STATUTORY INSTRUMENTS

1973 No. 1522

MAGISTRATES' COURTS

The Magistrates' Courts Committees (Constitution) Regulations 1973

Made - - - - - - - -	29*th August* 1973
Coming into Operation—	
for purposes mentioned in Regulation 1(2)	1*st October* 1973
for all other purposes - - - -	1*st April* 1974

In exercise of the powers conferred upon me by paragraph 1(7) and (8) of Schedule 4 to the Justices of the Peace Act 1949(a) (as amended by paragraph 14(6) and (7) of Schedule 27 to the Local Government Act 1972(b)), I hereby make the following Regulations:—

1.—(1) These Regulations may be cited as the Magistrates' Courts Committees (Constitution) Regulations 1973.

(2) These Regulations shall come into operation on 1st April 1974 save that for the purposes of establishing committees for non-metropolitan counties and metropolitan districts which come into existence on that date these Regulations shall come into operation on 1st October 1973.

(3) The Magistrates' Courts Committees (Constitution) Regulations 1951(c) are hereby revoked.

(4) These Regulations shall not affect the constitution of a committee constituted under the said Regulations of 1951 but these Regulations shall apply to the appointment of persons to fill casual vacancies in such a committee or in the office of chairman and for determining the quorum of such a committee.

2.—(1) In these Regulations—

"clerk to the committee" and "clerk to the justices" include respectively any person acting as such;

"committee" means a magistrates' courts committee established under section 16 of the Act;

"justice" means a justice of the peace whose name has not been entered in the Supplemental List and, in relation to a petty sessional division, means a justice who ordinarily acts in and for that division;

"the Act" means the Justices of the Peace Act 1949.

(a) 1949 c. 101.
(b) 1972 c. 70.
(c) S.I. 1951/2003 (1951 I, p. 1262).

(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.

3. A committee for a non-metropolitan county or metropolitan district not divided into petty sessional divisions shall consist (in addition to the custos rotulorum and any member co-opted under paragraph 1(2A) of Schedule 4 to the Act) of not less than 6 and not more than 18 members.

4. A committee for a non-metropolitan county or metropolitan district divided into petty sessional divisions shall consist (in addition to the custos rotulorum and any member co-opted under paragraph 1(2A) of Schedule 4 to the Act) of such number of justices from each division as is prescribed in the Schedule to these Regulations.

5.—(1) The members from a petty sessions area shall be appointed at the meeting of the justices held, in accordance with rules made under section 13 of the Act, for the purpose of electing a chairman of the justices.

(2) Nominations shall be permitted but where voting is necessary it shall be by ballot and shall be so conducted that there shall be no disclosure of how individual justices have voted.

(3) Where an equality of votes is found to exist between any candidates and the addition of a vote would entitle one of them to be elected, the clerk to the justices shall forthwith decide between those candidates by lot.

(4) The clerk to the justices for a petty sessional division of a non-metropolitan county or metropolitan district shall send written notice to the clerk to the committee to which a member is elected from that division of the name and address of the member.

6.—(1) A member of a committee shall hold office for one year from the first day of December next after his appointment and shall be eligible for re-appointment.

(2) If for any reason the requisite number of members of a committee is not appointed at the proper time or a vacancy occurs thereon, the appointing authority may at any subsequent meeting appoint to the vacancy and the appointment shall be made in the same manner, and when so made shall have effect, as if made at the time fixed by Regulation 5 of these Regulations for the last periodical appointment by that authority.

7.—(1) The members present at the first meeting of a committee held on or after the date fixed by paragraph (1) of Regulation 6 of these Regulations for the taking of office by members shall appoint the chairman of the committee who shall hold office until the next such first meeting and, if he has then been reappointed a member of the committee, shall be eligible for reappointment as chairman.

(a) 1889 c. 63.

(2) Nominations shall be permitted, but where voting is necessary it shall be by ballot and shall be so conducted that there shall be no disclosure of how individual members have voted.

(3) Where an equality of votes is found to exist between any candidates and the addition of a vote would entitle one of them to be elected, the clerk to the committee shall forthwith decide between those candidates by lot.

(4) If the office of chairman becomes vacant, the committee shall, as soon as practicable, proceed in manner hereinbefore provided to appoint another chairman who shall hold office for the remainder of the term of appointment of the chairman he replaces.

8.—A quorum shall be constituted—

(*a*) where the committee comprises less than 13 members, by 3 members;

(*b*) in any other case, by one quarter of the total number of members of the committee subject to a maximum of 7 members.

Geoffrey Rippon,
One of Her Majesty's Principal Secretaries of State.

Whitehall.

29th August 1973.

SCHEDULE

Regulation 4

1. Subject to the provisions of this Schedule, the number of members from a division shall be such number as is obtained by dividing the relevant number of justices by 20 or, if the number so obtained is not a whole number, the next larger whole number.

2. Where a stipendiary magistrate has been appointed for an area which includes the whole or part of a division, the number of members from that division shall be one more than that specified in paragraph 1 of this Schedule.

3. Where the application of paragraphs 1 and 2 of this Schedule in relation to a non-metropolitan county or metropolitan district would produce a total of less than nine members, the number of members from each division of that county or district shall be twice that specified in paragraph 1.

4. Where the application of paragraphs 1 and 2 of this Schedule to a non-metropolitan county or metropolitan district would produce a total of more than 35 members, the numbers of members from the divisions of that county or district shall be the numbers specified in paragraph 1 reduced by the smallest constant number which produces a total of not more than 35 members:

Provided that each division shall appoint at least one member.

5.—(1) In this Schedule "the relevant number of justices" in relation to a division means the number notified to the justices as the number specified by the Lord Chancellor or the Chancellor of the Duchy of Lancaster as the maximum number of justices for that division.

(2) Any change in the relevant number of justices shall affect appointments made under Regulation 5 of these Regulations after the change but shall not otherwise affect the constitution of the committee.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations revoke the existing Regulations about the constitution and quorum of magistrates' courts committees and make new provision for these matters to take account of the changes in the law relating to justices of the peace consequential upon local government reorganisation under the Local Government Act 1972.

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