The Justices of the Peace Act, 1949 (Commencement No. 3) Order, 1951

1951 No. 1941 (C. 8)

Made - - - - 14th November, 1951

At the Court at Buckingham Palace, the 14th day of November, 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 by subsection (4) of the said section forty-five it is required that provision shall be made by Order in Council under the section for securing that so far as practicable questions as to the salaries under section nineteen of the Act of justices' clerks holding office immediately before the date when that section comes into force, and other questions arising under that section on its coming into force, shall be determined before it comes into force and, so far as it is not practicable for any such clerk's salary to be determined as aforesaid, for securing that the subsequent determination thereof shall have effect from the coming into force of the said section nineteen:

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

1. 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 December, 1951.

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 April, 1953.

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

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

4. This Order may be cited as the Justices of the Peace Act, 1949 (Commencement No. 3) Order, 1951.

F. J. Fernau.

FIRST SCHEDULE

PROVISIONS COMING INTO FORCE ON 1ST DECEMBER, 1951

Provisions of the Act	Subject matter of provisions
Section sixteen	Establishment of magistrates' courts committees.
Section eighteen	Powers and duties of magistrates' courts committees as to petty sessional divisions.
Paragraph (*a*) of subsection (2) of section twenty-five.	Duty of county and borough councils to pay expenses of magistrates' courts committees.
Subsection (6) of section twenty-nine	Appointments of stipendiaries outside London.
Fourth Schedule	Constitution, etc., of magistrates' courts committees.
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
9 Geo. 4. c. 43.	The Division of Counties Act, 1828.	The whole Act.
6 & 7 Will. 4. c. 12.	The Petty Sessional Divisions Act, 1836.	The whole Act.
7 & 8 Vict. c. 61.	The Counties (Detached Parts) Act, 1844.	Section three.
22 & 23 Vict. c. 65.	The Petty Sessional Divisions Act, 1859.	The whole Act.

SECOND SCHEDULE

PROVISIONS COMING INTO FORCE ON 1ST APRIL, 1953

Provisions of the Act	Subject matter of provisions
Section eight	Travelling and lodging allowances.
Subsections (9) to (11) of section eleven.	Justices and courts in London.
Section seventeen	Provision of courses of instruction.
Section nineteen	Appointment and conditions of service of justices' clerks.

Provisions of the Act	Subject matter of provisions
Section twenty-one	Functions of justices' clerk as collecting officer.
Section twenty-two	Superannuation of justices' clerks and their staff.
Section twenty-three	Existing and former justices' clerks, etc.
Section twenty-four	Clerk in proceedings for rates in London.
Section twenty-five	Duties of county and borough councils.
Section twenty-six	Supplementary provisions as to powers and duties of councils.
Section twenty-seven	Application of fines and fees, and payment of expenses of courts.
Section twenty-eight	Making good defaults of justices' clerks.
Subsection (7) of section twenty-nine	Provisions consequential on appointment of stipendiary for county area.
Section thirty-six	Travelling and lodging allowance of members of probation committees and case committees.
Subsection (3) of section forty-six ...	Extent.
Fifth Schedule	Modifications of Local Government Superannuation Act, 1937, in relation to justices' clerks and their staff.
In the Sixth Schedule, sub-paragraph (1) of paragraph 4 and paragraphs 5 and 7 to 10.	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 SECOND SCHEDULE

Session and Chapter	Title or Short Title	Extent of Repeal
1 Car. 1. c. 1	The Sunday Observance Act, 1625.	The words " the same to be employed and converted to the use of the poor of the parish where such offence shall be committed ".
3 Car. 1. c. 2	The Sunday Observance Act, 1627.	The words from " All which forfeitures " to " forfeiture ".
29 Car. 2. c. 7	The Sunday Observance Act, 1677.	Section two from " and all and singular " onwards.
11 Geo. 2. c. 19	The Distress for Rent Act, 1737.	In section four, the words " to such landlord or landlords, his, her, or their bailiffs, servant or agent ".
15 Geo. 2. c. 33	The Starr and Bent Act, 1741.	In sections six and seven, the words from " one moiety " onwards.
19 Geo. 2. c. 21	The Profane Oaths Act, 1745.	In section seven, the words from " to be disposed of " to " committed "; sections nine and ten.
17 Geo. 3. c. 56	The Frauds by Workmen Act, 1777.	In section three the words from " every such pecuniary penalty " to " and then " and from " and afterwards " to " appoint ".
32 Geo. 3. c. 56	The Servants' Characters Act, 1792.	In section six the words from " one moiety " to " committed ".

Session and Chapter	Title or Short Title	Extent of Repeal
33 Geo. 3. c. 55	The Parish Officers Act, 1793.	Section one from the words " and such fine " where they first occur to the words " imposing the same ".
35 Geo. 3. c. 113.	The Sale of Beer Act, 1795	Section five to the word " appoint "; section ten from " and such penalty " onwards.
39 Geo. 3. c. 79	The Unlawful Societies Act, 1799.	In section thirty-six, the words " or the informer before any justice ".
57 Geo. 3. c. 19	The Seditious Meetings Act, 1817	In section thirty-one, the words " or to the informer before any justice ".
10 Geo. 4. c. 44	The Metropolitan Police Act, 1829.	Section thirty-seven.
11 Geo. 4. & 1 Will. 4. c. 64.	The Beerhouse Act, 1830...	Section twenty-four from the words " or either " onwards.
1 & 2 Will. 4. c. 32.	The Game Act, 1831 ...	Section thirty-seven.
1 & 2 Will. 4. c. 41.	The Special Constables Act, 1831.	Section fifteen from " and every " onwards.
5 & 6 Will. 4. c. 50.	The Highways Act, 1835 ...	Section one hundred and three, from " and the penalties " onwards.
2 & 3 Vict. c. 15.	The Staffordshire Potteries Stipendiary Justice Act, 1839.	Section nine from " and the said clerk " onwards.
2 & 3 Vict. c. 47.	The Metropolitan Police Act, 1839.	In section seventy-seven, the words from " and so much " to " conviction " where first occurring and from " and the residue " onwards.
2 & 3 Vict. c. 71.	The Metropolitan Police Courts Act, 1839.	Section thirty-four; section forty-two; section forty-six; section forty-seven.
2 & 3 Vict. c. xciv.	An Act for regulating the police in the City of London.	In section thirty-two the words from " and upon conviction " to " of this Act " as respects convictions before a court of summary jurisdiction; and as respects penalties imposed by such a court, in section ninety-seven the words from " all which penalties " to " of this Act ".
5 & 6 Vict. c. 44.	The Licensing Act, 1842 ...	Section five from " and such penalty " onwards.
6 & 7 Vict. c. 30.	The Pound-breach Act, 1843.	Section one from " and it " onwards.
6 & 7 Vict. c. 40.	The Hosiery Act, 1843 ...	In section twenty the words from " to be applied " to " if any ".
6 & 7 Vict. c. 68.	The Theatres Act, 1843 ...	In section twenty-one the words from the first " shall " to " if any " as respects penalties imposed by courts of summary jurisdiction.
6 & 7 Vict. c. xliv.	An Act to provide for the more effectual execution of the office of a justice of the peace within the parish of Merthyr Tydfil and certain adjoining parishes.	Sections eight, thirteen and fourteen.
8 & 9 Vict. c. 16.	The Companies Clauses Act, 1845.	Section one hundred and fifty-two.

Session and Chapter	Title or Short Title	Extent of Repeal
8 & 9 Vict. c. 20.	The Railways Clauses Consolidation Act, 1845.	Section twenty-three from "and" onwards; in section fifty-seven, the words from "to the trustees" to "thereof"; in section fifty-eight, the words from "and such penalty" to "owner thereof"; in section sixty-four the words "to the said commissioners, or trustees, or surveyor"; in sections eighty-four, ninety-nine, one hundred and three, one hundred and five, one hundred and sixteen and one hundred and nineteen, the words "to the company"; section one hundred and fifty; in section one hundred and fifty-nine the words from "and except" to "be applied" and the words "paid and applied".
8 & 9 Vict. c. 118.	The Inclosure Act, 1845 ...	Section one hundred and fifty-nine from "all which" onwards.
10 & 11 Vict. c. 14.	The Markets and Fairs Clauses Act, 1847.	In section twenty-six the words "to the person requiring such cart to be weighed"; in section fifty-six the words from "and except" to "be applied" and the words "paid and applied".
10 & 11 Vict. c. 16.	The Commissioners Clauses Act, 1847.	In section one hundred and six the words from "and except" to "be applied" and the words "paid and applied".
10 & 11 Vict. c. 27.	The Harbours, Docks and Piers Clauses Act, 1847.	In section ninety-five the words from "and except" to "be applied" and the words "paid and applied".
10 & 11 Vict. c. 34.	The Towns Improvement Clauses Act, 1847.	In section thirty the words "to the commissioners".
10 & 11 Vict. c. 65.	The Cemeteries Clauses Act, 1847.	In sections fifty-eight and fifty-nine the words "to the company".
11 & 12 Vict. c. 43.	The Summary Jurisdiction Act, 1848.	In section thirty-one the words from "according to the" to "every such clerk" and the words from "and the said clerk" onwards.
11 & 12 Vict. c. 99.	The Inclosure Act, 1848.	Section ten from "and such sum" onwards.
12 & 13 Vict. c. 18.	The Petty Sessions Act, 1849.	Sections two and three.
12 & 13 Vict. c. 83.	The Inclosure Act, 1849 ...	Section ten from the words "and such sum" to the word "direct" where next occurring.
14 & 15 Vict. c. 55.	The Criminal Justice Administration Act, 1851.	In their application to justices' clerks, sections ten and eleven and in section twelve the words "by virtue of any order made under this Act", the words "under this Act" where next occurring and the words from "and in every such case" onwards.
15 & 16 Vict. c. 79.	The Inclosure Act, 1852 ...	Section thirty-three from the words "and such sum" to the words "regulated pastures".

Session and Chapter	Title or Short Title	Extent of Repeal
16 & 17 Vict. c. 119.	The Betting Act, 1853 ...	Section nine.
17 & 18 Vict. c. 38.	The Gaming Houses Act, 1854.	Section eight.
24 & 25 Vict. c. 110.	The Old Metal Dealers Act, 1861.	Section ten from " or to be applied " onwards.
30 & 31 Vict. c. 115.	The Justices of the Peace Act, 1867.	In section two the words " petty or special or ".
31 & 32 Vict. c. 22.	The Petty Sessions and Lock-up House Act, 1868.	In section three, the definitions of " petty sessions " and " quarter sessions "; sections four and five; section eight to " respectively; and "; paragraph 2 in section ten.
31 & 32 Vict. c. 119.	The Regulation of Railways Act, 1868.	In section twenty-one the words from " one half " to " rate ".
31 & 32 Vict. c. xxxvi.	An Act to extend the limits of the Act for appointing a stipendiary justice of the peace for the parish of Merthyr Tydfil and adjoining places; and for other purposes.	Section six.
32 & 33 Vict. c. 49.	The Local Stamp Act, 1869	The whole Act.
34 & 35 Vict. c. xc.	The Staffordshire Potteries Stipendiary Justice Act, 1871.	Section fifteen; section thirty.
35 & 36 Vict. c. 93.	The Pawnbrokers Act, 1872.	The second paragraph of section thirty-three, except so far as it enables the court to direct any sum to be applied in making satisfaction to the party injured; in section thirty-five the words from " which forfeiture " to " thereof "; section forty-six, so far as it enables a court of summary jurisdiction to direct payment to a complainant who is not the party aggrieved.
38 & 39 Vict. c. 55.	The Public Health Act, 1875.	In section twenty-six the words " to the urban authority "; section two hundred and fifty-four.
39 & 40 Vict. c. 20.	The Statute Law Revision (Substituted Enactments) Act, 1876.	Section one from the first " that " to " and " where next occurring.
40 & 41 Vict. c. 43.	The Justices Clerks Act, 1877.	Sections two to four; section five from " Provided that " onwards: and sections six and nine.
41 & 42 Vict. c. 15.	The Customs and Inland Revenue Act, 1878.	In paragraph (2) of section twenty-three the words from " the benefit " to the last " and ".
41 & 42 Vict. c. 49.	The Weights and Measures Act, 1878.	In section fifty-seven, paragraph 4 and paragraph 5 from " and the proceeds " onwards.
41 & 42 Vict. c. lv.	The Manchester Division and Borough of Salford (Stipendiary Justices) Act, 1878.	Sections thirty-nine to forty-one; sections forty-four and forty-five.

Session and Chapter	Title or Short Title	Extent of Repeal
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879.	In section eight the words from " the court may also " onwards; paragraph (*e*) of subsection (1) of section twenty-nine; section thirty; in section forty-eight the words " the justices of a borough or " and the words " and the principal Act therein mentioned ".
44 & 45 Vict. c. 58.	The Army Act	In section one hundred and sixty-six, subsection (3) and subsection (6) to the word " informer ".
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	Subsections (1) and (6) of section one hundred and fifty-nine; section one hundred and sixty; section two hundred and twenty-one.
47 & 48 Vict. c. 43.	The Summary Jurisdiction Act, 1884.	In section eight, the first paragraph, and in the second the words " petty sessional courthouse or " and the words " provided or ".
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	In paragraph (iv) of section three the words " justices rooms " and " and the justices "; in section thirty, in subsection (1) the words " and of clerks of the justices " and in subsection (3) the words " or to clerks of the justices ", the words " or justices out of session ", the words " or the said clerks " and the words from " or to the application of " to " by clerks to justices "; in subsection (12) of section forty-two the words " petty sessional or "; in subsection (3) of section sixty-four the words " and justices out of sessions " and the words " or justices "; in section sixty-six the words " or justices out of session "; paragraph (*a*) of proviso (16) to section seventy-five; section eighty-four.
53 & 54 Vict. c. 5.	The Lunacy Act, 1890 ...	Section three hundred and twenty-six from " and " onwards.
57 & 58 Vict. c. 57.	The Diseases of Animals Act, 1894.	Subsection (5) of section fifty-seven.
57 & 58 Vict. c. 60.	The Merchant Shipping Act, 1894.	Subsection (6) of section two hundred and fourteen from " and fines " onwards; subsection (3) of section two hundred and thirty-two; subsection (4) of section two hundred and eighty-seven from " and the fine " onwards; in subsection (3) of section three hundred and seventy-six, the words " the person by whom the wages are payable or of "; in subsection (1) of section six hundred and ninety-nine in its application to courts of summary jurisdiction, the words from " or to be applied " onwards.

Session and Chapter	Title or Short Title	Extent of Repeal
57 & 58 Vict. c. xxvii.	The Merthyr Tydfil Stipendiary Justice Act, 1894.	Sections seven to ten.
58 & 59 Vict. c. cvii.	The Staffordshire Potteries Stipendiary Justice Act, 1895.	In section eleven, the words from "by the" to "or" where next occurring and the word "other".
60 & 61 Vict. c. 26.	The Metropolitan Police Courts Act, 1897.	Section one from the last "and" onwards and subsection (2) of section seven.
62 & 63 Vict. c. xc.	The South Staffordshire Stipendiary Justice Act, 1899.	Sections nineteen and twenty; in section twenty-two the words "and clerk of accounts"; in section twenty-three the words "or the clerk of accounts"; in section twenty-four the words "clerk of accounts"; section twenty-seven.
4 Edw. 7. c. 28.	The Weights and Measures Act, 1904.	Subsection (2) of section thirteen.
7 Edw. 7. c. 9.	The Territorial and Reserve Forces Act, 1907.	Subsection (3) of section twenty-four from "subject" onwards.
7 Edw. 7. c. cxxviii.	The Merthyr Tydfil Stipendiary Justice Act, 1907.	In section three, paragraph (B) of subsection (5); section four; in section five, subsections (3) to (8); sections six and seven.
8 Edw. 7. c. 44.	The Commons Act, 1908 ...	Subsection (2) of section one from the second "and" onwards.
10 Edw. 7. and 1 Geo. 5. c. 24.	The Licensing (Consolidation) Act, 1910.	Section one hundred and four; section one hundred and five from "but" onwards.
2 & 3 Geo. 5. c. 3.	The Shops Act, 1912 ...	The proviso to subsection (1) of section fourteen from the last "and" onwards.
3 & 4 Geo. 5. c. 27.	The Forgery Act, 1913 ...	Subsection (5) of section five and subsection (3) of section eight.
4 & 5 Geo. 5. c. 6.	The Affiliation Orders Act, 1914.	Subsection (1) of section one and subsection (3) of that section from "and where" onwards.
4 & 5 Geo. 5. c. 58.	The Criminal Justice Administration Act, 1914.	Paragraph (*d*) of subsection (1) of section five from the word "offence" onwards, except the word "fine"; subsection (4) of section thirty; section thirty-four.
8 & 9 Geo. 5.	The Air Force Act ...	In section one hundred and sixty-six subsection (3) and subsection (6) to the word "informer".
10 & 11 Geo. 5. c. lxxxvi.	The Pontypridd Stipendiary Magistrate Act, 1920.	Sections eight to sixteen.
11 & 12 Geo. 5. c. 31.	The Police Pensions Act, 1921.	In the Second Schedule, paragraphs 1 and 3 and as respects fines imposed by a court of summary jurisdiction paragraph 2.
12 & 13 Geo. 5. c. lxxvi.	The Birmingham Corporation Act, 1922.	Section eighty-one.
13 & 14 Geo. 5. c. 8.	The Industrial Assurance Act, 1923.	In its application to courts of summary jurisdiction subsection (6) of section thirty-nine to the second "and".
13 & 14 Geo. 5. c. 16.	The Salmon and Freshwater Fisheries Act, 1923	Subsection (2) of section seventy-three.

Session and Chapter	Title or Short Title	Extent of Repeal
20 & 21 Geo. 5. c. clxxiv.	The Cardiff Corporation Act, 1930.	Section one hundred and twenty-seven except as respects a magistrate to whom subsection (1) of section thirty-three of this Act does not apply.
20 & 21 Geo. 5. c. clxxviii.	The Manchester Corporation (General Powers) Act, 1930.	Section thirty-nine as respects any person who after the coming into force of section twenty-two of this Act is or serves the clerk to the justices.
21 & 22 Geo. 5. c. 42.	The Agricultural Marketing Act, 1931.	In its application to courts of summary jurisdiction, subsection (4) of section six.
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act, 1933.	Paragraph (*d*) of subsection (2) of section eighty-eight from " to order " onwards.
23 & 24 Geo. 5. c. 25.	The Pharmacy and Poisons Act, 1933.	Subsection (4) of section twenty-four.
23 & 24 Geo. 5. c. 31.	The Agricultural Marketing Act, 1933.	The second paragraph of subsection (5) of section six.
25 & 26 Geo. 5. c. 9.	The Herring Industry Act, 1935.	The second paragraph of subsection (2) of section six.
26 Geo. 5 & 1 Edw. 8. c. 50.	The Public Health (London) Act, 1936.	Subsection (3) of section forty-five; subsection (4) of section sixty-two; subsection (4) of section sixty-four; subsection (1) of section seventy-three; subsection (1) of section one hundred and seventy-eight; in section two hundred and sixty-five, subsection (2) as respects fines imposed by a court of summary jurisdiction; in section two hundred and eighty-one, subsection (1) and in subsection (3) the words " fines or other sums recoverable or "; Part IV of the First Schedule.
1 Edw. 8. & 1 Geo. 6. c. 67.	The Factories Act, 1937 ...	In section one hundred and thirty-three the words " or otherwise ".
1 Edw. 8 & 1 Geo. 6. c. 68.	The Local Government Superannuation Act, 1937.	In section twenty, subsections (1) to (3) and in subsection (4) the words " In this section and "; in Part III of the Second Schedule, paragraphs (*a*) to (*f*) and in paragraph (*g*) the words " a clerk or an employee of a clerk or ".
7 & 8 Geo. 6. c. xxi.	The Middlesex County Council Act, 1944.	Sections three hundred and ninety-seven, three hundred and ninety-eight and four hundred and eighteen, the Fifth Schedule except paragraph (*f*) and in that paragraph the words " any officer to whom this Schedule applies or ".
8 & 9 Geo. 6. c. 38.	The Local Government (Boundary Commission) Act, 1945.	Subsection (2) of section two.
9 & 10 Geo. 6. c. 20.	The Building Materials and Housing Act, 1945.	Paragraph (*a*) of subsection (7) of section seven.

Session and Chapter	Title or Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 81.	The National Health Service Act, 1946.	In the Ninth Schedule, the paragraph amending section three hundred and twenty-six of the Lunacy Act, 1890.
11 & 12 Geo. 6. c. 10.	The Emergency Laws (Miscellaneous Provisions) Act, 1947.	Sub-paragraph (2) of paragraph 5 of the Second Schedule.
11 & 12 Geo. 6. c. 38.	The Companies Act, 1948	In its application to courts of summary jurisdiction section four hundred and forty-four to the word " all ".
11 & 12 Geo. 6. c. liii.	The London County Council (General Powers) Act, 1948.	Section forty-eight.

THIRD SCHEDULE

TRANSITIONAL PROVISIONS

1. Magistrates' courts committees may, and, in relation to the matters referred to in sub-paragraph (*a*) of this paragraph, shall so far as practicable, exercise any function under the Act which is necessary—

(*a*) for securing that questions as to the salaries under section nineteen of the Act of justices' clerks holding office immediately before the date when that section comes into force, and other questions arising under that section on its coming into force, shall be determined before it comes into force;

(*b*) for the purpose of making appointments under the said section nineteen before it comes into force, so, however, that no appointment so made shall take effect until the second day of April, 1953;

and any such function may be exercised and any proceedings taken or other thing done in connection therewith, whether by a magistrates' courts committee or any other body or person, as if the Act were wholly in force.

2. So far as it is not practicable for the salary of any such clerk as is referred to in the foregoing paragraph to be determined as aforesaid the subsequent determination thereof shall have effect from the coming into force of section nineteen of the Act.

3. Any reference in the Act to the date when section twenty-five of the Act comes into force shall be construed as a reference to the date when the said section comes wholly into force, that is to say, the first day of April, 1953.

The Justices of the Peace Act, 1949 (Saving of Borough Quarter Sessions) Order, 1951

1951 No. 168

Made - - - - *2nd February,* 1951

Whereas on the coming into force of subsection (1) of section ten of the Justices of the Peace Act, 1949(a), the separate commissions of the peace and quarter sessions of certain non-county boroughs will be abolished:

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