STATUTORY INSTRUMENTS

1964 No. 1556

POLICE

ENGLAND AND WALES

The Police Authorities (Appointment of Magistrates) Rules 1964

Made - - - - 23*rd September* 1964
Coming into Operation 1*st October* 1964

In exercise of the powers conferred on me by section 2(4) of the Police Act 1964(a), I hereby make the following Rules:—

Appointments to police committee for a county

1.—(1) The members of a police committee for a county to be appointed by the court of quarter sessions for the county, in pursuance of section 2(2) of the Police Act 1964, shall be appointed at least seven days before the appropriate date in the year in which the appointments are to take effect.

(2) A member of a police committee appointed in accordance with this Rule shall serve thereon from the appropriate date in the year in which his appointment takes effect until the appropriate date in such one of the three following years as the court of quarter sessions may determine; and, in determining the term of an appointment, the court of quarter sessions shall have regard to the term for which members of the police committee appointed by the council of the county serve thereon.

(3) Subject to Rule 5 of these Rules, in this Rule the expression "the appropriate date" means, in relation to a particular year, the date in that year of the annual meeting of the council of the county.

Appointments to watch committee for a borough

2.—(1) The members of a watch committee for a borough to be appointed by the magistrates for the borough, in pursuance of section 2(3) of the Police Act 1964, shall be appointed at the meeting of the magistrates held for the purpose of electing a chairman of the bench, in accordance with rules made under section 13 of the Justices of the Peace Act 1949(b), in the year preceding that in which the appointments are to take effect.

(2) A member of a watch committee appointed in accordance with this Rule shall serve thereon from the appropriate date in the year in which his appointment takes effect until the appropriate date in the next following year.

(3) Subject to Rule 5 of these Rules, in this Rule the expression "the appropriate date" means, in relation to a particular year, the date in that year of the annual meeting of the council of the borough.

(a) 1964 c. 48. (b) 12, 13 & 14 Geo. 6. c. 101.

Casual Vacancies

3.—(1) If a casual vacancy occurs on a police committee for a county or on a watch committee for a borough among the members appointed in accordance with these Rules, whether through death, resignation or otherwise, the court of quarter sessions for the county or, as the case may be, the magistrates for the borough shall, unless they determine that it is not necessary so to do, make an appointment to fill the vacancy at the next practicable sessions or meeting.

(2) A member of a police committee or of a watch committee appointed in accordance with this Rule shall serve thereon for the period for which the member he replaces would have served had the vacancy not occurred.

Supplementary provisions

4.—(1) If, by reason that the council of the county or borough have not determined the number of persons comprising the police committee or, as the case may be, the watch committee or of other circumstances, appointments to a police committee or watch committee, in accordance with these Rules, are not made at the sessions or meeting at which they would otherwise be made, those appointments shall be made at the next practicable sessions or meeting.

(2) If the council of the county or borough determine that the number of persons comprising the police committee or, as the case may be, the watch committee shall be varied as from a specified date, the court of quarter sessions or, as the case may be, the magistrates for the borough may at any sessions or meeting—

(*a*) make additional appointments to the committee, or

(*b*) terminate any appointment to the committee made in accordance with these Rules,

as the circumstances may require, in either case with effect from the specified date; and, subject as aforesaid, in the case of such an additional appointment these Rules shall apply as if the appointment were made in accordance with Rule 1 or, as the case may be, Rule 2 of these Rules.

(3) Where an appointment to a watch committee falls to be made or terminated in accordance with these Rules by the magistrates for the borough nominations shall be permitted, but where voting is necessary it shall be by ballot and there shall be no disclosure how any magistrate voted:

Provided that where any magistrates receive an equal number of votes and the addition of a vote would result in the appointment of one of them being made or terminated, the clerk to the magistrates shall forthwith decide between those magistrates by lot and the magistrate on whom the lot falls shall be deemed to have received an additional vote.

Transitory provisions

5. The first appointments to a police committee or watch committee in accordance with these Rules shall take effect on 1st June 1965 (when the provisions of section 2 of the Police Act 1964 relating to such committees come into force) and accordingly, in relation to the year 1965, the appropriate date for the purposes of Rules 1 and 2 of these Rules shall be 1st June.

Citation and commencement

6. These Rules may be cited as the Police Authorities (Appointment of Magistrates) Rules 1964 and shall come into operation on 1st October 1964.

Henry Brooke,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
23rd September 1964.

EXPLANATORY NOTE

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

Subsections (1) to (3) of section 2 of the Police Act 1964 (which come into force on 1st June 1965) provide that the police authority for a county or county borough shall be a committee of the appropriate council (known as the police committee in a county and as the watch committee in a borough) and consist, as to two thirds, of members of the council and, as to one third, of magistrates.

These Rules make provision as respects the time, manner and term of appointment of magistrates to such police authorities.