STATUTORY INSTRUMENTS

1999 No. 2396

JUSTICES OF THE PEACE, ENGLAND AND WALES

The Justices of the Peace (Size and Chairmanship of Bench) (Amendment) Rules 1999

Made - - -	*31st August 1999*
Laid before Parliament	*1st September 1999*
Coming into force	*27th September 1999*

The Lord Chancellor, in exercise of the powers conferred on him by section 24 of the Justices of the Peace Act 1997**(a)** and after consultation with the Rule Committee appointed under section 144 of the Magistrates' Courts Act 1980**(b)**, makes the following Rules:

Citation, commencement and interpretation

1. These Rules may be cited as the Justices of the Peace (Size and Chairmanship of Bench) (Amendment) Rules 1999 and shall come into force on 27th September 1999.

2. In these Rules–

(a) "the 1995 Rules" mean the Justices of the Peace (Size and Chairmanship of Bench) Rules 1995**(c)**;

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

(c) "supplemental list" means the supplemental list referred to in section 7 of the 1997 Act **(d)**; and

(d) expressions also used in the 1995 Rules have the same meaning as in those Rules (as amended by rule 3 of these Rules).

Amendments to the 1995 Rules

3.—(1) In the definitions in rule 2 of the 1995 Rules–

(a) for the definition of "the Act" there shall be substituted the following definition:

" "the Act" means the Justices of the Peace Act 1997;"

; and

(b) for the definition of "the traditional procedure" there shall be substituted the following definition:

" "the traditional procedure" means the procedure for election to the offices of chairman and deputy chairman of the justices on the basis that the candidates are justices for the petty sessions area; except that the candidates for an election to the office of deputy chairman shall not include the justice who has been elected chairman at the election meeting.".

(2) In rule 4(1)(a) of the 1995 Rules the words "except in the case of the justices for the City of London," shall be omitted.

(3) In rules 15(a), 16(b) and 17 of the 1995 Rules for "section 63" there shall be substituted "section 64".

(a) 1997 c. 25.

(b) 1980 c. 43; section 144 is extended by section 145 of that Act and section 144(3) was amended by paragraph 25(7) of Schedule 18 to the Courts and Legal Services Act 1990 (c. 41).

(c) S.I. 1995/971.

(d) Section 7(3) of the Justices of the Peace Act 1997 is amended by Part V(1) of Schedule 15 to the Access to Justice Act 1999 (c. 22) which comes into force on 27th September 1999.

(4) In rule 17 of the 1995 Rules for "section 17(2)" there shall be substituted "section 22(2)".

Chairman and deputy chairmen of the justices for the City of London: transitional provisions

4.—(1) The justices for the City of London shall decide in accordance with paragraph (2)–

(a) whether the nomination procedure is to be adopted for the election to either or both of the offices of chairman and deputy chairman at the election meeting in October 2000; and

(b) whether the number of deputy chairmen to be elected at the election meeting in October 2000 should be a different number from that decided at the election meeting in October 1999, and if so, what that number should be.

(2) The justices for the City of London shall make the decisions required in paragraph (1) by a simple majority, between 1st May 2000 and 30th June 2000, either by postal ballot or by resolution ascertained by a show of hands at a meeting of which seven days' notice has been given to each of them.

(3) Notwithstanding any decision taken at the election meeting in October 1999, the justices for the City of London shall, at the election meeting in October 2000, elect the number of deputy chairmen decided under paragraph (1)(b) by the procedure decided under paragraph (1)(a).

(4) The person who is the Lord Mayor of London when these Rules come into force shall be the chairman of the justices for the City of London until he ceases to be Lord Mayor.

(5) The person who is the next Lord Mayor of London, unless at the time he takes office his name is entered on the supplemental list, shall be chairman of the justices for the City of London immediately after the previous Lord Mayor ceases to be Lord Mayor until (and including) 31st December 2000.

(6) The persons who were both aldermen and deputy chairmen of the justices for the City of London immediately before these Rules come into force shall be deputy chairmen until (and including) 31st December 1999 unless at any time before that date their name is entered in the supplemental list.

(7) If, at any time after these Rules come into force until (and including) 31st December 1999, there is no Lord Mayor entitled to be chairman under paragraphs (4) or (5), the senior of the aldermen designated as deputy chairmen in paragraph (6) shall, instead of being a deputy chairman, be chairman of the justices.

(8) If, at any time between 1st January 2000 and 31st December 2000 (inclusive), there is no Lord Mayor entitled to be chairman under paragraphs (4) or (5), the deputy chairman elected in accordance with paragraph (9) shall, instead of being a deputy chairman, be chairman of the justices.

(9) At the election meeting held by the justices of the City of London in October 1999, the justices shall not elect a chairman but shall, by the traditional method, elect one deputy chairman who shall hold office from (and including) 1st January 2000 until (and including) 31st December 2000.

(10) The candidates for the election of deputy chairman to be elected in accordance with paragraph (9) shall not include any person who is chairman by virtue of paragraphs (4) or (5).

Signed by the authority of the Lord Chancellor

Keith Vaz

Dated 31st August 1999 — Parliamentary Secretary, Lord Chancellor's Department

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules allow for the election to the offices of chairman and deputy chairman of justices for the City of London. The Rules are necessary because section 23 of the Justices of the Peace Act 1997 is repealed by the Access to Justice Act 1999. Section 23 gave the Lord Mayor for the time being an automatic right to be chairman of the justices for the City of London. It also gave certain aldermen who had been Lord Mayor the automatic right to be deputy chairmen.

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