STATUTORY INSTRUMENTS

1973 No. 733

POLICE

The Police Authorities (Appointment of Magistrates) Rules 1973

Made - - -	12*th April* 1973
Coming into Operation	16*th May* 1973

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

Citation and commencement

1. These Rules may be cited as the Police Authorities (Appointment of Magistrates) Rules 1973 and shall come into operation on 16th May 1973.

Revocation

2. The Police Authorities (Appointment of Magistrates) Rules 1971(**b**) shall be revoked as from 1st April 1974.

Interpretation

3.—(1) In these Rules any reference to an enactment is a reference to that enactment as amended by any subsequent enactment.

(2) The Interpretation Act 1889(**c**) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

Appointments to police committee for a county

4.—(1) The members of a police committee for a county in England or Wales established by the Local Government Act 1972(**d**) to be appointed from the magistrates for the county, in pursuance of section 2(2) of the Police Act 1964 (as amended by section 53(5) of the Courts Act 1971(**e**) and section 217(7) of the Local Government Act 1972) and in accordance with a scheme (hereinafter referred to as "the county scheme") made thereunder by the magistrates' courts committee or by the joint committee, as the case may be, shall be appointed, subject to Rule 5(1) below, 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, subject to Rule 5(2) below, the appropriate date in the year in which his appointment takes effect until the appropriate date in such one of the four following years as the county scheme may provide; and in determining the term of an appointment the committee making the county scheme shall have regard to the term for which members of the police committee appointed by the council of the county serve thereon.

(**a**) 1964 c. 48.
(**b**) S.I. 1971/2048 (1971 III, p. 5871).
(**c**) 1889 c. 63.
(**d**) 1972 c. 70.
(**e**) 1971 c. 23.

(3) 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.

First appointments

5.—(1) In 1973 the members of a police committee for a county to be appointed in accordance with the county scheme shall be so appointed as soon as practicable after the scheme has been approved by the Secretary of State.

(2) A member of a police committee appointed in accordances with this Rule shall serve thereon from the date of his appointment.

Casual vacancies

6.—(1) If a casual vacancy occurs on a police committee for a county among the members appointed in accordance with these Rules, whether through death, resignation or otherwise, then, unless it is determined in accordance with the county scheme that it is not necessary so to do, an appointment shall be made as soon as it is practicable to fill the vacancy.

(2) A member of a police 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 and nothing in Rule 4 or 5 above shall apply in relation to such an appointment.

Supplementary provisions

7. If the council of the county determine that the number of persons comprising the police committee shall be varied as from a specified date—

(*a*) additional appointments to the committee may be made, or

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

as the circumstances may require, in either case with effect from the specified date and in accordance with the county scheme; 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 4 above.

Robert Carr,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
12th April 1973.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules make provision as respects the time, manner and term of appointment of magistrates to a police authority for a county established by the Local Government Act 1972. They revoke the Police Authorities (Appointment of Magistrates) Rules 1971 as from 1st April 1974, the date on which the remaining provisions of the Local Government Act 1972 come into operation.

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