Subject matter of provisions
Section twelve	Licensing authorities for non-county boroughs.
So much of Part III of the Seventh Schedule as is set out in the Appendix hereto.	Repeals.

APPENDIX TO SECOND SCHEDULE

Session and Chapter	Title or Short Title	Extent of Repeal
10 Edw. 7. and 1 Geo. 5. c. 24.	The Licensing (Consolidation) Act, 1910.	In section two, subsection (3) except the words " (3) For the purposes of this Act as respects a licensing district being a borough the licensing justices are the borough licensing committee ", and subsection (5); in section three, subsection (1) from " during " onwards and subsection (2); in section one hundred and ten, in the definition " county " in the second paragraph the words from " and " onwards.

THIRD SCHEDULE

TRANSITIONAL AND SUPPLEMENTAL PROVISIONS HAVING EFFECT IN CONNECTION WITH PROVISIONS OF THE ACT BROUGHT INTO FORCE ON 1ST OCTOBER, 1951

1. Any jurisdiction conferred by any Act or other instrument on any justices of the peace for a borough losing its commission or for the liberty of Ripon or for any of the liberties of the Cinque Ports or for Romney Marsh, or on any court of quarter sessions therefor, shall be exercisable by the justices, or, as the case may be, the court of quarter sessions, for the county in which the borough, liberty or other place is situated:

Provided that nothing in this paragraph shall be construed as extending the area in respect of which the jurisdiction is conferred by the Act or other instrument.

2.—(1) Any proceedings begun and not completed before the first day of October, 1951, in or before a borough or liberty court of quarter sessions abolished by section ten of the Act shall be continued and disposed of as if the Act had not been passed; and in respect of any sitting of the court or other matters taking place after the said date, the recorder, if any, and any officer of the said court, shall be paid such remuneration and expenses as shall be agreed between the recorder or officer and the local authority responsible before the said date for the payment of such remuneration and expenses, or, in default of agreement, as may be determined by the Secretary of State:

Provided that no proceedings shall be deemed for the purposes of this sub-paragraph to have been begun unless the hearing thereof has begun.

(2) Subject to sub-paragraph (1) of this paragraph, any person who immediately before the said date stands committed for trial or sentence to a borough or liberty court of quarter sessions abolished by section ten of the Act shall be deemed to have been committed to the court of quarter sessions for the county in which the borough or liberty is situated and may be tried, sentenced or otherwise dealt with by or before that court as if he had originally been committed thereto by justices for that county, and any recognizance entered into in connection with the committal shall have effect accordingly.

(3) Subject to sub-paragraph (1) of this paragraph, any process issued, orders made, sentences passed, appeals brought, cases stated, licences granted, recognizances entered into or other things done (whether before the said date or in pursuance of the said sub-paragraph (1)) by, from, to or before a borough or liberty court of quarter sessions abolished by section ten of the Act shall be deemed to have been issued, made, passed, brought, stated, granted, entered into, or done by, from, to or before the court of quarter sessions for the county in which the borough or liberty is situated.

(4) Any appointment of a justice for the liberty of Ripon under section ten of the Lunacy Act, 1890(a), as a justice to make reception orders, or under section one hundred and seventy-seven of that Act as a visitor of licensed houses, or under the Prison Rules, 1949(b), as a member of a visiting committee, made by the justices for the said liberty at their quarter sessions shall be deemed to be an appointment of that person in his capacity as a justice for the county of the West Riding of York and to have been made by the justices for that county at their last Michaelmas or, as the case may be, Epiphany quarter sessions.

(5) Any writs, process or other documents in the custody, by virtue of his office as such, of the clerk of the peace of a borough or liberty whose court of quarter sessions is abolished by section ten of the Act shall be transferred to the custody of the clerk of the peace of the county in which the borough or liberty is situated.

3. Any proceedings begun and not completed before the said first day of October in or before the court of quarter sessions for Hastings or Dover shall, notwithstanding paragraph 3 of the Second Schedule to the Act, be continued

(a) 53 & 54 Vict. c. 5. (b) S.I. 1949 (No. 1073) I, p. 3470.

and disposed of as if the Act had not been passed; and any person who immediately before the said date stands committed thereto may, notwithstanding the said paragraph, be tried, sentenced or otherwise dealt with by or before that court as if the Act had not been passed.

4.—(1) Subject to the last foregoing paragraph and sub-paragraph (1) of paragraph 2 of this Schedule, any process issued, orders made, sentences passed, appeals brought, cases stated, licences granted, recognizances entered into, proceedings begun, appointments made or other things done out of sessions before the said first day of October by, from or before any justices of the peace for any area losing its commission shall be deemed to have been issued, made, passed, brought, stated, granted, entered into, begun or done—

(*a*) in the case of a borough losing its commission, by, from or before those justices as justices for the county in which the borough is situated, acting in and for the petty sessional division constituted by paragraph 6 of the Second Schedule to the Act and comprising the borough;

(*b*) in the case of the liberty of Ripon, by, from or before those justices as justices for the county of the West Riding of York acting in and for the petty sessional division constituted by the said paragraph 6 and comprising the former petty sessional division of the said liberty for which the liberty justices acted;

(*c*) in the case of Romney Marsh, by, from or before those justices as justices for the county of Kent acting in and for the petty sessional division in which, by virtue of an order of the Secretary of State under paragraph 7 of the said Schedule, is comprised the area of Romney Marsh;

(*d*) in the case of the liberties of the Cinque Ports, by, from or before those justices as justices for the county of Kent acting in and for the petty sessional division in which, by virtue of an order of the Secretary of State under the said paragraph 7, is comprised the area of the former division of the said liberties for which the liberty justices acted:

Provided—

(i) that any appointment made under section ten or section one hundred and seventy-seven of the Lunacy Act, 1890, or to a visiting committee under the Prison Rules, 1949, by the justices for a borough losing its commission shall be deemed to have been made by the justices for the county in which the borough is situated at their last Michaelmas or, as the case may be, Epiphany quarter sessions;

(ii) that nothing in this sub-paragraph shall apply to appointments made, whether to a juvenile panel or otherwise, by the justices for an area who do not, by virtue of paragraph 2 of the Second Schedule to the Act, become justices for the county in which the area is situated.

(2) The foregoing sub-paragraph shall apply where the borough losing its commission is one of the Cinque Ports notwithstanding that the jurisdiction was exercised in respect of a member or liberty thereof.

5. Any process, records, or other documents in the custody of the clerk to the justices for an area losing its commission shall, as may be appropriate having regard to the petty sessional division of the county to which in accordance with the provisions of the last foregoing paragraph those documents are deemed to relate, be retained by the clerk in his capacity as clerk for that petty sessional division or, if he does not hold that clerkship, be transferred to the custody of the clerk for that petty sessional division.

6.—(1) Any proceedings begun and not completed before the said first day of October before any county justices exercising concurrent jurisdiction in respect of a county borough may, notwithstanding subsection (3) of section ten of the Act, be continued and disposed of as if the Act had not been passed.

(2) Any proceedings begun and not completed before the said date before any justices for Hastings or Dover may, notwithstanding paragraph 3 of the Second Schedule to the Act, be continued and disposed of as if the Act had not been passed.

7. Where an area losing its commission, or any part of such an area, is named in a probation order made or having effect as if made under section three of the Criminal Justice Act, 1948(a), the powers and functions of the justices for that area as supervising court shall vest in and be discharged by the justices for the county in which the area is situated acting in and for the petty sessional division in which the area, or the part thereof, is comprised; and unless it is amended under paragraph 2 of the First Schedule to the said Act of 1948 the probation order shall have effect in all respects as if the said division were named therein.

8. Where, by reason of the operation of section ten of the Act, a borough ceases to have a recorder, any court for the trial of civil actions of which he is judge by virtue of his holding the office of recorder shall be abolished.

9.—(1) The justice appointed under subsection (5) of section six of the Licensing (Consolidation) Act, 1910(b) (which relates to committees of compensation authorities), by the justices of a borough losing its commission to act on the committee appointed under that section by the quarter sessions for the county in which the borough is situated shall continue on and after the said first day of October to act thereon as if he were a member thereof appointed by the said quarter sessions in accordance with the rules made under subsection (3) of the said section six.

(2) The compensation authority for the purposes of the said Act of 1910 for the liberty of Ripon and for the town and county of Haverfordwest shall continue, as if the Act had not been passed, to act as such until the compensation authority for the said purposes for the county of the West Riding of York or, as the case may be, the county of Pembroke, is appointed in accordance with rules made under subsection (7) of section eleven of the Licensing Act, 1949(c); and the provisions of sub-paragraph (1) of paragraph 2 of this Schedule with regard to the payment of remuneration and expenses shall apply, with the substitution of a reference to the compensation authority for the reference to a local authority, to any officer of the compensation authority so continuing to act as it applies to an officer of a court of quarter sessions.

(3) On the appointment of a compensation authority for the purposes of the said Act of 1910 for the county of the West Riding of York, or the county of Pembroke, in accordance with rules made under subsection (7) of the said section eleven, there shall be transferred to that authority all property, rights and liabilities held, vested, or incurred in or by the compensation authority for the said liberty or, as the case may be, the said town and county.

10. Section one of the Metropolitan Police Act, 1829(d), and section two of the Metropolitan Police Act, 1856(e) (which relate to the appointment of the Commissioner and Assistant Commissioners of Police of the Metropolis as justices for certain counties), shall apply in relation to any county borough within the Metropolitan Police District which at the passing of the Act was included for the purposes of justices in the county of Surrey or the county of Essex as the said sections apply to those counties; and any existing appointment under either of the said sections shall have effect for the county borough as well as for the county in which it was included as aforesaid.

11. In this Schedule—

"area losing its commission" means any area losing its commission of the peace under the Act and shall be construed as including the liberty of Romney Marsh;

"borough losing its commission" has the meaning assigned to that expression in sub-paragraph (3) of paragraph 1 of the Second Schedule to the Act;

and other expressions have the meanings assigned to them in section forty-four of the Act.

(a) 11 & 12 Geo. 6. c. 58. (b) 10 Edw. 7. & 1 Geo. 5. c. 24.
(c) 12, 13 & 14 Geo. 6. c. 59. (d) 10 Geo. 4. c. 44. (e) 19 & 20 Vict. c. 2.