

# Courts Act 1971

## CHAPTER 23

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## ELIZABETH II



## 1971 CHAPTER 23

An Act to make further provision as respects the Supreme Court and county courts, judges and juries, to establish a Crown Court as part of the Supreme Court to try indictments and exercise certain other jurisdiction, to abolish courts of assize and certain other courts and to deal with their jurisdiction and other consequential matters, and to amend in other respects the law about courts and court proceedings. [12th May 1971]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART I

## INTRODUCTORY

1.—(1) The Supreme Court shall consist of the Court of Appeal and the High Court, together with the Crown Court established by this Act. The Supreme Court.

(2) All courts of assize are hereby abolished, and Commissions, whether ordinary or special, to hold any court of assize shall not be issued.

2.—(1) Sittings of the High Court may be held, and any other business of the High Court may be conducted, at any place in England or Wales. Location of sittings and business of High Court.

(2) Subject to rules of court—

(a) the places at which the High Court sits outside the Royal Courts of Justice, and

(b) the days and times when the High Court sits outside the Royal Courts of Justice,

shall be determined in accordance with directions given by or on behalf of the Lord Chancellor.

**PART I**  
Abolition  
of courts  
of quarter  
sessions.

**3.** Courts of quarter sessions are hereby abolished, and Commissions of the Peace issued on or after the appointed day shall be framed so as to take account of the provisions of this section.

## **PART II**

### **THE CROWN COURT**

Establish-  
ment of the  
Crown Court.

**4.—(1)** There shall be a Crown Court in England and Wales which shall be a superior court of record.

**(2)** The jurisdiction and powers of the Crown Court shall be exercised by—

- (a)** any judge of the High Court, or
- (b)** any Circuit judge or Recorder, or
- (c)** subject to and in accordance with the provisions of the next following section, a judge of the High Court, Circuit judge or Recorder sitting with justices of the peace,

and any such persons when exercising the jurisdiction and powers of the Crown Court shall be judges of the Crown Court.

**(3)** Any judge of the Court of Appeal may, on the request of the Lord Chancellor, sit and act as a judge of the Crown Court, and when so sitting and acting shall be regarded for the purposes of this Part of this Act, or of any other enactment relating to the Crown Court, as a judge of the High Court.

**(4)** Subject to the provisions of the next following section as respects a court comprising justices of the peace, all proceedings in the Crown Court shall be heard and disposed of before a single judge, and—

- (a)** any Crown Court business may be conducted at any place in England or Wales,
- (b)** sittings of the Crown Court at any place may be continuous or intermittent or occasional,
- (c)** judges may sit simultaneously to take any number of different cases in the same or in different places, and all or any of them may adjourn cases from place to place at any time.

**(5)** The cases or classes of cases suitable for allocation respectively to a judge of the High Court, and to a Circuit judge or Recorder, and all other matters relating to the distribution of Crown Court business, shall be determined in accordance with directions given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor given by him or on his behalf.

(6) The places at which the Crown Court sits, and the days and times when the Crown Court sits at any place, shall be determined in accordance with directions given by or on behalf of the Lord Chancellor.

(7) When the Crown Court sits in the City of London it shall be known as the Central Criminal Court, and, notwithstanding the provisions of subsection (4) above requiring proceedings to be heard and disposed of before a single judge, the Lord Mayor of the City and any Alderman of the City shall be entitled to sit as judges of the Central Criminal Court with any judge of the High Court or any Circuit judge or Recorder.

(8) Subject to section 8 of the Criminal Procedure (Attendance of Witnesses) Act 1965 (which in criminal cases substitutes the procedure in that Act for procedure by way of subpoena), and to any provision contained in or having effect under this Act, the Crown Court shall, in relation to the attendance and examination of witnesses, any contempt of court, the enforcement of its orders and all other matters incidental to its jurisdiction have the like powers, rights, privileges and authority as the High Court. 1965 c. 69.

(9) The fees to be taken in any proceedings in the Crown Court shall be such, if any, as the Lord Chancellor, with the concurrence of the Treasury may from time to time prescribe by order in a statutory instrument.

(10) The officers of the Crown Court shall be responsible for the keeping of the records of the proceedings of the court, the signing of indictments, the notification to those concerned of the place and time appointed for any proceedings or other business, and such other formal or administrative matters as may be specified by directions given by or on behalf of the Lord Chancellor.

(11) Officers of the Crown Court shall in particular give effect to any orders or directions of the court for taking into custody, and detaining, any person committing contempt of court, and shall execute any order or warrant duly issued by the court for the committal of any person to prison for contempt of court.

5.—(1) On any hearing by the Crown Court—

(a) of any appeal, or

(b) of proceedings on committal to the Court for sentence,

the Crown Court shall consist of a judge of the High Court or a Circuit judge or a Recorder who, subject to the following provisions of this section, shall sit with not less than two nor more than four justices of the peace.

Justices as  
judges of  
Crown Court.

(2) Crown Court rules may, subject to subsection (1) above, prescribe the number of justices of the peace constituting the Court on any hearing within subsection (1)(a) or (b) above, and

## PART II

may prescribe the qualifications to be possessed by any such justices of the peace ; and the rules may make different provision for different descriptions of cases, different places of sitting or other different circumstances.

(3) Without prejudice to the provisions of subsection (1) above, any jurisdiction or power of the Crown Court may be exercised by a judge of the High Court, Circuit judge or Recorder sitting with not more than four justices of the peace.

(4) Subject to the provisions of subsections (1) and (2) above, the cases or classes of cases suitable for allocation to a court comprising justices of the peace (including those by way of trial on indictment which are suitable for allocation to such a court) shall be determined in accordance with directions given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor.

(5) The Lord Chancellor may from time to time, having regard to the number of justices, or the number of justices with any prescribed qualifications, available for service in the Crown Court, give directions providing that, in such descriptions of proceedings as may be specified by the Lord Chancellor, the provisions of subsections (1) and (2) above shall not apply.

Directions under this subsection may frame descriptions of proceedings by reference to the place of trial, or by reference to the time of trial, or in any other way.

(6) Crown Court rules may authorise or require a judge of the High Court, Circuit judge or Recorder, in such circumstances as are specified by the rules, to enter on, or at any stage to continue with, any proceedings with a court not comprising the justices required by subsections (1) and (2) above or at any stage to continue with any proceedings with a court from which any one or more of the justices initially comprising the court has withdrawn, or is absent for any reason.

(7) No decision of a court shall be questioned on the ground that it was not constituted as required by subsections (1) and (2) above unless objection was taken on that ground by or on behalf of a party to the proceedings not later than the time when the proceedings were entered on, or when the alleged irregularity began.

(8) When a judge of the High Court, Circuit judge or Recorder sits with justices of the peace he shall preside, and—

(a) the decision of the Crown Court may be a majority decision, and

(b) if the members of the court are equally divided, the judge of the High Court, Circuit judge or Recorder shall have a second and casting vote.

(9) A justice of the peace shall not be disqualified from acting as a judge of the Crown Court for the reason that the proceedings are not at a place within the area for which he was appointed as a justice, or because the proceedings are not related to that area in any other way.

### *Trial on indictment*

6.—(1) All proceedings on indictment shall be brought before the Crown Court. Exclusive jurisdiction in trial on indictment.

(2) The jurisdiction conferred on the Crown Court by subsection (1) above shall include jurisdiction in proceedings on indictment for offences wherever committed, and including in particular proceedings on indictment for offences within the jurisdiction of the Admiralty of England.

(3) Subject to any provision contained in or having effect under this Act, all enactments and rules of law relating to procedure in connection with indictable offences shall have effect subject only to such modifications as are rendered necessary by the transfer of jurisdiction to the Crown Court in accordance with the preceding provisions of this section.

(4) Subject to any provision contained in or having effect under this Act, and without prejudice to the generality of subsection (3) above, the transfer of jurisdiction to the Crown Court in accordance with the preceding provisions of this section shall not affect—

- (a) the practice by which, on any one indictment, the taking of pleas, the trial by jury and the pronouncement of judgment may respectively be by or before different judges,
- (b) the release, after respite of judgment, of a convicted person on recognizance to come up for judgment if called on, but meanwhile to be of good behaviour,
- (c) the manner of trying any question relating to the breach of a recognizance,
- (d) the manner of execution of any sentence on conviction, or the manner in which any other judgment or order given in connection with trial on indictment may be enforced.

7.—(1) A magistrates' court committing a person for trial shall specify the place at which he is to be tried, and in selecting that place shall have regard to— Committal for trial on indictment.

- (a) the convenience of the defence, the prosecution and the witnesses,
- (b) the expediting of the trial, and
- (c) any direction given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor under section 4(5) of this Act.



## PART II

(2) Without prejudice to the preceding provisions of this Act about the distribution of Crown Court business, the Crown Court may give directions, or further directions, altering the place of any trial on indictment, whether by varying the decision of a magistrates' court under subsection (1) above, or a previous decision of the Crown Court.

(3) The defendant or the prosecutor, if dissatisfied with the place of trial as fixed by the magistrates' court, or by the Crown Court, may apply to the Crown Court for a direction, or further direction, varying the place of trial; and the court shall take the matter into consideration and may comply with or refuse the application, or give a direction not in compliance with the application, as the court thinks fit.

Any application under this subsection shall be heard in open court by a judge of the High Court.

(4) The trial of a person committed by a magistrates' court—

(a) shall not begin until the expiration of the prescribed period beginning with the date of his committal, except with his consent and the consent of the prosecutor, and

(b) shall, unless the Crown Court has otherwise ordered, begin not later than the expiration of the prescribed period beginning with the date of his committal (that is to say a period longer than the period prescribed for the purposes of paragraph (a) above for the proceedings in question).

For the purposes of this subsection—

(i) "the prescribed period" means such period for the respective purposes of paragraphs (a) and (b) of this subsection as may be prescribed by Crown Court rules, and the rules may make different provision for different places of trial, or for other different circumstances;

(ii) the trial shall be deemed to begin when the defendant is arraigned.

(5) Without prejudice to the provisions of section 4(10) of this Act, directions under subsection (2) of this section may be given on behalf of the Crown Court by an officer of the Crown Court, but the power to make orders conferred on the Crown Court by subsection (4)(b) above shall be exercisable only by a judge of the court.

#### *Other jurisdiction*

8. Schedule 1 to this Act (which transfers to the Crown Court all the appellate jurisdiction of quarter sessions, and, subject to the provisions of this Act, all their other jurisdiction) shall have effect.

Transfer to  
Crown Court  
of quarter  
sessions  
jurisdiction.

**9.**—(1) The Crown Court may in the course of hearing any appeal correct any error or mistake in the order or judgment incorporating the decision which is the subject of the appeal. PART II  
Appeals to  
Crown Court.

(2) On the termination of the hearing of an appeal the Crown Court—

- (a) may confirm, reverse or vary the decision appealed against, or
- (b) may remit the matter with their opinion thereon to the authority whose decision is appealed against, or
- (c) may make such other order in the matter as the court thinks just, and by such order exercise any power which the said authority might have exercised.

(3) Subsection (2) above has effect subject to any enactment relating to any such appeal which expressly limits or restricts the powers of the court on the appeal.

(4) If the appeal is against a conviction or a sentence, the preceding provisions of this section shall be construed as including power to award any punishment, whether more or less severe than that awarded by the magistrates' court whose decision is appealed against, if that is a punishment which that magistrates' court might have awarded.

(5) This section applies whether or not the appeal is against the whole of the decision.

(6) Subject to any provision contained in or having effect under this Act, the transfer of appellate jurisdiction to the Crown Court from quarter sessions shall not affect the customary practice or procedure on any such appeal, and in particular shall not affect the extent to which the appeal is by way of re-hearing of the case.

**10.**—(1) Subsections (2) and (3) below have effect as respects any order, judgment or other decision of the Crown Court— High Court  
jurisdiction in  
Crown Court  
proceedings.

- (a) other than a judgment or other decision relating to trial on indictment, and
- (b) other than any decision under the Betting, Gaming and Lotteries Act 1963, the Licensing Act 1964 and the Gaming Act 1968 which, by any provision of any of those Acts, is to be final. 1963 c. 2.  
1964 c. 26.  
1968 c. 65.

(2) Any decision as respects which this subsection has effect may be questioned by any party to the proceedings on the ground that it is wrong in law or is in excess of jurisdiction.

(3) The decision shall be questioned by applying to the Crown Court to have a case stated by the Crown Court for the opinion of the High Court.

(4) Section 99(1)(b) of the Judicature Act 1925 (rules about appeals to the High Court) shall apply as if any case stated under this section were an appeal.

## PART II

(5) In relation to the jurisdiction of the Crown Court, other than its jurisdiction in matters relating to trial on indictment, the High Court shall have all such jurisdiction to make orders of mandamus, prohibition or certiorari as the High Court possesses in relation to the jurisdiction of an inferior court.

(6) So much of any enactment, other than the enactments mentioned in subsection (1)(b) above, as provides, in relation to any quarter sessions jurisdiction transferred by this Act to the Crown Court, that the decision of quarter sessions shall be final, or final and conclusive, or that it shall not be questioned by certiorari or in any other manner, shall cease to have effect.

*Trial on indictment and other jurisdiction*

Sentences  
imposed and  
other decisions  
made by  
Crown Court.

**11.**—(1) A sentence imposed, or other order made, by the Crown Court when dealing with an offender shall take effect from the beginning of the day on which it is imposed, unless the court otherwise directs.

(2) Subject to the following provisions of this section, a sentence imposed, or other order made, by the Crown Court when dealing with an offender may be varied or rescinded by the Crown Court within the period of 28 days beginning with the day on which the sentence or other order was imposed or made, or where subsection (3) below applies, within the time allowed by that subsection.

(3) Where two or more persons are jointly tried on an indictment, then, subject to the following provisions of this section, a sentence imposed, or other order made, by the Crown Court on conviction of any of those persons on the indictment may be varied or rescinded by the Crown Court not later than the expiration of whichever is the shorter of the following periods, that is—

- (a) the period of 28 days beginning with the date of conclusion of the joint trial,
- (b) the period of 56 days beginning with the day on which the sentence or other order was imposed or made.

For the purposes of this subsection the joint trial is concluded on the latest of the following dates, that is any date on which any of the persons jointly tried is sentenced, or is acquitted, or on which a special verdict is brought in.

(4) A sentence or other order shall not be varied or rescinded under this section except by the court constituted as it was when the sentence or other order was imposed or made, or, where that court comprised one or more justices of the peace, a court so constituted except for the omission of any one or more of those justices.

(5) Where a sentence or other order is varied under this section, the sentence or other order, as so varied, shall take effect from the beginning of the day on which it was originally imposed or made, unless the court otherwise directs:

Provided that for the purposes of section 18(2) of the Criminal Appeal Act 1968 (time limit for notice of appeal or of application for leave to appeal) the sentence or other order shall be regarded as imposed or made on the day on which it is so varied.

(6) Crown Court rules—

- (a) may, as respects cases where two or more persons are tried separately on the same or related facts alleged in one or more indictments, provide for extending the period prescribed by subsection (2) above,
- (b) may, subject to the preceding provisions of this section, prescribe the cases and circumstances in which, and the time within which, any order or other decision made by the Crown Court may be varied or rescinded by the Crown Court.

**12.**—(1) The Lord Chancellor may at any time direct that solicitors may appear in, conduct, defend and address the court in any proceedings in the Crown Court, or in proceedings in the Crown Court of such description as is specified in the direction. Right of audience.

(2) A direction under this section may have effect as respects all places where the Crown Court sits, or as respects a specified area, region or circuit, or as respects one or more specified places where the Crown Court sits.

(3) In considering whether to exercise his powers under this section as respects any one or more places where the Crown Court sits the Lord Chancellor shall have regard to any shortage of counsel in the area in question, any rights of audience formerly exercised by solicitors at any court of quarter sessions in the locality in question, and to any other circumstances affecting the public interest.

(4) Any direction given under this section may be subject to such conditions and restrictions as appear to the Lord Chancellor to be necessary or expedient.

**13.**—(1) Any condition of a recognizance to appear before the Crown Court, and any summons or order to appear before the Crown Court, may be framed so as to require appearance at such time and place as may be directed by the Crown Court, and if a time or place is specified in the condition, summons or order, it may be varied by any subsequent direction of the Crown Court. Process to compel appearance before Crown Court.

## PART II

(2) Where an indictment has been signed although the person charged has not been committed for trial, the Crown Court may issue a summons requiring that person to appear before the Crown Court, or may issue a warrant for his arrest.

(3) Where any person charged with or convicted of an offence has entered into a recognizance conditioned for his appearance before the Crown Court and in breach of that recognizance fails to appear, the Crown Court may, without prejudice to the enforcement of the recognizance, issue a warrant for his arrest.

(4) The Crown Court may admit to bail, or direct the admission to bail of, any person—

- (a) who has been committed in custody for appearance before the Crown Court, or
- (b) who is in custody pursuant to a sentence imposed by a magistrates' court, and who has appealed to the Crown Court against his conviction or sentence, or
- (c) who is in the custody of the Crown Court pending the disposal of his case by the Crown Court, or
- (d) who, after the decision of his case by the Crown Court, has applied to the Crown Court for the statement of a case for the High Court on that decision, or
- (e) who has applied to the High Court for an order of certiorari to remove proceedings in the Crown Court in his case into the High Court, or has applied to the High Court for leave to make such an application,

and the time during which a person is admitted to bail under any provision of this subsection shall not count as part of any term of imprisonment or detention under his sentence.

(5) Provision may be made by Crown Court rules as respects the powers of the Crown Court relating to bail, including any provision—

- (a) allowing the court, instead of requiring a person to enter into a recognizance, to consent to his giving other security,
- (b) allowing the court to direct that a recognizance shall be entered into or other security given before a magistrates' court or a justice of the peace, or, if the rules so provide, a person of such other description as is specified in the rules,
- (c) prescribing the manner in which a recognizance is to be entered into or other security given, and the persons by whom and the manner in which the recognizance or security may be enforced,

- (d) authorising the committal, in such cases and by such courts or justices as may be prescribed by the rules, of persons released from custody in pursuance of the powers,
- (e) making provision corresponding to sections 94 and 95 of the Magistrates' Courts Act 1952 (varying or dispensing with requirements as to sureties, and postponement of taking recognizances). 1952 c. 55.

Any reference in any enactment to a recognizance shall include, unless the context otherwise requires, a reference to any other description of security given instead of a recognizance, whether in pursuance of paragraph (a) above or otherwise.

(6) The Crown Court, on issuing a warrant for the arrest of any person, may endorse the warrant for bail, and in any such case—

- (a) the person arrested under the warrant shall, unless the Crown Court otherwise directs, be taken to a police station, and
- (b) the officer in charge of the station shall release him from custody if he, and any sureties required by the endorsement and approved by the officer, enter into recognizances of such amount as may be fixed by the endorsement.

(7) A person in custody in pursuance of a warrant issued by the Crown Court with a view to his appearance before the Crown Court shall be brought forthwith before either the Crown Court or a magistrates' court, and if he is brought before a magistrates' court—

- (a) the court shall commit him in custody or release him on bail until he can be brought or appear before the Crown Court at the time and place appointed by the Crown Court,
- (b) if the warrant is endorsed for bail, but the person in custody is unable to satisfy the conditions endorsed, the magistrates' court may vary those conditions, if satisfied that it is proper to do so.

(8) Section 4 of the Summary Jurisdiction (Process) Act 1881 (execution of process of English courts in Scotland) shall apply to process issued under this section as it applies to process issued under the Magistrates' Courts Act 1952 by a magistrates' court. 1881 c. 24.

(9) A magistrates' court shall have jurisdiction, and a justice of the peace may act, under or in pursuance of this section whether or not the offence was committed, or the arrest was made, within the court's area, or the area for which he was appointed.

PART II  
Practice and  
procedure:  
power to  
make rules.

**14.**—(1) Crown Court rules may be made for the purpose of regulating and prescribing the procedure and the practice to be followed in the Crown Court.

(2) Without prejudice to the generality of subsection (1) above, Crown Court rules may provide for the procedure and practice as respects appeals to the Crown Court, and in particular may make provision as respects—

- (a) the time within which notice of appeal is to be given, and the circumstances in which further time may be allowed,
- (b) any particulars to be included in the notice of appeal,
- (c) the persons on whom notice of appeal is to be served, and the particulars, if any, to accompany the notice,
- (d) the abandonment of an appeal,
- (e) the circumstances in which a person concerned with the decision appealed against is to be disqualified from hearing the appeal, and the circumstances in which proceedings on the hearing of an appeal are to be valid notwithstanding that any person hearing the appeal is disqualified,
- (f) the amendment or repeal of any enactment about appeals to the Crown Court so far as it relates to any matter within this subsection.

(3) No rule which may involve an increase of expenditure out of public funds shall be made under this section except with the concurrence of the Treasury, but the validity of Crown Court rules shall not in any proceedings in any court be called in question either by the court or by any party to the proceedings on the ground only that it was a rule to which the concurrence of the Treasury was necessary and that the Treasury did not concur or are not expressed to have concurred in the making thereof.

Crown Court  
rules.

**15.**—(1) In this or any other Act “Crown Court rules” means rules made under this section.

(2) Crown Court rules shall be made by the Lord Chancellor together with any four or more of the following persons, namely—

- (a) the Lord Chief Justice,
- (b) two other judges of the Supreme Court,
- (c) two Circuit judges,
- (d) the registrar of criminal appeals,
- (e) a justice of the peace,
- (f) two practising barristers, and

(g) two practising solicitors.

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The said persons acting under this subsection shall be called "the Crown Court rule committee".

(3) The said persons to act under subsection (2) above with the Lord Chancellor (other than the Lord Chief Justice and the registrar of criminal appeals) shall be appointed by the Lord Chancellor for such time as he may think fit.

(4) Before appointing a person under paragraph (f) or paragraph (g) of subsection (2) above the Lord Chancellor shall consult, if under paragraph (f), the Chairman of the General Council of the Bar, and if under paragraph (g), the President of the Law Society.

(5) Crown Court rules shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

### PART III

#### JUDGES

16.—(1) Her Majesty may from time to time appoint as Appointment of Circuit Judges. Circuit judges, to serve in the Crown Court and county courts and to carry out such other judicial functions as may be conferred on them under this or any other enactment, such qualified persons as may be recommended to Her by the Lord Chancellor.

(2) The maximum number of Circuit judges shall be such as may be determined from time to time by the Lord Chancellor with the concurrence of the Minister for the Civil Service.

(3) No person shall be qualified to be appointed a Circuit judge unless he is a barrister of at least ten years' standing or a Recorder who has held that office for at least five years.

(4) Before recommending any person to Her Majesty for appointment as a Circuit judge, the Lord Chancellor shall take steps to satisfy himself that that person's health is satisfactory.

(5) The provisions of Part I of Schedule 2 to this Act shall have effect with respect to the appointment as Circuit judges of the holders of certain judicial offices, and the supplementary provisions in Part II of that Schedule shall have effect.

17.—(1) Subject to subsections (2) to (4) below, a Circuit Retirement, removal and disqualifications of Circuit judges. judge shall vacate his office at the end of the completed year of service in which he attains the age of seventy-two.

(2) Where the Lord Chancellor considers it desirable in the public interest to retain a Circuit judge in office after the time at which he would otherwise retire in accordance with subsection (1) above, he may from time to time authorise the continuance



## PART III

in office of that judge until such date, not being later than the date on which the judge attains the age of seventy-five, as he thinks fit.

(3) For the purposes of subsection (1) above a person who becomes a Circuit judge by virtue of any provision of paragraph 1 of Schedule 2 to this Act shall be treated as completing a year of service on the anniversary of his appointment to the office by virtue of which he becomes a Circuit judge.

(4) The Lord Chancellor may, if he thinks fit, remove a Circuit judge from office on the ground of incapacity or misbehaviour.

1957 c. 20

(5) In Part I of Schedule 1 to the House of Commons Disqualification Act 1957 (which lists judicial offices the holders of which are disqualified for membership of the House of Commons, and of the Senate and House of Commons of Northern Ireland) there shall be inserted, before the entry relating to sheriffs in Scotland, the words "Circuit judge".

(6) So long as he holds office as such, no Circuit judge shall practise as a barrister, or act for any remuneration to himself as arbitrator or referee, or be directly or indirectly concerned as a conveyancer, notary public or solicitor.

Salaries and  
allowances of  
Circuit judges.

**18.**—(1) Subject to Part II of Schedule 2 to this Act, there shall be paid to each Circuit judge such salary as may be determined by the Lord Chancellor with the consent of the Minister for the Civil Service.

(2) Every salary payable under this section—

- (a) shall be charged on and paid out of the Consolidated Fund;
- (b) shall begin from the date of appointment and accrue due from day to day;
- (c) shall be payable at such intervals, not exceeding three months, as the Treasury may determine; and
- (d) may be increased, but not reduced, by a further determination under this section.

(3) Subject to subsection (4) below, the salary determined in accordance with subsection (1) above as payable to a Circuit judge shall be abated by the amount of any pension payable to him in respect of any public office in the United Kingdom to which he had previously been appointed or elected.

(4) Subsection (3) above shall not apply in the case of a person who—

- (a) became a Circuit judge by virtue of having held any of the offices specified in paragraph 1 of Schedule 2 to this Act, and

(b) held that office before 10th May 1967 (that is to say before the passing of the Superannuation (Miscellaneous Provisions) Act 1967). PART III  
1967 c. 28.

(5) There shall be paid to Circuit judges out of money provided by Parliament such allowances as the Lord Chancellor may, with the approval of the Minister for the Civil Service, determine.

19.—(1) Subject to Part II of Schedule 2 to this Act, the Lord Chancellor may from time to time recommend to the Minister for the Civil Service that there shall be paid to any Circuit judge an annual sum by way of pension calculated in accordance with subsection (2) below—

(a) if he vacates his office in accordance with section 17 above; or

(b) if the Lord Chancellor is satisfied by means of a medical certificate that, by reason of infirmity of mind or body, he is incapable of discharging the duties of his office, and that the incapacity is likely to be permanent; or

(c) if he retires after fifteen years' service and at the time of his retirement he has attained the age of sixty-five.

(2) The annual pension payable to a Circuit judge in accordance with this section shall be that fraction of his last annual salary specified in the entry in the second column of the following table which corresponds to the entry in the first column of that table specifying the number of completed years he has served as a Circuit judge:—

TABLE

| Completed years of service | Fraction of last annual salary |
|----------------------------|--------------------------------|
| Less than 5                | Six-fortieths                  |
| 5                          | Ten-fortieths                  |
| 6                          | Eleven-fortieths               |
| 7                          | Twelve-fortieths               |
| 8                          | Thirteen-fortieths             |
| 9                          | Fourteen-fortieths             |
| 10                         | Fifteen-fortieths              |
| 11                         | Sixteen-fortieths              |
| 12                         | Seventeen-fortieths            |
| 13                         | Eighteen-fortieths             |
| 14                         | Nineteen-fortieths             |
| 15 or more                 | Twenty-fortieths.              |

(3) If a person to whom a pension has been granted under this section before he has attained the age of seventy-two in consequence of any such incapacity as is referred to in subsection (1)(b) above resumes the duties of a Circuit judge, the

## PART III

payment of the pension granted to him shall be suspended during the period of his resumed service, but at the end of that period the pension shall again be payable and be recalculated in accordance with subsection (2) above, and for that purpose the period of his resumed service shall be added to the period of his former service.

1950 c. 11  
(14 & 15 Geo.  
6).

(4) Sections 2 to 9 and 15 to 17 of the Administration of Justice (Pensions) Act 1950 (lump sums and widows' and dependants' pensions) shall apply in relation to a circuit judge and service as such a judge as they apply in relation to the persons specified in Schedule 1 to that Act and the service specified in that Schedule as their relevant service.

(5) Notwithstanding that the annual salary of a Circuit judge is abated under section 18(3) above, for the purpose of computing any pension payable to him in respect of his office and any derivative benefits, within the meaning of the Administration of Justice (Pensions) Act 1950, which depend upon eligibility for such a pension, the amount of his annual salary shall be treated as the amount determined under section 18(1) above in his case and not the amount as so abated.

(6) Any pension granted under this section shall be charged on and paid out of the Consolidated Fund and shall be payable at such intervals, not exceeding three months, as the Treasury may determine.

(7) The decision of the Minister for the Civil Service shall be final on any question arising with regard to—

- (a) the application of any of the provisions of this section to any person, or
- (b) the amount of any pension under this section, or
- (c) the reckoning of any service for the purpose of calculating such a pension.

Judges of  
county courts.

**20.**—(1) Every Circuit judge shall, by virtue of his office, be capable of sitting as a judge for any county court district in England and Wales, and the Lord Chancellor shall assign one or more Circuit judges to each district and may from time to time vary the assignment of Circuit judges among the districts.

1959 c. 22.

(2) Subject to any directions given by or on behalf of the Lord Chancellor, in any case where more than one Circuit judge is assigned to a district under subsection (1) above, any function conferred by or under the County Courts Act 1959 on the judge for a district may be exercised by any of the Circuit judges for the time being assigned to that district.

- (3) The following, that is—  
 every judge of the Court of Appeal,  
 every judge of the High Court,  
 every Recorder,

shall, by virtue of his office, be capable of sitting as a judge for any county court district in England and Wales and if he consents to do so, shall sit as such a judge at such times and on such occasions as the Lord Chancellor considers desirable.

PART III

(4) Notwithstanding that he is not for the time being assigned to a particular district, a Circuit judge—

(a) shall sit as a judge of that district at such times and on such occasions as the Lord Chancellor may direct; and

(b) may sit as a judge of that district in any case where it appears to him that the judge of that district is not, or none of the judges of that district is, available to deal with the case.

(5) So much of Part I of the County Courts Act 1959 as makes special provision in relation to county court districts within the Duchy of Lancaster shall cease to have effect. 1959 c. 22.

(6) On the appointed day all appointments of temporary and deputy judges of county courts shall terminate and the provisions of the County Courts Act 1959 relating to such temporary and deputy judges shall cease to have effect.

(7) Nothing in this Act shall affect the operation, in relation to the superannuation and other benefits payable to or in respect of persons who ceased to be judges of county courts before the day appointed for the coming into force of section 16(5) of this Act, of any enactment repealed or amended by this Act.

**21.**—(1) Her Majesty may from time to time appoint qualified persons, to be known as Recorders, to act as part-time judges of the Crown Court and to carry out such other judicial functions as may be conferred on them under this or any other enactment. Appointment of Recorders.

(2) Every appointment of a person to be a Recorder shall be of a person recommended to Her Majesty by the Lord Chancellor, and no person shall be qualified to be appointed a Recorder unless he is a barrister or solicitor of at least ten years' standing.

(3) The appointment of a person as a Recorder shall specify the term for which he is appointed and the frequency and duration of the occasions during that term on which he will be required to be available to undertake the duties of a Recorder.

(4) Subject to subsection (5) below the Lord Chancellor may, with the agreement of the Recorder concerned, from time to time extend for such period as he thinks appropriate the term for which a Recorder is appointed.

(5) Neither the initial term for which a Recorder is appointed nor any extension of that term under subsection (4) above shall be such as to continue his appointment as a Recorder after the end of the completed year of service in which he attains the age of seventy-two.

## PART III

(6) The Lord Chancellor may if he thinks fit terminate the appointment of a Recorder on the ground of incapacity or misbehaviour or of a failure to comply with any requirement specified under subsection (3) above in the terms of his appointment.

(7) There shall be paid to Recorders out of money provided by Parliament such remuneration and allowances as the Lord Chancellor may, with the approval of the Minister for the Civil Service, determine.

Oaths to be  
taken by  
Circuit judges  
and Recorders.  
1868 c. 72.

**22.**—(1) Subject to the following provisions of this section, every Circuit judge and every Recorder shall take the oath of allegiance and the judicial oath; and the Promissory Oaths Act 1868 shall have effect as if the officers named in the Second Part of the Schedule to that Act included Circuit judges and Recorders.

1871 c. 48.

(2) Notwithstanding anything in the Promissory Oaths Act 1871, a Circuit judge shall take the oaths referred to in subsection (1) above before the Lord Chancellor, and a Recorder shall take those oaths before a judge of the Court of Appeal or of the High Court or a Circuit judge.

(3) Nothing in this section shall require an oath to be taken by a person who becomes a Circuit judge in accordance with any provision of Part I of Schedule 2 to this Act.

Circuit judge  
or Recorder  
sitting as  
High Court  
judge.

**23.**—(1) If requested to do so by or on behalf of the Lord Chancellor, a Circuit judge or Recorder shall sit as a judge of the High Court for the hearing of such case or cases or at such place and for such time as may be specified by or on behalf of the Lord Chancellor.

(2) So long as a Circuit judge or Recorder sits as a judge of the High Court in pursuance of a request under this section he shall be treated, subject to subsection (3) below, for all purposes as, and accordingly may perform any of the functions of, a puisne judge of the High Court.

(3) A Circuit judge or Recorder sitting as a judge of the High Court in pursuance of a request under this section shall not be treated as a judge of the High Court for the purpose of any provision made by or under any enactment and relating to—

- (a) the appointment, retirement, removal or disqualification of judges of the High Court,
- (b) the tenure of office and oaths to be taken by such judges, or
- (c) the remuneration, allowances or pensions of such judges.

(4) Where a Circuit judge or Recorder is requested to sit as a judge of the High Court for a period of time then, notwithstanding the expiry of that time, he may attend at the High Court for the purpose of continuing to deal with, giving judgment in, or dealing with any ancillary matter relating to, any case which may have been begun before him when sitting as a judge of that court, and for that purpose and for the purpose of any proceedings subsequent thereon he shall be treated as a judge of the High Court.

24.—(1) If it appears to the Lord Chancellor that it is expedient as a temporary measure to make an appointment under this subsection in order to facilitate the disposal of business in the High Court or the Crown Court he may appoint a person qualified for appointment as a puisne judge of the High Court under section 9 of the Judicature Act 1925 or any person who has held office as a judge of the Court of Appeal or of the High Court to be a deputy judge of the High Court during such period or on such occasions as the Lord Chancellor thinks fit.

Deputy  
High Court  
and Circuit  
judges.

(2) If it appears to the Lord Chancellor that it is expedient as a temporary measure to make an appointment under this subsection in order to facilitate the disposal of business in the Crown Court or a county court he may appoint to be a deputy Circuit judge during such period or on such occasions as he thinks fit—

- (a) any person qualified for appointment as a Circuit judge under section 16 above ;
- (b) any person who has held office as a judge of the Court of Appeal or of the High Court or as a Circuit judge ;  
or
- (c) any person who, before the day appointed for the purposes of section 20 above, had retired from office as an official referee or judge of a county court.

(3) Except as provided by subsection (4) below, during the period or on the occasions for which a deputy judge is appointed under this section, he shall be treated for all purposes as, and accordingly may perform any of the functions of, a puisne judge of the High Court or a Circuit judge, as the case may be.

(4) A deputy judge appointed under this section shall not be treated as a judge of the High Court or Circuit judge for the purpose of any provision made by or under any enactment and relating to—

- (a) the appointment, retirement, removal or disqualification of judges of the High Court or Circuit judges,

## PART III

- (b) the tenure of office and oaths to be taken by judges of the High Court or Circuit judges, or
- (c) the remuneration, allowances or pensions of judges of the High Court or Circuit judges.

(5) Notwithstanding the expiry of any period for which a person is appointed under this section a deputy judge of the High Court or a deputy Circuit judge, he may attend at the High court, for the purpose of continuing to deal with, giving judgment in, or dealing with any ancillary matter relating to, any case which may have been begun before him when sitting as a deputy judge of the High Court or a deputy Circuit judge, and for that purpose and for the purpose of any proceedings subsequent thereon he shall be treated as a judge of the High Court or a Circuit judge, as the case may be.

(6) There shall be paid, out of money provided by Parliament, to deputy judges of the High Court and deputy Circuit judges appointed under this section such remuneration and allowances as the Lord Chancellor may, with the approval of the Minister for the Civil Service, determine.

**25.**—(1) After the appointed day no person shall be appointed to the office of official referee and on and after that day functions conferred on official referees by provisions of rules of the Supreme Court, or by any other provision, shall be discharged in accordance with the provisions of this section.

(2) Such of the Circuit judges as the Lord Chancellor may from time to time determine shall discharge the said functions conferred on official referees.

(3) The cases in which jurisdiction or powers of the High Court or a judge of the High Court may be exercised by official referees, whether by virtue of rules of court made under section 15 of the Administration of Justice Act 1956 or otherwise, shall be known as “official referees’ business”, and except where the context otherwise requires, any reference in any enactment, in rules of court or in any other document to an official referee shall, in accordance with this section, be construed as, or where the context requires as including, a reference to a Circuit judge discharging the functions of an official referee.

(4) Subject to rules of court, the distribution of official referees’ business, performed in accordance with this section, shall be determined in accordance with directions given by or on behalf of the Lord Chancellor.

Official referees’ business.

## PART IV

## PART IV

## OFFICERS AND ACCOMMODATION

26.—(1) On and after the appointed day the following officers shall be appointed by the Lord Chancellor, with the concurrence of the Minister for the Civil Service as to numbers and salaries,—

Masters and registrars to be appointed by Lord Chancellor.

- (a) the masters, assistant masters and registrars specified in Part I of Schedule 3 to the Judicature Act 1925, other than the Master of the Court of Protection (for whose appointment by the Lord Chancellor provision is made by section 100 of the Mental Health Act 1959);
- (b) the Queen's coroner and attorney and master of the Crown Office;
- (c) the registrar, assistant registrars and deputy assistant registrars of criminal appeals;
- (d) the admiralty registrar;
- (e) chancery registrars and assistant chancery registrars; and
- (f) district probate registrars.

(2) The person appointed to the office of Queen's coroner and attorney and master of the Crown Office shall, by virtue of his appointment, be a master of the Supreme Court (Queen's Bench Division).

(3) In section 122 of the Judicature Act 1925 (which relates to certain additional duties of the senior master of the Queen's Bench Division) for the words "The senior master" there shall be substituted the words "The Lord Chancellor shall appoint one of the masters" and after the word "Division)" there shall be inserted the words "to be the senior master and the person so appointed".

(4) In section 128A of the Judicature Act 1925 (which relates to the office of district probate registrar) for any reference in subsection (2) or subsection (3) to the President of the Family Division there shall be substituted a reference to the Lord Chancellor.

27. The Lord Chancellor may, with the concurrence of the Minister for the Civil Service as to numbers and salaries, appoint such officers and other staff for the Supreme Court (including the district probate registries) and county courts as appear to him necessary—

Administrative and other court staff.

- (a) for setting up a unified administrative court service, and
- (b) for discharging any functions in those courts conferred by or under this or any other Act on officers so appointed, and



## PART IV

(c) generally for carrying out the administrative work of those courts.

Provision of accommodation.

**28.**—(1) The Secretary of State for the Environment may with the approval of the Treasury provide, equip, maintain and manage such courts, offices, buildings, judges' lodgings and other accommodation as may be necessary or desirable for carrying on the business of the Supreme Court and county courts.

(2) It is hereby declared that the expression "land necessary for the public service" in—

1852 c. 28.

(a) section 2 of the Commissioners of Works Act 1852 (acquisition by agreement), and

1968 c. 72.

(b) section 29(1) of the Town and Country Planning Act 1968 (power of the said Secretary of State to acquire compulsorily land necessary for the public service),

includes any land which is required to discharge the duties of the said Secretary of State under this section.

(3) The Secretary of State for the Environment may, if he thinks fit, in discharging his duties under this section enter into arrangements with a local or other public authority for the provision of accommodation to be used in part for the purposes set out in this section, and in part for other purposes, including in particular the sittings of a magistrates' court.

(4) Schedule 3 to this Act shall have effect as respects premises formerly used for business of the abolished courts, and judges' lodgings.

Accommodation in City of London.

**29.**—(1) The courthouse and accommodation which up to the appointed day have been respectively known as the Central Criminal Court and the Mayor's and City of London Court shall continue to be known by those names, and it shall be the duty of the Common Council of the City of London (in this section referred to as "the Common Council") to continue to make the said premises available for use for the sittings and business of those courts respectively.

(2) The Common Council shall not undertake any alteration or extension of the buildings or accommodation which they are to make available for the purpose of the said courts, or provide further accommodation for that purpose, without the consent of the Lord Chancellor.

(3) The duties imposed by this section on the Common Council may at any time be varied, restricted or terminated by agreement between the Lord Chancellor and the Common Council.

30. The Lord Chancellor may constitute, on a permanent or temporary basis, one or more advisory committees to advise him on such questions relating to the Supreme Court and county courts as he may from time to time refer to them, and shall appoint the members of any such committee with regard to their knowledge of the work of the courts and social conditions.

PART IV  
Advisory  
committees.

PART V

JURIES

31.—(1) Subject to the provisions of this Part of this Act, the Lord Chancellor shall be responsible for the summoning of jurors to attend for service in the Crown Court, the High Court and county courts and for determining the occasions on which they are to attend when so summoned, and the number to be summoned.

Summoning  
of jurors.

(2) In making arrangements to discharge his duty under subsection (1) above the Lord Chancellor shall have regard to the convenience of the persons summoned and as to their respective places of residence, and in particular to the desirability of selecting jurors within reasonable daily travelling distance of the place where they are to attend.

(3) Subject to subsection (2) above, there shall be no restriction on the places in England and Wales at which a person may be required to attend or serve on a jury under this Part of this Act and in section 1 of the Juries Act 1825 (under which jurors' qualifications are related to issues triable in the county or other area in which they reside) for the words following "liable to serve on juries for the trial of all issues joined in" to the end of the section there shall be substituted the words "the Crown Court or the High Court or any county court".

1825 c. 50.

(4) Subject to the provisions of this Part of this Act, jurors shall be so summoned by notice in writing sent by post, or delivered by hand.

For the purposes of section 26 of the Interpretation Act 1889 (presumption as to receipt of letter properly addressed and sent by post) the notice shall be regarded as properly addressed if the address is that recorded in the jurors book, and a notice so addressed, and delivered by hand to that address, shall be deemed to have been delivered personally to the person to whom it is addressed unless the contrary is proved.

1889 c. 63.

(5) A certificate signed by the appropriate officer and stating that a written summons under this Part of this Act, properly addressed and prepaid, was posted by him shall be admissible as evidence in any proceedings, and shall be so admissible without proof of his signature or official character.

## PART V

(6) If it appears to the appropriate officer, at any time before the day on which any person so summoned is first to attend, that his attendance is unnecessary, or can be dispensed with on any particular day or days, the appropriate officer may withdraw or alter the summons by notice served in the same way as a notice of summons.

(7) Every written summons under this Part of this Act shall be accompanied by a notice stating the effect of subsections (1) to (4) of section 14 of the Criminal Justice Act 1967 (disqualification of ex-prisoners from serving on juries in criminal proceedings).

1967 c. 80.

Panels of jurors.

**32.**—(1) The arrangements to be made by the Lord Chancellor under this Part of this Act shall include the preparation of lists (called panels) of persons summoned as jurors, and the information to be included in panels, the court sittings for which they are prepared, their division into parts or sets (whether according to the day of first attendance or otherwise), their enlargement or amendment, and all other matters relating to the contents and form of the panels shall be such as the Lord Chancellor may from time to time direct.

(2) A party to proceedings in which jurors are or may be called on to try an issue, and any person acting on behalf of a party to such proceedings, shall be entitled to reasonable facilities for inspecting the panel from which the jurors are or will be drawn.

(3) The right conferred by subsection (2) above shall not be exercisable after the close of the trial by jury (or after the time when it is no longer possible for there to be a trial by jury).

(4) The court may, if it thinks fit, at any time afford to any person facilities for inspecting the panel, although not given the right by subsection (2) above.

Summoning in exceptional circumstances.

1825 c. 50.

**33.**—(1) If it appears to the court that a jury to try any issue before the court will be, or probably will be, incomplete, the court may, if the court thinks fit, require any persons who are in, or in the vicinity of, the court, and who have the qualifications required by the Juries Act 1825, or who appear to the court, although not so qualified, to be responsible and suitable persons, to be summoned (without any written notice) up to such number as is needed (after allowing for refusals and challenges) to make up a full jury.

(2) The names of the persons so summoned shall be added to the panel, and challenges may be made accordingly, and the court shall proceed as if those so summoned had been included in the panel in the first instance.

(3) Notwithstanding section 8(2)(b) of the Juries Act 1922, a person shall be liable to serve as a juror in pursuance of a summons under this section even though his name is not included in the register of electors. PART V  
1922 c. 11.

34.—(1) Subject to the provisions of this Part of this Act, a person summoned under this Part of this Act shall attend for so many days as may be directed by the summons or by the appropriate officer, and shall be liable to serve on any jury (in the Crown Court or the High Court or any county court) at the place to which he is summoned, or in the vicinity. Attendance and service, and excusals.

(2) If any person summoned under this Part of this Act shows to the satisfaction of the appropriate officer that there is good reason why he should be excused from attending in pursuance of the summons, the appropriate officer may, notwithstanding anything in the Juries Act 1825 or any other Act, excuse that person from so attending. 1825 c. 50.

(3) Crown Court rules shall provide a right of appeal to the court (or one of the courts) before which the person is summoned to attend against any refusal of the appropriate officer to excuse him under subsection (2) above.

(4) Without prejudice to the preceding provisions of this section, the court (or any of the courts) before whom a person is summoned to attend under this Part of this Act may excuse that person from so attending.

35.—(1) The jury to try an issue before a court shall be selected by ballot in open court from the panel, or part of the panel, of jurors summoned to attend at the time and place in question, and any challenge shall be made after the juror's name has been drawn by ballot, and before he is sworn. The ballot, and swearing of jurors.

(2) The power of summoning jurors under section 33 of this Act may be exercised after balloting has begun, as well as earlier, and if exercised after balloting has begun the court may dispense with balloting for persons summoned under that section.

(3) No two or more members of a jury to try an issue in a court shall be sworn together, and section 35(3) of the Criminal Justice Act 1948 shall cease to have effect. 1948 c. 58.

(4) Subject to subsection (5) below, the jury selected by any one ballot shall try only one issue (but any juror shall be liable to be selected on more than one ballot).

(5) Subsection (4) above shall not prevent—

(a) the trial of two or more issues by the same jury if the trial of the second or last issue begins within 24 hours from the time when the jury is constituted, or

## PART V

1964 c. 84.

(b) in a criminal case, the trial of fitness to plead by the same jury as that by whom the accused is being tried, if that is so directed by the court under section 4(4)(b) of the Criminal Procedure (Insanity) Act 1964, or

(c) in a criminal case beginning with a special plea, the trial of the accused on the general issue by the jury trying the special plea.

(6) In the cases within subsection (5)(a), (b) and (c) above the court may, on the trial of the second or any subsequent issue, instead of proceeding with the same entire jury, order any juror to withdraw, if the court considers he could be justly challenged or excused, or if the parties to the proceedings consent, and the juror to replace him shall, subject to subsection (2) above, be selected by ballot in open court.

1919 c. 71.

(7) Proviso (b) to section 1 of the Sex Disqualification (Removal) Act 1919 (under which a judge may order that a jury be composed of men only or of women only) shall cease to have effect.

Payments in  
respect of  
jury service.  
1949 c. 27.

**36.—(1)** All payments under section 1 of the Juries Act 1949 (payments in respect of jury service) shall be made out of money provided by Parliament.

(2) In section 1(4) of the said Act (regulations of the Secretary of State prescribing scales of payment, and conditions of payment) for both references to the Secretary of State there shall be substituted references to the Lord Chancellor.

(3) The determination of the amounts payable to persons under the said section 1, and the manner of making those payments, shall be in accordance with arrangements made by the Lord Chancellor.

(4) Subsection (1) and subsection (3) above and the said section 1(4) of the Act of 1949 shall not apply to payments in respect of service at a coroner's court, and—

(a) in the said section 1 as it applies to such service “prescribed”, shall mean prescribed by regulations made by statutory instrument by the Secretary of State with the consent of the Treasury, and

(b) the amount due to any person in respect of such service shall be ascertained and paid over to him by the coroner.

(5) Nothing in this section shall affect the validity of any regulations made before the appointed day.

**37.**—(1) If a person summoned under this Part of this Act shows to the satisfaction of the appropriate officer, or of the court (or any of the courts) to which he is summoned—

PART V  
Exemption  
for previous  
jury service.

- (a) that he has served on a jury, or duly attended to serve on a jury, in the prescribed period ending with the service of the summons on him, or
- (b) that the Crown Court or any other court has excused him from jury service for a period which has not terminated,

the officer or court shall excuse him from attending, or further attending, in pursuance of the summons.

(2) In subsection (1) above “the prescribed period” means two years or such longer period as the Lord Chancellor may from time to time prescribe by order in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Records of persons summoned under this Part of this Act, and of persons included in panels, shall be kept in such manner as the Lord Chancellor may direct, and the Lord Chancellor may, if he thinks fit, make arrangements for allowing inspection of the records so kept by members of the public in such circumstances and subject to such conditions as he may prescribe.

(4) A person duly attending in compliance with a summons under this Part of this Act shall be entitled on application to the appropriate officer to a certificate recording that he has so attended.

(5) In subsection (1) above the words “served on a jury” refer to service, whether before the appointed day or later, on a jury in any court, including any court of assize or other court abolished by this Act, but excluding service on a jury in a coroner’s court.

**38.**—(1) Subject to the provisions of this section—

Offences

- (a) if a person duly summoned under this Part of this Act fails to attend (on the first or on any subsequent day on which he is required to attend by the summons or by the appropriate officer) in compliance with the summons, or
- (b) if a person, after attending in pursuance of a summons, is not available when called on to serve as a juror, or is unfit for service by reason of drink or drugs,

he shall be liable to a fine not exceeding £100.

(2) An offence under subsection (1) above shall be punishable either on summary conviction or as if it were criminal contempt of court committed in the face of the court.

## PART V

(3) Subsection (1)(a) above shall not apply to a person summoned, otherwise than under section 33 of this Act, unless the summons was duly served on him on a date not later than fourteen days before the date fixed by the summons for his first attendance.

(4) A person shall not be liable to be punished under this section if he can show some reasonable cause for his failure to comply with the summons, or for not being available when called on to serve, and this section has effect subject to the provisions of this Part of this Act about the withdrawal or alteration of a summons, and about the granting of any excusal or exemption.

Civil proceedings: majority verdicts.

**39.**—(1) Subject to subsection (3) below, the verdict of a jury in proceedings in the High Court need not be unanimous if—

- (a) in a case where there are not less than 11 jurors, 10 of them agree on the verdict, and
- (b) in a case where there are 10 jurors, 9 of them agree on the verdict.

(2) Subject to subsection (3) below, the verdict of a jury (that is to say a complete jury of 8) in proceedings in a county court need not be unanimous if 7 of them agree on the verdict.

(3) The court shall not accept a verdict by virtue of subsection (1) or subsection (2) above unless it appears to the court that the jury have had such period of time for deliberation as the court thinks reasonable having regard to the nature and complexity of the case.

(4) This section is without prejudice to any practice by which a court may accept a majority verdict with the consent of the parties, or by which the parties may agree to proceed in any case with an incomplete jury.

Abolition of special juries and supplemental provisions. 1949 c. 27.

**40.**—(1) Special juries shall be abolished, and sections 18 and 19 of the Juries Act 1949 (under which special juries were preserved for certain commercial cases) shall cease to have effect.

(2) No judgment after verdict upon any indictment, or after verdict in any other trial by jury in any court, shall be stayed or reversed by reason—

- (a) that the provisions of this Act about the summoning or impanelling of jurors, or the selection of jurors by ballot, have not been complied with, or
- (b) that a juror was not included in the relevant jurors' book or jury list, or
- (c) that any juror was misnamed or misdescribed, or

(d) that any juror was unfit to serve.

PART V

(3) Subsection (2)(a) above shall not apply to any irregularity if objection is taken at, or as soon as practicable after, the time it occurs, and the irregularity is not corrected.

(4) Nothing in subsection (2) above shall apply to any objection to a verdict on the ground of personation.

(5) Subject to the express provisions of this Act, all enactments and rules of law relating to trials by jury, juries and jurors, shall continue in force and, in criminal cases, apply to proceedings in the Crown Court as they applied to proceedings before a court of oyer and terminer or gaol delivery.

(6) In this Part of this Act—

“court” except where the context otherwise requires, means the Crown Court, the High Court, or a county court,

“the appropriate officer” means such officer as may be designated for the purpose in question by arrangements made by the Lord Chancellor.

(7) Schedule 4 to this Act shall have effect for supplementing this Part of this Act.

PART VI

MISCELLANEOUS AND SUPPLEMENTAL

*Merger or abolition of certain courts and offices*

41.—(1) On the appointed day—

(a) the Court of Chancery of the county palatine of Lancaster (in this Act referred to as “the Lancaster Palatine Court”), and

(b) the Court of Chancery of the county palatine of Durham and Sadberge (in this Act referred to as “the Durham Palatine Court”),

Merger of Palatine Courts with High Court.

shall be merged with the High Court and accordingly on and after that day no jurisdiction, whether conferred by statute or otherwise, shall be exercised by the Palatine Courts as such

(2) The provisions of Part I of Schedule 5 to this Act shall have effect with respect to certain transitional matters consequential on the provisions of this section.

42.—(1) The Mayor’s and City of London Court, as constituted immediately before the commencement of this Act, is hereby abolished.

Local court for City of London.

(2) For the purpose of establishing a court to exercise so much of the jurisdiction previously exercised by the Mayor’s and City of London Court as is appropriate to a county court and



## PART VI

for exercising any other jurisdiction which may hereafter be conferred on a county court, the City of London shall, by virtue of this section, become a county court district and accordingly the enactments relating to county courts shall apply in relation to the county court for the City of London as they apply in relation to a county court for any other county court district.

(3) Without prejudice to subsection (1) above, the county court for the district constituted by subsection (2) above shall be known as the Mayor's and City of London Court and the Circuit judge assigned to that district under section 20(1) of this Act shall be known as the judge of the Mayor's and City of London Court.

(4) The provisions of Part II of Schedule 5 to this Act shall have effect with respect to certain transitional matters consequential on the provisions of this section.

Abolition  
of certain  
other local  
courts.

**43.**—(1) There are hereby abolished the following local courts of record, being those which actively exercise a civil jurisdiction comparable to or greater than that of the county court for the district in which they are situated:—

- (a) the Tolzey and Pie Poudre Courts of the City and County of Bristol ;
- (b) the Liverpool Court of Passage ;
- (c) the Norwich Guildhall Court ; and
- (d) the Court of Record for the Hundred of Salford.

(2) The provisions of Part III of Schedule 5 to this Act shall have effect with respect to certain transitional matters consequential on the abolition of the courts specified in subsection (1) above.

Abolition  
of certain  
offices.

**44.**—(1) The following offices are hereby abolished:—

- (a) chairman and deputy chairman of county quarter sessions ; recorder, and deputy, assistant or temporary recorder, of a borough (but not the Recorder of London) ; clerk and deputy clerk of the peace ;
- (b) any judicial or other office in a court abolished or merged with the High Court by the preceding provisions of this Part of this Act, other than the office of Vice-Chancellor of the County Palatine of Lancaster ;
- (c) clerk of assize, circuit bailiff and any other office the duties of which relate exclusively to courts of assize.

(2) The Lord Chancellor may, with the concurrence of the Minister for the Civil Service, by regulations provide for the payment out of money provided by Parliament of compensation

to or in respect of persons who suffer loss of employment or loss or diminution of emoluments which is attributable—

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- (a) to the preceding provisions of this section, or
  - (b) to the abolition or merger of any court (including courts of assize, courts of quarter sessions and Palatine courts) by this Act, or
  - (c) to the transfer by this Act of any function to the Lord Chancellor or to any other Minister.
- (3) Regulations under this section may—
- (a) include provision as to the manner in which and the person to whom any claim for compensation under the regulations is to be made, and for the determination of all questions arising under the regulations,
  - (b) make special provision for persons who, but for any national service, would be holders of any office or engaged in any employment,
  - (c) make different provision for different classes of persons and for other different circumstances, and make, or authorise the Lord Chancellor to make, exceptions and conditions,
  - (d) be framed so as to have effect from a date earlier than the making of the regulations,

but so that regulations having effect from a date earlier than their making shall not place any individual in a worse position than he would have been in if the regulations had been so framed as to have effect only from the date of their making.

(4) Regulations under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

#### *Matrimonial jurisdiction and patent appeals*

45.—(1) This section has effect as respects any proceedings for the exercise of a power under—

Matrimonial jurisdiction.

- (a) Part II or Part III of the Matrimonial Causes Act 1965; 1965 c. 72.
- (b) Part I of the Matrimonial Proceedings and Property Act 1970; 1970 c. 45.
- (c) section 17 of the Married Women's Property Act 1882. 1882 c. 75.

(2) Rules of court may provide for the transfer or retransfer from a county court to the High Court, or from the High Court to a divorce county court, of any such proceedings.

(3) The power conferred by subsection (2) above and the power conferred by section 1(3)(b) of the Matrimonial Causes Act 1967 (transfer of matrimonial causes) shall be construed as

**PART VI** including power to provide for the removal of proceedings at the direction of the High Court.

(4) A court shall have jurisdiction to entertain any proceedings transferred to the court by virtue of rules made in pursuance of subsection (2) above.

(5) Rules of court may, as respects any of the jurisdiction conferred by the enactments referred to in paragraphs (a), (b) and (c) of subsection (1) above—

(a) provide for its exercise in the principal probate registry,

1967 c. 56.

(b) make any such provision as section 4 of the Matrimonial Causes Act 1967 (assimilation of proceedings in the principal probate registry to proceedings in divorce county courts) makes, or authorises rules of court to make, as respects any jurisdiction.

1959 c. 22.

(6) Where, in pursuance of rules of court made under this section or the said Act of 1967, any proceedings are removed into the High Court section 76 of the County Courts Act 1959 (costs) shall apply as if the proceedings had been transferred.

(7) This section is without prejudice to any power of making rules of court conferred by the said Act of 1967, and in section 7(1)(b) of that Act (matrimonial causes rules) the reference to that Act shall include a reference to this section.

1882 c. 75.

(8) Any reference in this section to section 17 of the Married Women's Property Act 1882 is a reference to that Act as originally enacted, or as extended by section 7 of the Matrimonial Causes (Property and Maintenance) Act 1958 or by section 2 of the Law Reform (Miscellaneous Provisions) Act 1970 or by section 39 of the Matrimonial Proceedings and Property Act 1970.

1958 c. 35.

1970 c. 33.

1970 c. 45.

Patent  
appeals.

1949 c. 87.

**46.**—(1) Section 87 of the Patents Act 1949 (appeal to Court of Appeal or, in Scotland, the Court of Session from Patents Appeal Tribunal and Scottish Patents Appeal Tribunal) shall be amended as follows.

(2) In subsection (1) before paragraph (a) insert

“ (aa) from any decision of the Appeal Tribunal on the ground that it is wrong in law or is in excess of jurisdiction, but this paragraph applies only if leave to appeal is given by the Tribunal or the Court of Appeal ”.

(3) For subsection (3) substitute—

“ (3) An appeal shall lie to the Court of Session—

(a) from any decision of the Scottish Appeal Tribunal on the ground that it is wrong in law or is in

excess of jurisdiction, but this paragraph applies only if leave to appeal is given by the Tribunal or by the Court of Session;

- (b) from any decision of the Scottish Appeal Tribunal under section 55 of this Act”.

### Costs

47.—(1) Subject to the provisions of this section where a person is prosecuted or tried on indictment before the Crown Court, the court may—

Costs awarded by Crown Court out of central funds.

- (a) order the payment out of central funds of the costs of the prosecution;
- (b) if the accused is acquitted, order the payment out of central funds of the costs of the defence.

(2) Subject to the provisions of this section, where an appeal is brought to the Crown Court against a conviction by a magistrates' court of an indictable offence, or against the sentence imposed on such a conviction, the court may—

- (a) order the payment out of central funds of the costs of the prosecution,
- (b) if the appeal is against a conviction, and the conviction is set aside in consequence of the decision on the appeal, order the payment out of central funds of the costs of the defence.

(3) The costs payable out of central funds under the preceding provisions of this section shall be such sums as appear to the Crown Court reasonably sufficient—

- (a) to compensate the prosecutor, or as the case may be, the accused, for the expenses properly incurred by him in carrying on the proceedings, and
- (b) to compensate any witness for the prosecution, or as the case may be for the defence, for the expense, trouble or loss of time properly incurred in or incidental to his attendance.

(4) Notwithstanding that the court makes no order under this section as respects the costs of the defence, it may order the payment out of central funds of such sums as appear to the court reasonably sufficient to compensate any witness for the defence for the expense, trouble or loss of time properly incurred in or incidental to his attendance.

(5) References in subsections (3) and (4) above to a witness include any person who is a witness to character only and in respect of whom the court certifies that the interests of justice required his attendance but no sums shall be payable in pursuance of an order made under this section to or in respect of any witness who is a witness to character only and in respect of whom no such certificate is given.

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(6) The amount of costs ordered to be paid under this section shall be ascertained as soon as practicable by the appropriate officer of the Crown Court.

(7) In this section the expression "witness" means a person properly attending to give evidence, whether or not he gives evidence; and a person called to give evidence at the instance of the court may, whether or not he is a witness for the defence, be made the subject of an order under subsection (4) above.

(8) The costs of carrying on the defence that may be awarded to any person under this section may include the costs of carrying on the defence before the examining justices who committed him for trial, or as the case may be before the magistrates' court who convicted him.

Costs awarded by Crown Court as between parties.

48.—(1) Where a person is prosecuted or tried on indictment before the Crown Court, the Court may—

- (a) if the accused is convicted, order him to pay the whole or any part of the costs incurred in or about the prosecution and conviction, including any proceedings before the examining justices;
- (b) if the accused is acquitted, order the prosecutor to pay the whole or any part of the costs incurred in or about the defence including any proceedings before the examining justices.

(2) The amount of costs ordered to be paid under this section shall (except where it is a specific amount ordered to be so paid) be ascertained as soon as practicable by the appropriate officer of the Crown Court.

Costs awarded by Divisional Court or House of Lords out of central funds.

49.—(1) A Divisional Court of the Queen's Bench Division may order the payment out of central funds of the costs of any party to proceedings before the Divisional Court in a criminal cause or matter.

(2) The costs payable out of central funds under subsection (1) above shall be such sums as appear to the Divisional Court reasonably sufficient to compensate the party concerned for any expenses properly incurred by him in the proceedings or in any court below.

(3) Where an appeal to the House of Lords from a decision of the Divisional Court in a criminal cause or matter is determined in favour of the accused, the House of Lords may order the payment to the accused out of central funds of such sums as appear to it reasonably sufficient to compensate him for any expenses properly incurred by him in the appeal to the House of Lords (including any application for leave to appeal), or in any court below.

(4) Any amount ordered to be paid under this section shall be ascertained— PART VI

- (a) if under subsection (1) above, by the master of the Crown Office, and
- (b) if under subsection (3) above (except where it is a specific amount ordered to be paid towards the accused's expenses as a whole) by such officer or officers, and in such manner, as may be prescribed by order of the House of Lords.

**50.**—(1) Crown Court rules may authorise the court to award costs and may regulate any matters relating to costs of proceedings in the Crown Court, and in particular may make provision as to— Crown Court rules relating to costs.

- (a) any discretion to award costs,
- (b) the taxation of costs, or the fixing of a sum instead of directing a taxation, and as to the officer of the court or other person by whom costs are to be taxed,
- (c) a right of appeal from any decision on the taxation of costs whether to a Taxing Master of the Supreme Court, or to any other officer or authority,
- (d) the enforcement of an order for costs,
- (e) the charges or expenses or other disbursements which are to be treated as costs for the purposes of the rules.

(2) The costs dealt with by rules under this section may, where an appeal is brought to the Crown Court from the decision of a magistrates' court, or from the decision of any other court or tribunal, include costs in the proceedings in that court or tribunal.

(3) Nothing in this section shall authorise the making of rules about the payment of costs out of central funds, whether under the Costs in Criminal Cases Act 1952 or otherwise, but rules under this section may make any such provision as is contained in section 48 above. 1952 c. 48.

(4) Rules under this section may amend or repeal all or any of the provisions of section 48 above or of any other enactment passed before this Act about costs between party and party in criminal or other proceedings in the Crown Court.

(5) Rules under this section shall have effect subject to the provisions of section 41 of, and Schedule 9 to, the Administration of Justice Act 1970 (method of enforcing orders for costs). 1970 c. 31.

**51.**—(1) Sections 47, 48 and 49 above shall be construed as one with the Costs in Criminal Cases Act 1952, and accordingly references to that Act shall, unless the context otherwise requires, be construed as including references to those sections. Construction and consequential amendments.

PART VI  
1952 c. 48.

(2) Schedule 6 to this Act, which amends the Costs in Criminal Cases Act 1952 and other enactments about costs, shall have effect.

Award of costs where information or complaint is not proceeded with.

**52.**—(1) Where an information charging an indictable offence is laid before a justice of the peace for any area but the information is not proceeded with (either by summary trial or by an inquiry by examining justices) a magistrates' court for that area may order the payment out of central funds of—

- (a) the costs properly incurred in preparing a defence to the offence charged ; and
- (b) such sums as appear to the court reasonably sufficient to compensate any person attending to give evidence as a witness for the defence for the expense, trouble or loss of time properly incurred in or incidental to his attendance.

(2) The amount of costs ordered to be paid under subsection (1) above shall be ascertained as soon as practicable by the proper officer of the court.

(3) Where—

- (a) an information is laid before a justice of the peace for any area but the information is not proceeded with (either by summary trial or by an inquiry by examining magistrates), or
- (b) a complaint is made to a justice of the peace acting for any area but the complaint is not proceeded with,

a magistrates' court for that area may make such order as to costs to be paid by the prosecutor to the accused or, as the case may be, by the complainant to the defendant as it thinks just and reasonable.

(4) An order under subsection (3) above shall specify the amount of the costs ordered to be paid.

(5) Subsections (1) and (2) above and, so far as they relate to informations, subsections (3) and (4) above shall be construed as one with the Costs in Criminal Cases Act 1952 ; and for the purpose of enforcement an order under subsection (3) above made in relation to a complaint which is not proceeded with shall be treated as if it were an order made under section 55 of the Magistrates' Courts Act 1952 (power to award, and enforcement of, costs in civil proceedings).

*Administrative functions of justices*

## PART VI

**53.**—(1) The provisions of section 16 of and Schedule 4 Administrative to the Justices of the Peace Act 1949 (which provide for the functions of establishment of magistrates' courts committees) shall be justices. amended in accordance with Part I of Schedule 7 to this Act; 1949 c. 101. and the following provisions of this section shall have effect with respect to certain administrative functions exercised by courts of quarter sessions and by members of such courts before the day appointed for the purposes of section 3 of this Act.

(2) Schedule 5 to the Criminal Justice Act 1948 (which contains administrative provisions about probation and after-care areas and committees, etc.) shall be amended as follows: 1948 c. 58.

- (a) in paragraph 1(1) (which relates to probation and after-care areas comprising more than one petty sessional division) for the words "court of quarter sessions" there shall be substituted the words "magistrates' courts committee"; and
- (b) in paragraph 2(1)(a) (which provides for the constitution of probation and after-care committees for areas comprising more than one petty sessional division) for the words from "such number of additional" to the end of paragraph (a) there shall be substituted the words "such number of judges of the Crown Court and of additional justices who have experience of sitting as members of the Crown Court, as may be specified in the order".

(3) Visiting committees appointed as mentioned in subsection (1) of section 6 of the Prison Act 1952 (that is to say by courts of quarter sessions for counties and benches of magistrates for boroughs) shall be replaced by boards of visitors appointed under subsection (2) of that section, and accordingly the said section 6 and section 43(4) of the Prison Act 1952 (which relates to the application of certain provisions of that Act about prisons to remand centres, detention centres and Borstal institutions) shall be amended in accordance with Part II of Schedule 7 to this Act. 1952 c. 52.

(4) For the purpose of replacing the references to courts of quarter sessions where they occur in the Licensing Act 1964 in relation to— 1964 c. 26.

- (a) county compensation committees, and
- (b) the licensing planning committee for any licensing planning area that consists of or includes the metropolis, as defined in that Act,

the provisions of that Act specified in Part III of Schedule 7 to this Act shall be amended in accordance with that Part of that Schedule.



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1964 c. 48.

(5) In paragraph (b) of section 2(2) of the Police Act 1964 (one-third of police committee for a county police area to be magistrates for the county appointed by quarter sessions) for the words from "magistrates" in the first place where it occurs to the end of the paragraph there shall be substituted the words "appointed from among their own number by the magistrates for the county in accordance with a scheme made by the magistrates' courts committee for, or for an area including, the county and approved by the Secretary of State".

(6) Without prejudice to their effect on appointments made after the commencement of this Act, nothing in subsection (2), subsection (4) or subsection (5) above shall affect the membership of any probation and after-care committee, county compensation authority or police committee in existence at the commencement of this Act.

(7) The Secretary of State may by order made by statutory instrument make such amendments as appear to him to be expedient in consequence of the provisions of this Act in—

(a) any order made under paragraph 1 of Schedule 5 to the Criminal Justice Act 1948 (relating to combined probation and after-care areas), and

(b) any amalgamation scheme within the meaning of Part I of the Police Act 1964 ;

and an order under this subsection amending any such amalgamation scheme shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### *Boroughs : honorary offices*

**54.**—(1) The council of a borough shall have power to appoint a person to be honorary recorder of the borough.

(2) Where there is a borough civil court, the council of the borough shall have power to appoint the honorary recorder of the borough, or some other person, to be the judge of the court, and a person appointed under this subsection shall hold his office during good behaviour.

(3) A person shall not be qualified to hold office as an honorary recorder of a borough or as judge of a borough civil court unless he is a Circuit judge or Recorder (that is to say a Recorder appointed under this Act):

Provided that this subsection shall not apply to a borough which immediately before the appointed day—

(a) had power by charter to appoint a recorder of the borough, and

(b) did not have a separate court of quarter sessions.

1948 c. 58.

Boroughs:  
honorary  
offices.

(4) Where, immediately before the appointed day, there was a judge of a borough civil court, but he did not hold office by virtue of holding the office of recorder abolished by this Act, he shall continue to be and act as the judge as if appointed under subsection (2) above and subsection (3) above shall not apply to him.

### *Supplemental*

**55.**—(1) There shall be paid out of money provided by Financial Parliament, or out of the Consolidated Fund, any increase provisions. attributable to the provisions of this Act in the sums respectively so payable under any other enactment.

(2) There shall be paid out of money provided by Parliament any sums payable by any Minister under or by virtue of this Act.

(3) Any sum payable under this Act to the Lord Chancellor or any other Minister shall be paid into the Consolidated Fund.

(4) In the application of section 3(1) of the Local Government 1966 c. 42. Act 1966 (variation of rate support grant orders) to a rate support grant order made before the date of the coming into operation of any provision of this Act for a grant period ending after that date, the Minister having power to make orders under the said section 3 shall take into account any relief obtained, or likely to be obtained, by local authorities—

(a) which is attributable to the coming into operation of the said provision of this Act, and

(b) which was not taken into account in making the rate support grant order the variation of which is in question.

The provisions of this subsection are without prejudice to section 3(4) of the said Act of 1966 (under which an order under that section may vary the matters prescribed by a rate support grant order).

**56.**—(1) Schedule 8 to this Act (which contains consequential Minor and consequential amendments, and other amendments) shall have effect.

(2) In the enactments listed in Schedule 9 to this Act (which confer jurisdiction transferred to the Crown Court) for any reference to quarter sessions there shall be substituted a reference to the Crown Court. transitional provisions and repeals.

This subsection applies to references to quarter sessions however expressed and in particular to any reference to “the next court of quarter sessions”, or to the quarter sessions for any particular area, or to any sessions which, by section 13(14) of the Interpretation Act 1889, were included in the expression 1889 c. 63. “court of quarter sessions”.

## PART VI

(3) Schedule 10 to this Act, which contains transitional provisions, shall have effect.

(4) The enactments specified in Schedule 11 to this Act (which includes certain obsolete or unnecessary enactments) are hereby repealed to the extent specified in the third column of that Schedule, but subject to any provision at the end of that Schedule.

Interpretation  
of this Act and  
rules of con-  
struction of  
other Acts.

1925 c. 49.

57.—(1) In this Act, unless the context otherwise requires—  
the “appointed day” means the commencement of this Act which, as provided by this Act, may be a different date for different purposes,

“the Judicature Act 1925” means the Supreme Court of Judicature (Consolidation) Act 1925,

“sentence”, in relation to an offence, includes any order made by a court when dealing with an offender including—

(a) a hospital order under Part V of the Mental Health Act 1959, with or without an order restricting discharge, and

(b) a recommendation for deportation made when dealing with an offender.

1959 c. 72.

(2) Except where the context otherwise requires, this Act applies in relation to proceedings on a coroner’s inquisition and to matters arising out of such proceedings, as it applies in relation to proceedings on indictment and matters arising out of them.

Except as otherwise provided, this subsection shall apply for the construction of any Act passed after this Act as it applies for the construction of this Act.

(3) Except where the context otherwise requires, in this or any other Act—

(a) a reference to a judge of the Supreme Court shall not include a reference to a judge of the Crown Court,

(b) any reference to the courts abolished by this Act shall include a reference to the Lancaster Palatine Court and the Durham Palatine Court (which are abolished on merger with the High Court).

(4) Except where the context otherwise requires, in any Act passed after this Act the expression “recorder” shall not include the Recorder of London or an honorary recorder of a borough.

(5) Any power of making orders contained in any provision of this Act shall include power to vary or revoke an order made under that provision.

(6) It is hereby declared that any power conferred by this Act on the Lord Chancellor or any other authority to give directions includes a power to vary or rescind any direction so given.

(7) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including this Act.

58. The provisions of the Government of Ireland Act 1920 about reserved matters shall not preclude the Parliament of Northern Ireland from making any law corresponding to section 13 of the Criminal Justice Act 1967, or otherwise authorising a majority verdict of a jury, or from making any provision related to or consequential upon a provision about majority verdicts of juries.

Northern Ireland powers concerning majority verdicts of juries.  
1920 c. 67.  
1967 c. 80.

59.—(1) This Act may be cited as the Courts Act 1971.

Short title, commencement and extent.

(2) This Act shall come into force on such date as the Lord Chancellor may by order in a statutory instrument appoint, and different dates may be appointed for different provisions of this Act, or for different purposes.

(3) Without prejudice to the other transitory provisions of this Act, any order under this section may make such transitional provision as appears to the Lord Chancellor to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or any provisions of this Act then in force, and such savings of the provisions repealed by this Act, as appear to him to be necessary or expedient in consequence of the partial operation of this Act (whether before or after the day appointed by the order).

(4) A statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) The following provisions of this Act, and no others, shall extend to Scotland—

- (a) section 13(8) and, so far as it relates to the Court of Session, section 46,
- (b) any provision of this Act amending or repealing any provision of the House of Commons Disqualification Act 1957, 1957 c. 20,
- (c) any provision of this Act affecting the operation of the law of Scotland in relation to courts in England and Wales,

## PART VI

(d) the provisions of this Act about interpretation and commencement,

1848 c. 42.  
1952 c. 55.

(e) Schedule 8 to this Act so far as it amends section 14 of the Indictable Offences Act 1848, and sections 72A and 72B of the Magistrates' Courts Act 1952.

(6) The following provisions of this Act, and no others, shall extend to Northern Ireland—

(a) section 46 of this Act except so far as it relates to the Court of Session and section 58,

1957 c. 20.

(b) any provision of this Act which amends or repeals any provision of the House of Commons Disqualification Act 1957,

(c) any provision of this Act affecting the operation of the law of Northern Ireland in relation to courts in England and Wales,

(d) the provisions of this Act about interpretation and commencement,

(e) Schedule 8 to this Act so far as it amends section 12 of the Indictable Offences Act 1848 and section 30 of the Petty Sessions (Ireland) Act 1851.

1851 c. 93.

(7) Schedule 8 to this Act shall extend to the Isle of Man and the Channel Islands so far as it amends section 13 of the Indictable Offences Act 1848.

**SCHEDULES****SCHEDULE 1**

Section 8.

**QUARTER SESSIONS JURISDICTION TRANSFERRED  
TO CROWN COURT**

1. There shall be vested in the Crown Court all appellate and other jurisdiction conferred on any court of quarter sessions, or on any committee of a court of quarter sessions, by or under any Act, whether public general or local.

2. Subject to the provisions of this Act, and in particular the provisions about magistrates' courts committees and the provisions of paragraph 1 of Schedule 8 to this Act, there shall be vested in the Crown Court all other powers and duties of any court of quarter sessions, or of any committee of a court of quarter sessions.

**SCHEDULE 2**

Section 16.

**HOLDERS OF CERTAIN EXISTING JUDICIAL OFFICES****PART I****CERTAIN OFFICE-HOLDERS TO BE CIRCUIT JUDGES**

1.—(1) On the appointed day the persons then holding office as—  
Vice-Chancellor of the County Palatine of Lancaster,  
Recorder of London, and  
Common Serjeant

shall, by virtue of their offices, become Circuit judges.

(2) On the appointed day any person who, immediately before that day, held one of the following judicial offices (being offices to which no further appointments are to be made or which cease by virtue of this Act) shall, by virtue of this paragraph, become a Circuit judge:—

Official Referee to the Supreme Court

Recorder of Liverpool

Recorder of Manchester

Additional Judge of the Central Criminal Court

Assistant Judge of the Mayor's and City of London Court

County Court Judge

Whole-time Chairman or whole-time Deputy Chairman of courts of quarter sessions for Greater London, Cheshire, Durham, Kent and Lancashire.

2.—(1) Any person who, being appointed Recorder of London after the appointed day, is appointed by Her Majesty to exercise judicial functions shall, by virtue of that appointment, be a Circuit judge.

(2) Any person who after the appointed day is appointed by Her Majesty to be the Common Serjeant shall, by virtue of that appointment, be a Circuit judge.

3.—(1) Subject to sub-paragraph (2) below, section 17 of this Act shall apply to the holder of any judicial office who becomes a Circuit judge as mentioned in this Part of this Schedule as it applies to a Circuit judge appointed under section 16 of this Act.

SCH. 2

(2) In the case of any person who becomes a Circuit judge as mentioned in this Part of this Schedule, other than a person who held an office mentioned in paragraph 1(2) above which ceases by virtue of this Act, nothing in section 17 of this Act shall have the effect of depriving him of the office by virtue of which, or by virtue of his appointment to which, he becomes a Circuit judge.

## PART II

SUPPLEMENTARY PROVISIONS WITH RESPECT TO  
CERTAIN JUDICIAL OFFICERS

4.—(1) If and so long as any holder of the office of Vice-Chancellor of the County Palatine of Lancaster is also a Circuit judge (whether by virtue of paragraph 1 above or otherwise), he shall take judicial precedence next after the judges of the High Court.

1928 c. 26.

(2) Notwithstanding the repeal by this Act of section 14(1) of the Administration of Justice Act 1928, paragraph (d) of that subsection (terms of appointment of Vice-Chancellor of the County Palatine of Lancaster) shall continue to apply in relation to the person who is the holder of that office on the appointed day (but not in relation to any subsequent holder of that office) and shall on and after that day apply in relation to him not only in his capacity as Vice-Chancellor but also in his capacity as a Circuit judge; and accordingly, and without prejudice to paragraph 3(2) above, section 17(4) of this Act shall not apply in relation to that person.

(3) Without prejudice to paragraph 8 below, the Lord Chancellor, with the consent of the Minister for the Civil Service, may make such arrangements as seem to him to be appropriate to secure that the superannuation benefits payable to or in respect of the person who, on the appointed day, holds office as Vice-Chancellor of the County Palatine of Lancaster are not less favourable than those which he enjoyed immediately before the appointed day; and any such arrangements may provide for the cost of those benefits to be defrayed in part by the Duchy of Lancaster.

1965 c. 74.

(4) Rules under section 39A of the Superannuation Act 1965 (provision for superannuation benefits payable to or in respect of persons employed in two or more judicial offices of specified descriptions) may make provision with respect to the superannuation benefits payable to or in respect of any person who, immediately before the appointed day, held office as registrar or assistant registrar of the Lancaster Palatine Court, as if his office were included in those specified in paragraphs (a) to (i) of subsection (3) of that section.

5. Nothing in section 16, section 18(1) or section 19 of this Act shall apply to the manner of appointment or remuneration of, or the pensions and other benefits payable to or in respect of, any person holding office as Recorder of London or Common Serjeant and accordingly those matters shall continue to be provided for as mentioned in Parts II and III of the City of London (Courts) Act 1964.

1964 c. iv.

6. After the appointed day no person shall be appointed an additional judge of the Central Criminal Court under section 13 of the City of London (Courts) Act 1964, but section 7 of that Act

(remuneration and pensions of additional judges and holders of certain other judicial offices) shall continue on and after the appointed day to apply in relation to any person who, immediately before that day, held office as such an additional judge, notwithstanding that he becomes a Circuit judge, and accordingly sections 18(1) and 19 of this Act shall not apply in relation to any such person.

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7. On the appointed day section 14 of the City of London (Courts) Act 1964 (appointment and removal of the assistant judge of the Mayor's and City of London Court) shall cease to have effect, but so much of section 18(3) of that Act as provides for the payment of the remuneration of, and any pension or other benefits payable to or in respect of, the assistant judge shall continue on and after the appointed day to apply to the person who immediately before that day held office as the assistant judge of the Mayor's and City of London Court, and accordingly sections 18(1) and 19 of this Act shall not apply in relation to that person.

8. Notwithstanding anything in sections 17 to 19 of this Act, the Lord Chancellor shall make such arrangements as seem to him to be appropriate to secure that, in the case of any person who becomes a Circuit judge as mentioned in paragraph 1 above and whose salary as such is charged on and paid out of the Consolidated Fund, so long as he continues to serve as a Circuit judge his remuneration and the other terms and conditions of his service are not less favourable than those which he enjoyed immediately before the appointed day.

9.—(1) Subject to the preceding provisions of this Part of this Schedule, for the purpose of determining—

- (a) the annual pension payable to a Circuit judge under section 19 of this Act, or
- (b) any such derivative benefit payable to or in respect of him as is referred to in subsection (5) of that section,

service before the day appointed for the purposes of section 16 of this Act in any of the judicial offices specified in paragraph 1(2) above, and service (before 1st April 1965) as a salaried chairman or deputy chairman of the court of quarter sessions for the county of London or of Middlesex, shall be treated as service as a Circuit judge.

(2) Subject to sub-paragraph (3) below, in any case where—

- (a) any such pension or derivative benefit as is referred to in sub-paragraph (1) above becomes payable to or in respect of any person; and
- (b) the period of that person's service which falls to be taken into account in determining the amount of that pension or benefit includes, by virtue of sub-paragraph (1) above, service in any judicial office specified in paragraph 1(2) above,

rules made by the Lord Chancellor with the consent of the Minister for the Civil Service may make provision for the payment of contributions towards the cost of the superannuation benefits payable to or in respect of that person by any authority which, before the appointed



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day, was responsible, directly or indirectly, for meeting the whole or any part of the cost of the superannuation benefits payable to or in respect of former holders of that office.

(3) Rules made under sub-paragraph (2) above shall not require the payment of any contribution in the case of a person who serves at least fifteen completed years as a Circuit judge, disregarding any period of service taken into account by virtue of sub-paragraph (1) above.

(4) The power to make rules under sub-paragraph (2) above shall be exercisable by statutory instrument, and any statutory instrument containing any such rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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## SCHEDULE 3

## PREMISES FORMERLY USED FOR BUSINESS OF ABOLISHED COURTS

*Right of use for Supreme Court and county courts*

1.—(1) This paragraph has effect—

(a) as respects any premises which were, up to the appointed day, being used to any extent for business of the abolished courts, and

(b) as respects the local authority who were providing the accommodation for the abolished courts,

and has effect in particular to ensure that court proceedings, including proceedings in cases in the course of hearing on the appointed day, can be conducted without any interruption or interference in the transition from the jurisdiction of the abolished courts to the jurisdiction conferred by this Act.

(2) On and after the appointed day it shall be the duty of the authority, up to the extent to which the premises were being used for business of the abolished courts, to make the premises available for Supreme Court or county court business, together with all the fittings, and all furniture, office and other equipment and other chattels previously made available for business of the abolished courts.

(3) If the premises, or any larger premises of which they form part, consist of or comprise a courtroom used or available for use as a magistrates' court (whether or not it has also been used for business of the abolished courts), and at any time the Lord Chancellor so directs, it shall be the duty of the authority to make the courtroom available for Supreme Court or county court business to the exclusion of all other business, or to such extent as the Lord Chancellor may direct.

A direction under this sub-paragraph may also apply to all other parts of the building used or available for use for the sitting or other business of the magistrates' court, together with all the fittings, and all furniture, office and other equipment and other chattels, in the courtroom or elsewhere, previously available for business of the magistrates' court.

(4) Before giving a direction under sub-paragraph (3) above the Lord Chancellor shall consult the Secretary of State, the local authority and any magistrates' courts committee concerned.

(5) Where under the preceding provisions of this paragraph the authority are to make any premises available, it shall be their duty to heat, light, clean and maintain them.

(6) The appropriate Minister shall pay to the authority—

- (a) the reasonable and necessary charges for heating, lighting and cleaning premises made available under this paragraph, and a fair contribution to the cost of any custodial services, and
- (b) a fair contribution in respect of the maintenance and repair of the building, and
- (c) where the authority pay rent for the premises, a contribution amounting to a fair proportion of the rent, and
- (d) where the Lord Chancellor gives a direction under sub-paragraph (3) above, such compensation for any costs of removal and costs of initial adaptation of any alternative accommodation incurred by the authority, as is reasonable in the circumstances,

and if and so far as greater use is made of any premises for Supreme Court and county court business as compared with their use for business of the abolished courts, the appropriate Minister shall make such payment to the authority by way of rent as is reasonable having regard both to the rent which the authority have to pay for alternative accommodation, and to the rent which would be commanded by the accommodation (whether the use was at all times or part-time only) which the authority have had to surrender.

(7) Where under the preceding provisions of this paragraph the authority are to make available any fittings, or furniture, office or other equipment or other chattels—

- (a) it shall be their duty to keep them in order and repair and to clean them ;
- (b) the appropriate Minister shall pay their reasonable and necessary charges under paragraph (a) above ;
- (c) if and so far as greater use is made of any such fittings or chattels for Supreme Court and county court business as compared with their use for business of the abolished courts, the appropriate Minister shall make such payment to the authority by way of hire payments as is reasonable, but not so as to make any payment in respect of anything taken into account in paying rent under sub-paragraph (6) above.

(8) The appropriate Minister shall also make such payment, if any, as is authorised by paragraph 4 below.

(9) The obligations imposed by this paragraph on any local authority shall terminate on the expiration of a period of ten years beginning with the appointed day, or, in the case of any particular

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premises, at such earlier time as may be agreed by the Lord Chancellor and the local authority subject to those obligations as respects the premises.

(10) Where sub-paragraph (1)(b) above applies to two or more local authorities, the obligations imposed by this paragraph shall be shared among them in a way corresponding to that in which they provided for the abolished courts, and, where a direction is given under sub-paragraph (3) above, for any magistrates' court.

#### *Premises acquired by Secretary of State*

2.—(1) Before any premises used for the business of the abolished courts are purchased by the Secretary of State, the Lord Chancellor shall consult any magistrates' courts committee concerned.

(2) A local authority owning any premises used for the business of the abolished courts shall have power to sell, lease or otherwise dispose of the premises to the Secretary of State, notwithstanding that they are subject to any trust, or have been dedicated to the public.

(3) Sub-paragraph (2) above shall not be construed as authorising the extinction or curtailment of any public right of way over any part of premises so acquired.

(4) It is hereby declared that any responsibility of a local authority to provide a court room or other accommodation for any magistrates' court remains unaffected by the acquisition, whether by agreement or compulsorily, by the Secretary of State of any premises used for any such purpose, and accordingly where the Secretary of State acquires any premises the power of the Secretary of State to make the premises available for continued use, to any extent, by a magistrates' court does not affect the local authority's responsibility, or absolve them from the duty to pay a proper rent for the accommodation, on such terms and subject to such conditions as may be agreed.

#### *Compulsory purchase*

3.—(1) This paragraph has effect where—

(a) the Secretary of State, not later than the expiration of a period of three years beginning with the appointed day, gives notice in writing to a local authority of his intention to acquire from that local authority (by compulsory purchase or otherwise) any premises which, up to the appointed day, were being wholly or mainly used for business of the abolished courts or other court purposes, and

(b) the Secretary of State, within the period of ten years beginning with the appointed day, makes a compulsory purchase order authorising the acquisition by him of, or of an interest or estate in, those premises or any part of them.

(2) If the Lord Chancellor is satisfied that the whole of the land comprised in the compulsory purchase order was, up to the appointed day, exclusively used for business of the abolished courts, and so certifies, paragraph 9 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 (special parliamentary procedure) shall not apply to the order.

(3) The compulsory purchase order may be framed so as also to apply to all or any fittings, furniture, equipment and other chattels in, or usually kept or used in, so much of the premises as was, up to the appointed day, being used for business of the abolished courts, or for the business of a magistrates' court, and all the provisions of the said Act of 1946, of the Land Compensation Act 1961 and of the 1961 c. 33. Compulsory Purchase Act 1965 shall have effect accordingly, and 1965 c. 56. subject to any necessary modifications.

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(4) If the whole of the land comprised in the compulsory purchase order was, up to the appointed day, exclusively used for business of the abolished courts,—

- (a) no compensation shall be payable in respect of the interest or estate of the local authority in the land, but without prejudice to any right to compensation for severance or other injurious affection in respect of any land not acquired, and
- (b) no compensation shall be payable in respect of the interest of the local authority in any chattels to which the compulsory purchase order applies by virtue of sub-paragraph (3) above.

(5) Where sub-paragraph (4) above does not apply, the compensation otherwise payable shall be reduced by such amount as will, on a just assessment, secure that no compensation is payable in respect of the land or any chattels to the extent that the land, or any such chattel, was used for business of the abolished courts.

#### *Loan charges*

4.—(1) Where any premises were, up to the appointed day, being used exclusively for business of the abolished courts, the appropriate Minister shall pay to the local authority an amount equal to the interest element in any loan charge paid by the local authority in respect of the premises, being a loan charge falling due in the period in which the premises are made available under paragraph 1 of this Schedule.

(2) If the premises were not exclusively so used, the appropriate Minister shall pay to the local authority such proportion of the amount payable under sub-paragraph (1) above as is just having regard to the extent to which the premises were so used respectively for business of the abolished courts, and for other purposes (and this sub-paragraph shall be applied without regard to any direction under paragraph 1(3) of this Schedule requiring the premises to be made available to an extent greater than that required under paragraph 1(2)).

5.—(1) Where the Secretary of State acquires from a local authority, whether compulsorily or by agreement, any premises which, up to the appointed day, were being used exclusively for business of the abolished courts, the appropriate Minister shall pay to the authority—

- (a) a sum equal to any loan charge paid by the local authority in respect of the premises, being a loan charge falling due in the period from the beginning of April 1970 to the relevant date, together with

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(b) the principal sum outstanding at the relevant date, but adjusting the payment so as to prevent any amount being paid to the local authority both under this paragraph and under the last preceding paragraph.

In this sub-paragraph "the relevant date" means the date of acquisition or such other date as may be agreed by the appropriate Minister and the local authority.

(2) If the premises were not exclusively so used, the appropriate Minister shall pay to the local authority such proportion of the amount payable under sub-paragraph (1) above as is just having regard to the extent to which the building was so used respectively for business of the abolished courts, and for other purposes.

6.—(1) For the purposes of this Schedule "loan charge" means any sum due by way of repayment of capital, or payment of interest, in respect of a liability incurred to meet capital expenditure in acquiring, providing, reconstructing or altering the premises in question.

(2) If the Treasury so direct, the provisions of this Schedule about loan charges shall be applied in any case where, in the opinion of the Treasury, the financial arrangements made by a local authority in connection with any capital expenditure are equivalent to the incurring of a capital liability and the discharge of that liability by paying loan charges.

(3) The two last preceding paragraphs, and this paragraph, shall apply in relation to any loan charge in respect of any fittings, or furniture, office or other equipment or other chattels, made available under this Schedule, or acquired by the Secretary of State, as they apply to premises so made available or acquired, but subject to any necessary modifications.

*Premises in which more than one local authority are interested*

7.—(1) If a compulsory purchase order authorises acquisition of the interest or estate of more than one local authority, whether or not each of them were using the premises to discharge obligations as respects the abolished courts, the notice under paragraph 3(1)(a) above shall be given to each of them.

(2) Sub-paragraphs (4) and (5) of paragraph 3, and paragraphs 4, 5 and 6 of this Schedule shall not apply to a local authority who, although having an interest or estate in the premises, were not using the premises to discharge any obligation to provide accommodation for the abolished courts.

This sub-paragraph is without prejudice to the application of the said provisions to the local authority in relation to any other premises.

(3) If different parts of the premises were used for different abolished courts, sub-paragraph (2) above shall be applied to the different parts of the premises as if the parts were different premises.

There shall be made all such apportionments of compensation for compulsory purchase and of loan charges and other sums as are

required to give effect to this sub-paragraph, and to take account of ancillary accommodation and of the degree to which it served the respective courts.

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*Termination of obligation to provide courthouse or sessions-house*

8. Any obligation imposed on any authority by law or custom to provide an assize courthouse, or a sessions-house for a court of quarter sessions, or a courthouse for any other court abolished by this Act, shall be terminated on the appointed day.

*Judges' lodgings*

9.—(1) The duties and responsibilities of sheriffs, and of local authorities, as respects the provision and maintenance of judges' lodgings shall, subject to the provisions of this paragraph, remain in force after the appointed day, and the accommodation provided in discharge of those duties shall be at the disposal of all judges, but subject to such directions, if any, as may be given by the Lord Chancellor.

(2) A sheriff or other authority shall be entitled to be reimbursed out of money provided by Parliament for any expenditure incurred by the authority in the performance of duties in pursuance of this paragraph.

(3) All the said duties and responsibilities shall be terminated at the expiration of a period of three years beginning with the appointed day, or in the cases specified in the following provisions of this paragraph, at an earlier date.

(4) If the Lord Chancellor is satisfied that any particular accommodation will cease to be needed, he may by notice to the sheriff or authority terminate the duties and responsibilities as respects that accommodation on the date specified in the notice.

(5) If any particular accommodation is comprised in premises acquired by the Secretary of State, the duties and responsibilities as respects that accommodation shall terminate at the time of acquisition.

*Reference of disputes to Lands Tribunal*

10.—(1) Any dispute between a Minister and a local authority as to whether any, and if so what, amount is payable under this Schedule shall be referred to and determined by the Lands Tribunal.

(2) Where any question of disputed compensation under the Compulsory Purchase Act 1965 is referred to the Lands Tribunal, any related question referable under sub-paragraph (1) above shall, so far as practicable, be considered and disposed of by the Lands Tribunal on the same occasion. 1965 c. 56.

*Exclusion of premises in City of London*

11. Nothing in this Schedule applies to any premises in the City of London.

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*Supplemental*

- 12.—(1) In this Schedule, unless the context otherwise requires—  
 the “appropriate Minister” means either the Secretary of State or the Lord Chancellor, and, where a liability to make any payment is imposed on the appropriate Minister, it shall be the liability of either of them, or divided between them, as they may agree with the concurrence of the Treasury,  
 “business of the abolished courts” means the holding of—  
 (a) a court of assize or court of quarter sessions, or  
 (b) any other court abolished by this Act,  
 and any official business in connection with the work of any such court ;  
 “local authority” has the same meaning as in the Acquisition of Land (Authorisation Procedure) Act 1946,  
 “Supreme Court and county court business” includes any official business in connection with the work of any such court,

1946 c. 49.

(2) Any reference in this Schedule to use for business of the abolished courts, or for Supreme Court or county court business, includes use for any purpose ancillary to that business, and includes in particular use of a car park by officials and members of the public when attending in connection with any such business, and in determining the extent of use of any premises, account shall be taken of the periods when use is made of the premises, the degree of use of the premises, and the availability of the premises for other purposes when not so used.

(3) In determining for the purposes of this Schedule what use was made of any premises up to the appointed day, account shall primarily be taken of use in the two years ending with the appointed day, but allowing for the periodical or seasonal nature of the sittings of courts of assize or other courts, and where the degree of use is different in the two years, making an estimate of the average use.

(4) If on the appointed day any building is in course of construction which is designed and intended for use, to any extent, for business of the abolished courts, this Schedule shall, except where the context otherwise requires, apply as if it were a completed building being used up to the appointed day for the purposes for which it is intended.

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## SCHEDULE 4

## JURIES: CONSEQUENTIAL AND TRANSITIONAL PROVISIONS

1922 c. 11.

*Amendments of Juries Act 1922*

1.—(1) The Juries Act 1922 shall be amended as follows.

(2) In section 1(5) for the words from “to be notified” to the end of the subsection substitute “to be notified to the appropriate officer and to the registration officer, and for authorising the appropriate officer to make the necessary correction in the jurors book”.

(3) In section 1(8) (delivery of jurors book to sheriff of the county) for the words from “to the sheriff of the county” to the end of the subsection substitute “to the appropriate officer or officers at such place or places as may from time to time be directed by or on behalf of the Lord Chancellor”.

(4) In section 1(11) for the word “sheriff” substitute “any officer appointed by the Lord Chancellor” and for the words from “to the same penalty” to the end of the subsection substitute “on summary conviction to a fine not exceeding £50”.

(5) In section 6(1)(d) for “the sheriff” substitute “the appropriate officer”.

(6) In section 7, before the definition of “prescribed” insert—  
“The expression ‘appropriate officer’ means such officer as may be designated by or on behalf of the Lord Chancellor for the purposes of this Act, or of the relevant provision of this Act”.

(7) In section 8(2)(b) for the words from “as a juror” to “at assizes” substitute “as a juror on any jury in the Crown Court, the High Court”.

#### *City of London*

2.—(1) The Town Clerk of the City of London shall deliver the jurors book prepared by him, as soon as may be after it has been prepared, to the appropriate officer or officers at such place or places as may from time to time be directed by or on behalf of the Lord Chancellor.

(2) Subject to sub-paragraph (1) above, nothing in this Act shall alter or affect the preparation of jury lists or the jurors book in the City of London.

(3) In section 50 of the Juries Act 1825 for the words from 1825 c. 50. “Provided always” to “said city” (where it first occurs) substitute “No person shall be included in jury lists for the city of London”.

#### *Challenge of jurymen*

3.—(1) The transfer of responsibility for summoning jurors to officers appointed by the Lord Chancellor shall not affect the right of challenge to the array, that is to say the right of challenge on the ground that the person responsible for summoning the jurors in question is biased or has acted improperly.

(2) In section 27 of the Juries Act 1825 for the words “any of the courts herein-before mentioned” substitute “the Crown Court or the High Court or a county court”, and in section 29 of that Act for those words substitute “the Crown Court”.

#### *Venire de novo*

4. A writ or order of venire de novo shall no longer be addressed to the sheriff and shall be in such form as the court considers appropriate.



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*View by jurors*

5. Crown Court rules, and rules of court for civil cases, may make provision as respects views by jurors, and the places to which a juror may be called on to go to view shall not be restricted to any particular county or other area.

*Consequential amendment of local Acts*

6. The Lord Chancellor may by order contained in a statutory instrument subject to annulment in pursuance of a resolution in either House of Parliament make such amendments or repeals of any provision of any local Act as appears to him necessary or expedient in consequence of the provisions of this Act about trial by jury, juries and jurors.

*Transitional*

7.—(1) The Lord Chancellor may by order contained in a statutory instrument make such provision as appears to him necessary or expedient for the transition to the provisions of this Act about trial by jury, juries and jurors from the enactments and rules of law replaced by those provisions, and may in particular by such an order provide for transitory modifications or adaptations of those provisions of this Act, or of the law which those provisions replace.

1825 c. 50.

(2) Without prejudice to sub-paragraph (1) above, on the repeal of sections 40 and 41 of the Juries Act 1825 by this Act every sheriff or other officer holding a register or list prepared under those sections of persons who have served as jurors in the preceding three years shall transmit those registers or lists to the appropriate officer at such place or places as the Lord Chancellor may direct.

(3) A statutory instrument made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Sections 41 to 43.

## SCHEDULE 5

TRANSITIONAL PROVISIONS CONSEQUENTIAL ON  
MERGER OR ABOLITION OF CERTAIN COURTS

## PART I

## THE PALATINE COURTS

*Interpretation*

1. In this Part of this Schedule—

“the Palatine Court” means the Lancaster Palatine Court or the Durham Palatine Court, as the case may require; and

“the relevant date”, in relation to the Palatine Court, means the date on which it ceases to exercise any jurisdiction by virtue of section 41(1) of this Act.

*Pending Proceedings*

2.—(1) Subject to any provision made (whether before or after the relevant date) by Rules of the Supreme Court,—

- (a) any proceedings which had been begun in the Palatine Court before the relevant date may be continued on and after that date in the High Court as if they had been begun in the High Court ; and
- (b) anything done in accordance with the rules applicable to proceedings in the Palatine Court shall be treated as having been done in accordance with the rules applicable to corresponding proceedings in the High Court.

(2) Any act, judgment or order of the Palatine Court in any proceedings shall have the like effect, and further proceedings may be taken in respect of it, as if it were an act, judgment or order of the High Court.

*Fees*

3.—(1) All fees and other payments which, having become due in the Lancaster Palatine Court in accordance with any order made under the Chancery of Lancaster Acts 1850 to 1961, had not been paid before the relevant date, shall on and after that date become due to the Duchy of Lancaster, and all money which immediately before that date stood to the credit of, or was awaiting payment into any of the Fee Fund Accounts of the Lancaster Palatine Court shall on that date vest in the Duchy.

(2) Any money due to the Duchy of Lancaster by virtue of sub-paragraph (1) above shall be recoverable as if it were due to the Duchy under an order of the High Court ; and all sums received by the Duchy by virtue of that sub-paragraph shall form part of the revenue of the Duchy.

(3) All fees and similar payments which, having become due in the Durham Palatine Court, had not been paid before the relevant date shall on and after that date become due to the registrar of the Durham district registry of the High Court as fees in the High Court, and all money received as fees or similar payments in the Durham Palatine Court and held immediately before the relevant date by the registrar of the Durham district registry of the High Court in his capacity as Registrar of the Durham Palatine Court shall be dealt with by him, on and after that date, as High Court fees received by him in his capacity as a district registrar.

*Funds in court*

4.—(1) On the relevant date all investments and money which, immediately before that date, constituted the funds in court in the Palatine Court shall, by virtue of this Act and without any transfer or assignment, be vested in the Accountant General of the Supreme Court as funds in the Supreme Court.

(2) In dealing with any investments and money vested in him by virtue of sub-paragraph (1) above, the Accountant General of the Supreme Court shall comply with any directions which the Lord Chancellor may consider it expedient to give to him with a view

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to securing the transition of the administration of the funds in court in the Palatine Court to the Supreme Court.

(3) The transfer of any funds under sub-paragraph (1) above shall not affect the right of any person in or to any of those funds, and any such right may be enforced on and after the appointed day as if it had always been a right in respect of funds in the Supreme Court.

(4) On the relevant date there shall be vested in the Accountant General of the Supreme Court any outstanding liabilities of the Lancaster Palatine Court in respect of sums which at one time formed part of the funds in court in the Lancaster Palatine Court but which ceased to do so at some time prior to that date; and any amounts required to meet any such liabilities shall be paid out of the Consolidated Fund to the Accountant General.

1956 c. 46.

(5) On the relevant date section 52 of the Administration of Justice Act 1956 (provision for transfer to charities and ecclesiastical corporations of certain funds in the Lancaster Palatine Court) shall cease to have effect and any funds which, immediately before that date, might have been dealt with under that section may, on and after that date, be dealt with under section 15 of the Administration of Justice Act 1928 (corresponding provision for transfer of funds in the Supreme Court).

1928 c. 26.

*Court Records*

5. All records of the Palatine Court shall on and after the relevant date be deemed to be records of the Supreme Court and shall be dealt with accordingly under the Public Records Act 1958.

1958 c. 51.

## PART II

## MAYOR'S AND CITY OF LONDON COURT

*Interpretation*

6. In this Part of this Schedule—

“the City Court” means the Mayor's and City of London Court;

“the county court” means the county court for the City of London established by virtue of section 42(2) of this Act;

“the relevant date” means the date on which the City Court is abolished.

*Pending proceedings*

7.—(1) Any proceedings which had been begun in the City Court before the relevant date may be continued on and after that date in the county court, whether or not the proceedings could have been begun in a county court.

(2) Where, by virtue of sub-paragraph (1) above, proceedings which would not otherwise be within the jurisdiction of a county court are continued in the county court,—

(a) the county court shall have the like jurisdiction in respect of the proceedings as if it were the City Court and as if section 42(1) of this Act had not been enacted; and

- (b) notwithstanding the repeals effected by this Act, section 19(2) of the City of London (Courts) Act 1964 (procedure for non-county court cases) shall apply to the proceedings with the modification that for any reference in the enactment or rules referred to in that section to the City Court there shall be substituted a reference to the county court, and section 15 of the Administration of Justice (Miscellaneous Provisions) Act 1938 (appeals from the City Court) shall apply accordingly. Sch. 5  
1964 c. iv.  
1938 c. 63.

(3) Notwithstanding anything in this Act, the provisions of any enactment or rule of law applicable immediately before the relevant date to any act, judgment or order of the City Court shall continue to apply thereto on and after the relevant date, but anything required on or after the relevant date to be done by or to the City Court or any officer thereof, under or by virtue of any such enactment or rule of law, shall be treated as validly done if done by or to the county court.

#### *Outstanding fees*

8. All fees and similar payments which, having become due in the City Court, had not been paid before the relevant date shall become due on and after the relevant date to the Common Council of the City of London and shall be recoverable as if they were due to the Common Council under an order of the High Court.

#### *Funds in court*

9.—(1) On the relevant date all investments and money which immediately before that date constituted the funds in court in the City Court shall, by virtue of this Act and without any transfer or assignment, be vested, subject to sub-paragraph (2) below, in the registrar of the county court as funds in that court.

(2) So much of the investments and money referred to in sub-paragraph (1) above as, immediately before the relevant date, was held in the joint names of the Chamberlain of the City of London and the registrar of the City Court shall, instead of being vested solely in the registrar of the county court in accordance with that sub-paragraph, be vested, by virtue of this Act and without any transfer or assignment, jointly in the registrar of the county court and the Accountant-General of the Supreme Court.

### PART III

#### OTHER LOCAL COURTS

##### *Interpretation*

10. In this Part of this Schedule—

“the local courts” means the courts abolished by section 43(1) of this Act and “local court” means any one of those courts;

“the relevant date” in relation to a local court means the date on which it is abolished; and

“the county court”, in relation to a local court, means the county court for the district in which the local court is situated.

## SCH. 5

*Pending proceedings*

11.—(1) Subject to any provision made (whether before or after the relevant date) by county court rules:—

- (a) any proceedings which had been begun in a local court before the relevant date may be continued on and after that date in the county court, whether or not the proceedings could have been begun in that or any other county court; and
- (b) anything done in accordance with the rules applicable to proceedings in the local court shall be treated as having been done in accordance with the rules applicable to corresponding proceedings in the county court.

(2) Any act, judgment or order of a local court in any proceedings shall have the like effect, and further proceedings may be taken in respect of it, as if it were an act, judgment or order of the county court.

(3) Where, by virtue of sub-paragraph (1) above, any proceedings are continued in a county court which could not have been begun in that or any other county court, the court shall have jurisdiction to deal with the proceedings in the like manner as the local court would have had if it had not been abolished.

*Fees*

12.—(1) All fees and similar payments which, having become due in a local court, had not been paid before the relevant date shall on and after that date become due to the appropriate local authority, and all sums which immediately before that date stood to the credit of, or were awaiting payment into, any account maintained by a local court for the receipt of fees and similar payments shall on that date vest in the appropriate local authority.

(2) All money due to the appropriate local authority by virtue of sub-paragraph (1) above shall be recoverable as if it were due to the authority under an order of the High Court.

(3) For the purposes of this paragraph “the appropriate local authority” means—

- (a) in relation to the Tolzey Court or the Pie Poudre Court of the City and County of Bristol, the council of the county borough of Bristol;
- (b) in relation to the Liverpool Court of Passage, the council of the county borough of Liverpool;
- (c) in relation to the Norwich Guildhall Court, the council of the county borough of Norwich; and
- (d) in relation to the Court of Record for the Hundred of Salford, the council of the county borough of Manchester.

*Funds in court*

13. On the relevant date all investments and money which immediately before that date constituted the funds in court in a local court shall, by virtue of this Act and without any transfer or assignment, be vested in the registrar of the county court as funds in that court.

*Court records*

SCH. 5

14. All records of the local courts shall on and after the relevant date be deemed to be records of county courts and may be dealt with accordingly under the Public Records Act 1958.

1958 c. 51.

SCHEDULE 6

Section 51.

AMENDMENTS RELATING TO COSTS IN CRIMINAL CASES ETC.

*Costs in Criminal Cases Act 1952*

1952 c. 48.

1.—(1) In section 5 of the Costs in Criminal cases Act 1952 (magistrates' courts) a reference to central funds shall be substituted for any reference to local funds.

(2) In each of subsections (3) and (4) of that section the words "and giving evidence" shall be omitted.

(3) After subsection (4) of that section insert the following subsection—

"(4A) References in subsections (3) and (4) above to a witness include any person who is a witness to character only and in respect of whom the court certifies that the interests of justice required his attendance, but no sums shall be payable in pursuance of an order made under this section to or in respect of any witness who is a witness to character only and in respect of whom no such certificate is given."

2. For sections 7 to 10 of the said Act there shall be substituted the sections set out below.

*Text of substituted sections*

7.—(1) In this Act and in any other enactment providing for payment of costs out of central funds "central funds" means money provided by Parliament.

Central funds.

(2) The Secretary of State shall, out of money so provided, pay to the persons charged with the duty of making the payments concerned all sums required to meet payments ordered to be made out of central funds under this Act or any other such enactment as is referred to in subsection (1) above.

8.—(1) As soon as there has been ascertained the amount due to any person as costs ordered (under this or any other Act) by the Crown Court to be paid out of central funds, the appropriate officer of the Crown Court shall pay the amount so ascertained to that person, or to any person appearing to him to be acting on behalf of that person.

Payment of costs ordered to be paid out of central funds by superior courts.

(2) As soon as there has been ascertained the amount due to any person as costs ordered (under this or any other Act) to be paid out of central funds by a Divisional Court, by the Court of Appeal or by the House of Lords,—

(a) the master of the Crown Office, in the case of a Divisional Court, and

## SCH. 6

(b) the registrar of criminal appeals in the case of the Court of Appeal or the House of Lords,

shall pay the amount so ascertained to that person, or to any person appearing to him to be acting on behalf of that person.

9.—(1) As soon as there has been ascertained the amount due to any person as costs ordered to be paid out of central funds by a magistrates' court—

- (a) dealing summarily with an indictable offence, or
- (b) inquiring into an offence as examining justices and determining not to commit the accused for trial,
- (c) where an information is not proceeded with, as mentioned in section 52(1) of the Courts Act 1971

the justices' clerk shall pay to that person the amount so ascertained.

(2) As soon as there has been ascertained the amount due to any person as costs ordered to be paid out of central funds by a magistrates' court otherwise than as mentioned in subsection (1) above, the justices' clerk shall—

- (a) so far as the amount is due for travelling or personal expenses in respect of that person's attendance, pay to him the amount due forthwith; and
- (b) so far as the amount is not due for such expenses, send a certificate of the amount to the Crown Court, in accordance with arrangements made by the Lord Chancellor.

(3) Where a certificate is sent to the Crown Court under subsection (2) above the appropriate officer of the Crown Court shall pay to the person to whom the certificate relates, or to any person appearing to him to be acting on behalf of that person, the amount certified or any less amount which the Crown Court considers should have been allowed under this Act.

(4) The appropriate officer of the Crown Court shall, when practicable, include the amount payable as costs certified under this section in any order for payment of costs made by that Court.

10.—(1) Where a court orders the payment of costs by the accused or the prosecutor and also orders the payment of costs out of central funds, the costs, so far as they are payable under both orders, shall be primarily payable out of central funds; and the court shall give notice to the Secretary of State of the order for the payment of costs by the accused or the prosecutor.

(2) To the extent that any costs are primarily payable out of central funds by an order (under this or any other Act) and have been paid out of those funds, the Secretary of State shall be entitled to be reimbursed out of any money due under any other court order for the payment of those costs, and to take any proceedings for the enforcement of any such other order providing for payment of costs by the prosecutor.

*End of text of substituted sections*

Payment of costs ordered to be paid out of central funds by a magistrates' court.

Payment of costs ordered to be paid out of central funds and by accused or prosecutor.

3.—(1) Section 12 of the Costs in Criminal Cases Act 1952 (regulations about costs) shall be amended as follows. SCH. 6  
1952 c. 48.

(2) A reference to central funds shall be substituted for any reference to local funds in the said section 12.

(3) Regulations under the said section 12 may, as respects costs payable out of central funds under any enactment, or as respects other costs payable under the Costs in Criminal Cases Act 1952 or the Criminal Appeal Act 1968, provide a right of appeal from any decision on taxation, or ascertainment of the amount, of the costs, whether to a Taxing Master of the Supreme Court or to any other officer or authority. 1968 c. 19.

4. In section 14(4) of the Costs in Criminal Cases Act, 1952 (exclusion of proceedings on appeal to Crown Court) for the words "Except as aforesaid" there shall be substituted the words "Except as otherwise expressly provided".

5. In sections 16 and 17 of the said Act a reference to central funds shall be substituted for any reference to local funds.

*Betting, Gaming and Lotteries Act 1963*

1963 c. 2.

6. In paragraph 23 of Schedule 1 to the Betting, Gaming and Lotteries Act 1963 (award of costs of local authority out of local funds) in sub-paragraph (1) for the words "local funds" there shall be substituted the words "central funds".

*Licensing Act 1964*

1964 c. 26.

7. In section 25 of the Licensing Act 1964 (award of costs of licensing justices out of local funds), in subsection (1), for the words "local funds" there shall be substituted the words "central funds".

*Criminal Justice Act 1967*

1967 c. 80.

8. In section 31(2) of the Criminal Justice Act 1967, for the words "section 6 (costs as between parties)" there shall be substituted the words "provisions relating to costs as between parties".

9.—(1) In section 32 of the Criminal Justice Act 1967, in subsection (2), for the words from the beginning to "said Act of 1966" there shall be substituted the words "Section 5 of the Costs in Criminal Cases Act 1952 (costs awarded by magistrates' courts out of central funds), section 26 of the Criminal Appeal Act 1968 (payment of expenses of witnesses in connection with criminal appeals out of central funds), section 33 of the Courts-Martial (Appeals) Act 1968" and after the words "Courts-Martial Appeal Court" there shall be inserted the words "and section 47 of the Courts Act 1971 (costs awarded by Crown Court out of central funds)". 1968 c. 20.

(2) In subsection (4) of that section for the words "Sections 1 and 5" there shall be substituted the words "Section 5" and after the word "1952" there shall be inserted the words "and section 47 of the Courts Act 1971".



SCH. 6  
1967 c. 80.

10.—(1) In section 81(1) of the Criminal Justice Act 1967 (costs of legal aid) for paragraphs (b) to (d) there shall be substituted—

“(b) in the case of any proceedings not falling within paragraph (a) above, they shall be paid by the Secretary of State”.

(2) Subsections (5), (6) and (7) of the said section 81 shall cease to have effect.

1968 c. 19.

#### *Criminal Appeal Act 1968*

11. In the Criminal Appeal Act 1968—

(a) in sections 24 to 28 (costs in the Court of Appeal), and

(b) in section 39 (costs in certain appeals to the House of Lords), a reference to central funds shall be substituted for any reference to local funds.

1968 c. 65.

#### *Gaming Act 1968*

12. In paragraph 30 of Schedule 2 to the Gaming Act 1968 (award of costs of licensing authority out of local funds), in sub-paragraph (2), for the words “local funds” there shall be substituted the words “central funds”.

13. In paragraph 14 of Schedule 9 to the Gaming Act 1968 (award of costs of local authority or licensing justices out of local funds), in sub-paragraph (2), for the words “local funds” there shall be substituted the words “central funds”.

Section 53.

### SCHEDULE 7

#### ADMINISTRATIVE FUNCTIONS OF JUSTICES

##### PART I

#### AMENDMENTS OF JUSTICES OF THE PEACE ACT 1949

1949 c. 101.

1. In section 16 of the Justices of the Peace Act 1949, paragraph (b) of the proviso to subsection (2), subsection (5) from the words “so however” onwards and subsection (6)(a) shall be omitted.

2.—(1) In Schedule 4 to that Act, in paragraph 1, in sub-paragraph (1) after the word “composed” there shall be inserted the words “subject to sub-paragraph (2) below”, and at the end of sub-paragraph (1) there shall be inserted the following sub-paragraph:—

“(2) The magistrates’ courts committee for any area may, with his consent, co-opt a judge of the High Court, Circuit judge or Recorder to serve as a member of the committee”.

(2) Paragraphs 1(3) and 4 of that Schedule shall be omitted.

3. For paragraph 5 of Schedule 4 to that Act there shall be substituted the following paragraph:—

5. Where the magistrates for a county are required to meet for the purpose of carrying out any functions under the preceding paragraphs, a meeting shall be convened by the magistrates’ courts committee or, if there is no such committee in being or the Secretary of State considers it appropriate, by the Secretary of State.

## PART II

SCH. 7

## AMENDMENTS OF PRISON ACT 1952

1952 c. 52.

4.—(1) In section 6 of the Prison Act 1952, subsection (1) shall be omitted.

(2) In subsection (2) of that section the words “other than a prison mentioned in subsection (1) of this section” shall be omitted.

(3) In subsection (3) of that section the words “visiting committees and” and the words “visiting committee or” shall be omitted.

(4) Subsection (4) of that section shall be omitted.

5. In section 43(4) of that Act, in paragraph (a) the words “subsection (1) of section six” shall be omitted and for paragraph (c) there shall be substituted the following paragraph:—

(c) rules made under section 47 of this Act may require the board of visitors appointed for any Borstal institution to consider periodically the character, conduct and prospects of each of the persons detained therein and to report to the Secretary of State on the advisability of his release under supervision.

## PART III

## AMENDMENTS OF LICENSING ACT 1964

1964 c. 26.

6. In section 16(1) of the Licensing Act 1964, in paragraph (c) for the words from “court of quarter sessions” to the end of the paragraph there shall be substituted the words “justices for the county which is or includes that licensing district appointed by the licensing justices for that district, or as the case may be for each licensing district in the county, in accordance with arrangements made by the magistrates’ courts committee for that county or for any area which includes that county”.

7. In section 38(e) of that Act the words “for the constitution, where requisite, of committees of quarter sessions as standing committees, and” shall be omitted.

8.—(1) In Schedule 3 to that Act, in paragraph 1(1), for the words “made by quarter sessions with the approval of” there shall be substituted the words “made by the magistrates’ courts committee for the county and approved by”.

(2) For sub-paragraph (2) of paragraph 1 of that Schedule there shall be substituted the following sub-paragraphs:—

(2) Where there is more than one licensing district in the county the rules made under sub-paragraph (1) above shall secure that the licensing justices for each licensing district appoint one or more of their number, according as the rules provide, to be members of the compensation committee.

(3) Where a magistrates’ courts committee is constituted for an area which extends beyond a county, any reference in this Schedule to the magistrates’ courts committee for the county is a reference to the magistrates’ courts committee for the area which includes the county.

SCH. 7

(3) In paragraph 2 of that Schedule for the words "Quarter sessions" there shall be substituted the words "The magistrates' courts committee for a county".

(4) For paragraph 3 of that Schedule there shall be substituted the following paragraph:—

3. If they consider it appropriate to do so, the magistrates' courts committee for a county may make provision for the appointment of different compensation committees for different parts of the county, and where they do so each of the different parts shall be treated as a separate county for the purposes of appointment to and the execution of the functions of county compensation committees.

(5) In paragraph 4 of that Schedule for the words "Quarter sessions" in the first place where they occur there shall be substituted the words "Without prejudice to paragraph 3 above, the magistrates' courts committee for a county" and for the words "having the same quarter sessions" there shall be substituted the words "for which the same magistrates' courts committee acts".

9.—(1) In paragraph 12 of Schedule 11 to that Act, in sub-paragraph (b), for the words from "by the court" to the end of the sub-paragraph there shall be substituted the words "by the justices for the inner London commission area in accordance with arrangements made by the committee of magistrates for the inner London area".

(2) In paragraph 13(1) of that Schedule for the words "court of quarter sessions for the county of London" there shall be substituted the words "the committee of magistrates for the Inner London area".

(3) In paragraph 14 of that Schedule the words from the beginning to "be" shall be omitted and at the end of the paragraph there shall be added the words "shall be such person as the committee may appoint".

Section 56.

## SCHEDULE 8

## AMENDMENTS OF OTHER ACTS

## PART I

## GENERAL

*Administrative functions of quarter sessions and clerks of the peace*

1.—(1) Any function of courts of quarter sessions, or of committees of quarter sessions, which relates—

(a) to the deposit of plans or documents, other than those relating to judicial business, or

(b) to the keeping of records other than those relating to judicial business, or

(c) to any other matter which is not of a judicial nature,

shall be transferred to the local authorities for the areas to which those matters relate.

(2) Any function of clerks of the peace, or deputy clerks of the peace, relating to any of the matters mentioned in sub-paragraph (1) above shall be transferred to the clerks of the local authorities for the areas to which those matters relate

(3) The preceding provisions of this paragraph are without prejudice to—

(a) sections 3 and 31 of the Local Government Act 1888 (which transferred certain quarter sessions functions to councils of counties or county boroughs), and

(b) section 101 of the Local Government Act 1933 (which transferred certain functions of clerks of the peace to clerks of county councils).

(4) References in this paragraph to local authorities—

(a) do not include the Greater London Council,

(b) include county councils, but not any authority for a part of a county:

Provided that as respects matters in the Isles of Scilly the Council of the Isles of Scilly shall be the local authority.

(5) So far as any matter referred to in this paragraph relates to the Inner Temple or the Middle Temple, references in this paragraph to local authorities, or to clerks of local authorities, are references to the Sub-Treasurer of the Inner Temple or, as the case may be, the Under-Treasurer of the Middle Temple.

*General rules of construction*

2.—(1) In any enactment or other instrument for any reference or expression in the first column of the Table below there shall be substituted the relevant reference or expression in the second column of the Table.

(2) Sub-paragraph (1) above applies to Acts or instruments passed or made before the appointed day or later.

(3) The preceding provisions of this paragraph apply subject to the provisions of this Act, and only except where the context otherwise requires, and in particular do not apply in relation to a sentence imposed, or other thing done, by a court before the appointed day.

TABLE

| <i>Reference</i>  | <i>Substituted reference</i>   |
|---|--|
| 1. Court of gaol delivery or ofoyer and terminer.   | The Crown Court.   |
| 2. Court of assize, or assizes, where the context does not relate to civil jurisdiction.  | The Crown Court.   |
| 3. Court of assize, or assizes, where the context relates either to criminal or civil jurisdiction, or relates exclusively to civil jurisdiction. | The Crown Court or the High Court, or as the case may be the High Court and not the Crown Court. |

## SCH. 8

*Reference**Substituted reference*

4. Court of quarter sessions, or committee of a court of quarter sessions, except in relation to functions transferred to some authority other than the Crown Court. The Crown Court.

This paragraph applies to references to courts of quarter sessions, however expressed, and applies in particular to any reference to "the next court of quarter sessions", or to the quarter sessions for any particular area, or to any sessions which, by section 13(14) of the Interpretation Act 1889, were included in the expression "court of quarter sessions".

1889 c. 63.

5. Judge or commissioner of assize, or judge acting during assizes. The Crown Court or the High Court, or both, according as the reference is to criminal jurisdiction, or civil jurisdiction, or to both.
6. Chairman or deputy chairman of quarter sessions. The Crown Court.
7. Recorder, or deputy, assistant or temporary recorder, of a borough (but not the Recorder of London).
- (a) Where the context implies a reference to jurisdiction of the Crown Court, the Crown Court.
- (b) Where the context implies a reference to any judicial function not related to a court of quarter sessions (or the Crown Court) such Circuit judge or Recorder as the Lord Chancellor may nominate for the purpose.
- (c) In any other case, such local authority, member of a local authority or officer of a local authority as the Lord Chancellor may nominate.
8. County court judge ... .. A judge assigned to a county court district, or acting as a judge so assigned.

- |  |  |
|--|--|
| <p>9. The judge or chairman of the court where the court is the Crown Court and comprises justices of the peace and the reference was applicable before the appointed day to county quarter sessions and meant the chairman or acting chairman of the bench.</p> | <p>The judge presiding in the Crown Court proceedings.</p>   |
| <p>10. Clerk of assize or other officer whose duties related exclusively to the criminal jurisdiction of courts of assize.</p>   | <p>The appropriate officer of the Crown Court.</p>   |
| <p>11. Clerk of the peace or deputy clerk of the peace, except in relation to functions transferred to local authorities or officers of local authorities.</p>   | <p>The appropriate officer of the Crown Court.</p>   |
| <p>12. Clerk of the court where the court is the Crown Court.</p>  | <p>The appropriate officer of the Crown Court.</p>   |
| <p>13. A borough having a separate court of quarter sessions.</p>  | <p>A borough which, immediately before the appointed day, had a separate court of quarter sessions.</p>  |
| <p>14. Any period limited by reference to the next sitting, or the beginning or end of the next sitting, of a court of quarter sessions.</p>   | <p>30 days or such other period as the Lord Chancellor may direct.</p>   |
| <p>15. Any right to apply to a court of quarter sessions limited to a specified sitting of the court next after, or in the calendar year of, a 21st or other anniversary of an enclosure award or other event.</p>   | <p>A right to apply to the Crown Court within twelve months from the anniversary.<br/>The Crown Court may modify or supersede any associated time limit for the giving of notice of the application, or for the confirmation of any decision on the application.</p> |
| <p>16. Any reference to local funds in the context of a reference to the Costs in Criminal Cases Act 1952.</p>   | <p>Central funds, that is to say money provided by Parliament.</p>   |

1952 c. 48.

Nothing in the Table above shall be taken as affecting any enactment which, as respects any judicial or other office abolished by this Act, provides for—

- (a) the appointment, retirement, or removal of the officer, or
  - (b) the tenure of office and oaths to be taken by any such officer, or
  - (c) the remuneration, allowances or pensions of any such officer;
- and nothing in the Table above shall apply to any reference to records of any court.

SCH. 8

*Amendments of local Acts*

3.—(1) The Lord Chancellor may by order in a statutory instrument provide for such amendments or repeals of provisions of any local Act as appear to him required to give effect to the provisions of this Act.

(2) An order under this paragraph may, in particular, provide, if in the opinion of the Lord Chancellor there are special circumstances justifying it, for any jurisdiction of a court of quarter sessions under any local Act to be abolished, or transferred otherwise than to the Crown Court.

(3) An order under this paragraph may contain such transitional and other supplemental and incidental provisions as appear to the Lord Chancellor to be necessary or expedient.

(4) A statutory instrument under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## PART II

## MISCELLANEOUS AMENDMENTS

1679 c. 2.

*Habeas Corpus Act 1679*

4.—(1) In section 2 of the Habeas Corpus Act 1679 for the words from “in the Court of Kings Bench” to “case shall require” substitute “in the Crown Court”.

(2) In section 8 of the said Act for “judge of assize” substitute “judge of the Crown Court”.

1824 c. 83.

*Vagrancy Act 1824*

5. The Vagrancy Act 1824 shall be amended as follows:—

1967 c. 80.

- (a) in section 5, as amended by the Criminal Justice Act 1967, for “quarter sessions” substitute “the Crown Court”,
- (b) in section 10 for the words from “quarter sessions” to “assembled” substitute “the Crown Court, it shall be lawful for the Crown Court”, and
- (c) in section 14 for the words following “appeal to” to the end of the section substitute “the Crown Court”.

1830 c. 70.

*Law Terms Act 1830*

6. In section 32 of the Law Terms Act 1830 (taking of certain oaths) for the words from “judge during the assizes” to “formerly taken” substitute “judge of the High Court or Court of Appeal, Circuit judge or Recorder”.

1837 c. 83.

*Parliamentary Documents Deposit Act 1837*

7. For any reference in the Parliamentary Documents Deposit Act 1837 to the clerk of the peace there shall be substituted a reference to any officer of a local or other authority.

*Slave Trade Act 1843*

SCH. 8

8. In section 4 of the Slave Trade Act 1843 (evidence taken 1843 c. 98. abroad) for any reference to the High Court (whether in terms a reference to the Court of Queen's Bench or otherwise) there shall be substituted a reference to the Crown Court.

*Indictable Offences Act 1848*

1848 c. 42

9. In sections 12, 13 and 14 of the Indictable Offences Act 1848 (backing of warrants) for any reference to justices of oyer and terminer or gaol delivery, except so far as it is a reference to such a justice in Northern Ireland, there shall be substituted a reference to the Crown Court.

*Petty Sessions (Ireland) Act 1851*

1851 c. 93.

10. In section 30 of the Petty Sessions (Ireland) Act 1851 for the reference to justices of oyer and terminer and general gaol delivery in England there shall be substituted a reference to the Crown Court.

*Juries Act 1870*

1870 c. 77.

11. In the Schedule to the Juries Act 1870 (persons exempt from serving on juries) before the word "Coroners" insert, on a line by itself, the words "Justices of the peace".

*Explosives Act 1875*

1875 c. 17.

12. In section 66(1) of the Explosives Act 1875 for "county court judge" substitute "Circuit judge".

*Prosecution of Offences Act 1879*

1879 c. 22.

13. In section 2 of the Prosecution of Offences Act 1879 as amended by the Criminal Justice Act 1967 for "at assizes or quarter sessions" substitute "before the Crown Court". 1967 c. 80.

*Central Criminal Court (Prisons) Act 1881*

1881 c. 64.

14. In section 2(5) of the Central Criminal Court (Prisons) Act 1881 for the words "at the Central Criminal Court" substitute the words "before the Crown Court sitting at the Central Criminal Court or elsewhere in Greater London."

*Coroners Act 1887*

1887 c. 71.

15.—(1) In section 5 of the Coroners Act 1887—

(a) in subsection (2) for the words from "at the next" to "is to be" substitute "before the Crown Court",

(b) in subsection (3) for the words following "proper officer" substitute "of the Crown Court".

(2) In section 25 of the said Act for the words from "the clerk of the peace" to "borough" substitute "the clerk of that authority".

(3) In section 40(3) of the said Act for the words from "by one of the justices" to "circuit" substitute "by the Lord Chancellor".



## SCH. 8

*Witnesses (Public Inquiries) Protection Act 1892*

1892 c. 64.

16. In section 3 of the Witnesses (Public Inquiries) Protection Act 1892 for the words from "quarter sessions" to the end substitute "Crown Court".

1915 c. 90.

*Indictments Act 1915*

17.—(1) In section 2 of the Indictments Act 1915 references to the rule committee shall be construed as references to the Crown Court rule committee, but this amendment shall not invalidate any rules previously made.

(2) A statutory instrument containing rules under section 2 of the said Act of 1915 shall be subject to annulment in pursuance of a resolution of either House of Parliament.

1925 c. 49.

*Judicature Act 1925*

18.—(1) Section 17 of the Judicature Act 1925 (cases relating to rates and taxes) shall apply to a person acting as judge, or one of the judges, in the Crown Court as it applies to a judge of the High Court.

(2) Any Order in Council under section 53 of the Judicature Act 1925 (vacations) may make different provision for different parts of the country.

(3) In section 84(1) of the Judicature Act 1925 (power by Order in Council to direct location of district registries) for the words from the beginning to "Order in Council" substitute "The Lord Chancellor may by order contained in a statutory instrument".

The amendment made by this sub-paragraph shall not invalidate any Order in Council made under the said section 84(1), and any such Order in Council may be varied or revoked by an order made by the Lord Chancellor under the said section 84(1) as amended.

(4) In section 99(2) of the Judicature Act 1925 (rules of court which may increase expenditure out of public funds) references to the Supreme Court shall not include the Crown Court.

(5) In section 118(1) for the words from the beginning to "every such officer" substitute "Each of the officers specified in Schedule 3 to this Act".

(6) In section 210(1) of the Judicature Act 1925 (council of judges to consider operation of Act) for the words "Supreme Court" where they first occur substitute "Court of Appeal and of the High Court".

1925 c. 86.

*Criminal Justice Act 1925*

19. In section 33(3) of the Criminal Justice Act 1925 (arraignment of corporation) for the words from the beginning to "case may be" substitute "On arraignment of a corporation, the corporation may".

1926 c. 59.

*Coroners (Amendment) Act 1926*

20.—(1) The provisions of this Act about committal for trial by a magistrates' court, and the provisions of section 7(2) and section 13 of this Act, shall, subject to the provisions of this paragraph, apply with any necessary modifications to the proceedings mentioned in section 25(2) of the Coroners (Amendment) Act 1926.

(2) Rules under the said section 25(2) may apply—

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- (a) the provisions of this Act mentioned in sub-paragraph (1) above, and any other enactment relating to committal by magistrates' courts for trial in the Crown Court, and  
 (b) the provisions of the Criminal Procedure (Attendance of Witnesses) Act 1965 relating to witness orders,

with such modifications as may be necessary for giving effect to provisions of the said section 25.

(3) Sub-paragraph (1) above shall have effect subject to any rules so made.

*Petroleum (Consolidation) Act 1928*

1928 c. 32.

21. In section 14(a) of the Petroleum (Consolidation) Act 1928 for "county court judge" substitute "Circuit judge".

*Children and Young Persons Act 1933*

1933 c. 12.

22. In section 55(5) of the Children and Young Persons Act 1933—

- (a) in paragraph (a) for "a court of quarter sessions" substitute "the Crown Court",  
 (b) in paragraph (b) for the words preceding "as if the parent" substitute "if made by the Crown Court, to the Criminal Division of the Court of Appeal in accordance with Part I of the Criminal Appeal Act 1968".

1968 c. 19.

*Local Government Act 1933*

1933 c. 51.

23. In section 242(1) of the Local Government Act 1933 (examination of local authority costs for legal business by clerk of the peace) for the words from the beginning to "deputy" substitute "On an application made by the council of a county district to the appropriate officer of the Crown Court, the officer".

*Criminal Justice Act 1948*

1948 c. 58.

24. In the Criminal Justice Act 1948—

- (a) in all places where there occurs a reference to a court of assize or quarter sessions (sections 6(3)(b) and (4), 8(4)(6)(8), 11(4), 14(1), 17(1)) there shall be substituted a reference to the Crown Court, and  
 (b) in all places where there occurs a reference to a court of quarter sessions (sections 14(5), 20(5)(a), 37(3)(6)) there shall be substituted a reference to the Crown Court.

25. In section 8 of that Act, for paragraphs (a) to (c) of subsection (2) there shall be substituted the following paragraph—

- (a) if the probation order or order for conditional discharge was made by the Crown Court, that court.

26.—(1) In section 14 of that Act, in the proviso to subsection (1), after the word "fine" there shall be inserted the words "or any amount due under a recognisance".

(2) At the end of the said section 14 add:—

- "(6) The powers conferred by this section shall not be taken as restricted by any enactment about committal by a magistrates'

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court to the Crown Court which authorises the Crown Court to deal with an offender in any way in which the magistrates' court might have dealt with him:

Provided that any term fixed under subsection (1)(c) above as respects a fine imposed by the Crown Court in pursuance of such an enactment, that is to say a fine which the magistrates' court could have imposed, shall not exceed the period applicable to that fine (if imposed by the magistrates' court) under Schedule 3 to the Magistrates' Courts Act 1952 or section 285 of the Customs and Excise Act 1952".

1952 c. 55.

1952 c. 44.

27. For section 29 of that Act there shall be substituted the following section—

1967 c. 80.

Committal for sentence in respect of indictable offence tried summarily. 29. Where an offender is committed by a magistrates' court for sentence under section 29 of the Magistrates' Courts Act 1952 or section 62 of the Criminal Justice Act 1967, the Crown Court shall enquire into the circumstances of the case and shall have power to deal with the offender in any manner in which it could deal with him if he had just been convicted of the offence on indictment by the court.

28.—(1) In section 37 of that Act, for paragraph (b) of subsection (1) there shall be substituted the following paragraph—

(b) the High Court may release on bail a person—

(i) who, after the decision of his case by the Crown Court, has applied to the Crown Court for the statement of a case for the High Court on that decision, or

(ii) who has applied to the High Court for an order of certiorari to remove proceedings in the Crown Court in his case into the High Court, or has applied to the High Court for leave to make such an application.

(2) At the end of subsection (3) of that section there shall be added the words "or by a police officer not below the rank of inspector or the governor of a prison or the keeper of a place of detention".

1949 c. 51.

*Legal Aid and Advice Act 1949*

29.—(1) For paragraph 1(c) of Part I of Schedule 1 to the Legal Aid and Advice Act 1949 (proceedings for which legal aid may be given) substitute—

"(c) the Court of Appeal and the High Court."

(2) In paragraph 3 of the said Part I for "a court of quarter sessions" substitute "the Crown Court".

(3) In paragraph 1(1) and paragraph 2(1) of Schedule 3 to the said Act (remuneration of persons giving legal aid) for the words "the Supreme Court" substitute "the Court of Appeal or the High Court".

1949 c. 68.

*Representation of the People Act 1949*

30.—(1) For section 115(3) of the Representation of the People Act 1949 substitute the following subsection:—

"(3) A barrister shall not be qualified to constitute an election court for the trial of an election petition relating to

any local government area in which he resides, or which is included in a circuit on which he practises as a barrister.” SCH. 8

(2) In section 123(1) of the said Act for the words “at assizes” substitute “in the High Court”.

(3) In section 135(2) of the said Act for the words “under the Levy of Fines Act 1822 or” substitute “as if forfeited by the Crown Court, or, in Northern Ireland under”.

*National Parks and Access to the Countryside Act 1949* 1949 c. 97.

31.—(1) Section 31(8) of the National Parks and Access to the Countryside Act 1949 has effect subject to the power of stating a case conferred on the Crown Court by this Act.

(2) In section 37(2)(b) of the said Act for the words from “at quarter sessions” to “are referred” substitute “in the Crown Court”.

*Administration of Justice (Pensions) Act 1950* 1950 c. 11

32. In Schedule 1 to the Administration of Justice (Pensions) Act 1950 references to judge of the Supreme Court shall not include references to any person as being a judge of the Crown Court. (14 & 15 Geo. 6.).

*Prison Act 1952* 1952 c. 52.

33. In section 47(5) of the Prison Act 1952 as amended by the Criminal Justice Act 1961 for the words “at assizes or quarter sessions” substitute “before the Crown Court” and for “quarter sessions” substitute “the Crown Court”. 1961 c. 39.

*Magistrates' Courts Act 1952* 1952 c. 55.

34.—(1) The words “the Crown Court” shall be substituted for “quarter sessions” or “a court of quarter sessions” in the following provisions of the Magistrates' Courts Act 1952, that is sections 19(4), 25(5), 28(1), 29, 86, 89 and 122(1)(c), and paragraph 7 of Schedule 2.

(2) In section 1 of the said Act (issue of summons or warrant of arrest at beginning of proceedings) at the end of subsection (2)(d) add “, or

(e) if the offence was committed outside England and Wales and, where it is an offence exclusively punishable on summary conviction, if a magistrates' court for the county or borough would have jurisdiction to try the offence if the offender were before them”.

(3) In sections 72A and 72B of the said Act for “a court of assize or quarter sessions” substitute “the Crown Court”.

(4) In section 85 of the said Act (abandonment of appeal)—

(a) subsection (1) (which is superseded by the provisions of this Act authorising the making of Crown Court rules) shall cease to have effect;

(b) after subsection (2) insert:—

“(2A) In this section “appeal” means an appeal from a magistrates' court to the Crown Court, and the reference to a notice to abandon an appeal is a reference to a notice shown to the satisfaction of the magistrates' court to have been given in accordance with Crown Court rules.”

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(5) In section 122(1) of the said Act for the words "clerks of assize and clerks of the peace" substitute "officers of the Crown Court".

1959 c. 22.

*County Courts Act 1959*

35.—(1) In section 31(4) of the County Courts Act 1959 (misbehaviour by officer in county court) for the words "incapable of being employed under this Act in any office of profit or emolument" substitute, as respects any offence on or after the appointed day, the words "incapable of being employed in any office appointments to which are made by the Lord Chancellor".

(2) In section 34(1) of the said Act for the words "The judge" at the beginning substitute "Subject to any directions given by or on behalf of the Lord Chancellor as to the place or time of sitting, the judge".

(3) In section 201 of the said Act, in the definition beginning "judge" for the words "appointed for a district under this Act" substitute "assigned to a district under section 20(1) of the Courts Act 1971".

1959 c. 25.

*Highways Act 1959*

36.—(1) In section 60(2) of the Highways Act 1959 for the words from the beginning to "clerk of the peace" substitute "The complainant for an order under the last foregoing section shall give notice in writing of the application to the appropriate officer of the Crown Court".

(2) At the end of section 108(7) of the said Act for the words "clerk of the peace" substitute "clerk of the appropriate authority".

(3) In section 108(8) of the said Act for the words from "to the clerk of the peace" to the end of the subsection substitute "to the clerk of the appropriate authority, together with any written consents produced to the magistrates' court under subsection (7) of this section".

1959 c. 66.

*Obscene Publications Act 1959*

37. In section 3(5) of the Obscene Publications Act 1959 (time of coming into force of forfeiture order) for the words from "fourteen days" to "order is made" substitute "the period within which notice of appeal to the Crown Court may be given against the order".

1959 c. 72.

*Mental Health Act 1959*

38. In the Mental Health Act 1959—

(a) in all places where the words "a court of assize or quarter sessions" occur (sections 60(1), 65(1), 73(2)(a)(c), 77(1)), substitute "the Crown Court",

(b) in all places where the words "quarter sessions" occur (sections 67(1)(3)(5), 68, 70, 73(2)(b), 76(4)) substitute "the Crown Court".

1960 c. 62.

*Caravan Sites and Control of Development Act 1960*

39. In section 9(2) of the Caravan Sites and Control of Development Act 1960 (time of coming into force of order revoking a licence) for the words from "on such date" to the words "case stated or

otherwise” substitute “on such date as the court may specify in the order, being a date not earlier than the expiration of any period within which notice of appeal (whether by case stated or otherwise) may be given against the conviction”. Sch. 8

*Administration of Justice Act 1960*

1960 c. 65.

40.—(1) In section 13(2) of the Administration of Justice Act 1960 (appeal in cases of contempt of court) after paragraph (b) insert—

“(bb) from an order or decision of the Crown Court to the Court of Appeal.”

(2) In section 13(5)(a) of the said Act after “High Court” insert “the Crown Court”.

(3) In section 16 of the said Act (power of High Court to vary sentence on certiorari proceedings) for references to quarter sessions substitute references to the Crown Court.

*Criminal Justice Act 1961*

1961 c. 39.

41. In section 4(2)(a) of the Criminal Justice Act 1961 for the words “a court of assize or of quarter sessions” substitute “the Crown Court”.

This amendment shall cease to have effect when the relevant repeal by the Children and Young Persons Act 1969 takes effect. 1969 c. 54.

*Licensing Act 1964*

1964 c. 26.

42.—(1) In section 28(3)(b) of the Licensing Act 1964 after the words “justices of the peace” insert “or the Crown Court”.

(2) So far as section 193(1) of the said Act (disqualification of justices) relates to justices sitting in, or otherwise discharging the business of, the Crown Court, for the reference in that subsection to their acting in any area having a separate commission of the peace substitute a reference to their dealing (in the Crown Court) with proceedings which are related to that area in any way.

(3) For the purposes of the said Act that part of the county borough of Stockport which, at the passing of the Criminal Justice Administration Act 1956, formed part of Cheshire shall instead belong to Lancashire, and to the hundred of Salford in the same way as the remainder of the borough. 1956 c. 34.

*Administration of Justice Act 1964*

1964 c. 42.

43.—(1) For section 13(5) of the Administration of Justice Act 1964 (committee of magistrates in London) substitute—

“(5) There shall be a chairman, a vice-chairman and deputy chairman of the committee of magistrates, and

(a) the chief metropolitan stipendiary magistrate shall be the chairman,

(b) a metropolitan stipendiary magistrate chosen from among the members of the committee by the chief metropolitan stipendiary magistrate shall be vice-chairman, and

(c) a person chosen from amongst themselves by the lay justices who are members of the committee shall be the deputy chairman”.

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(2) In section 22(2) of the said Act for paragraphs (a) and (b) substitute

“(a) such number of Circuit judges, appointed by the Crown Court, as may be prescribed by the order”.

(3) In section 28(1) of the said Act (prerogative proceedings: indemnities) for the words “a court of quarter sessions” substitute “the Crown Court”.

(4) Subsection (2)(a) of the said section 28 shall not apply to proceedings relating to the jurisdiction of the Crown Court.

1965 c. 61.

*Judges' Remuneration Act 1965*

44. In the Judges' Remuneration Act 1965 after section 1 insert

“Allowances payable to judges. 1A. There shall be paid out of money provided by Parliament to any judge of the High Court or of the Court of Appeal, in addition to his salary, such allowances as the Lord Chancellor may with the approval of the Minister for the Civil Service determine”.

1965 c. 69.

*Criminal Procedure (Attendance of Witnesses) Act 1965*

45.—(1) In section 1(1) of the Criminal Procedure (Attendance of Witnesses) Act 1965 for the words from “the court of assize” to the end of the subsection substitute the words “the Crown Court”.

(2) In section 2 of the said Act—

(a) in subsection (1) for the words “a court of assize or quarter sessions” and the words “that court” substitute “the Crown Court”,

(b) in subsection (2) for the words “the court out of which the summons was issued” substitute “the Crown Court”.

(3) For the purposes of section 13 of this Act a warrant issued under section 4 of the said Act (warrant of arrest to secure attendance of witness) shall be treated as a warrant issued by the Crown Court.

(4) In section 4(2) of the said Act for the words “a court of assize or quarter sessions” substitute “the Crown Court”.

(5) In Schedule 1 to the said Act, in paragraph 1 and paragraph 2 before the words “rules of court” insert “Crown Court rules or”.

1966 c. 31.

*Criminal Appeal Act 1966*

46. In section 1(3) of the Criminal Appeal Act 1966 the words “of the Queen's Bench Division” and paragraph (a) shall be omitted.

1967 c. 56.

*Matrimonial Causes Act 1967*

47. In section 7(1) of the Matrimonial Causes Act 1967 for the words “county court judges” substitute “Circuit judges” in the two places where those words occur.

## Criminal Justice Act 1967

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1967 c. 80.

48. In the Criminal Justice Act 1967—

(a) in all places where there occurs a reference to a court of assize or quarter sessions (sections 40(6), 41(1)(2)(a), 47(3)(4)(6)(7)(9), 48(1)(2), 54(1)(2), 56(1)(3)(5)(8)(11), 62(10), 73(4)(5)(8), 74(3), 76(4) and in Schedule 6 paragraphs 2, 14, 16, 21(c)) there shall be substituted a reference to the Crown Court, and

(b) in all places where there occurs a reference to a court of quarter sessions (sections 20, 22(3), 56(4)(6), 62(6)(7), 73(3)(3B), 74(6), 76(5), and in Schedule 6 paragraph 1) there shall be substituted a reference to the Crown Court.

49. In section 9(5) of that Act, for paragraphs (a) and (b) there shall be substituted the words “by a puisne judge of the High Court, a Circuit judge or Recorder sitting alone”.

50. In section 16(2) of that Act (exemption from jury service of persons concerned with criminal cases) after paragraph (c) insert:—

“(cc) officers of the Crown Court, and persons appointed or employed to assist them, being officers or other persons whose work is wholly or mainly concerned with the day-to-day administration of the Crown Court”.

51. In section 42 of that Act, in subsection (2), for paragraphs (a) to (d) there shall be substituted the following paragraph:—

(a) if the suspended sentence was passed by the Crown Court, that court.

52. For subsection (11) of section 44 of that Act there shall be substituted the following subsection:—

(11) Notwithstanding the definition of “fine” in the Magistrates’ Courts Act 1952, references in the last foregoing subsection to a fine do not include any other sum adjudged to be paid on conviction, whether as a pecuniary penalty, forfeiture, compensation or otherwise. 1952 c. 55.

53.—(1) In subsection (1) of section 47 of that Act, for the words from the beginning to “forfeited” there shall be substituted the words “If the Crown Court imposes a fine on any person or forfeits his recognisance, the Court” and for the words “courts of assize and quarter sessions” there shall be substituted the words “the Crown Court”.

(2) After the said subsection (1) insert:—

“(1A) Subsection (1) above does not apply where the power conferred by the said section 14(1) is excluded by subsection (5) of that section (fine imposed on appeal from a magistrates’ court)”.

(3) In subsection (2) of that section for the words “any such court” there shall be substituted the words “the Crown Court”.

(4) Subsection (5) of that section shall be omitted.

(5) In subsection (8) of that section for the words from “a court of assize” to the end of paragraph (d) there shall be substituted the words “the Crown Court without the consent of that court”.

54.—(1) In section 54 of that Act, subsection (4) shall be omitted.



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(2) In subsection (5) of that section, for the words from the beginning to "and which" there shall be substituted the words "Where a probationer appears or is brought before the Crown Court and the court" and after the words "probation order", in the first place where they occur, there shall be inserted the words "the Crown Court".

55.—(1) In subsection (8) of section 56 of that Act, for the words "the court to which he is committed" there shall be substituted the words "the Crown Court".

(2) In subsection (9) of that section for the words "the clerk of the court to which he is committed" there shall be substituted the words "the proper officer of the Crown Court".

(3) In subsection (10) of that section for the words "the court to which he is committed" there shall be substituted the words "the Crown Court".

56. In section 74(3) of that Act for the words "before a court of quarter sessions before which" there shall be substituted the words "in the Crown Court, being proceedings at which".

1968 c. 19.

*Criminal Appeal Act 1968*

57.—(1) In the Criminal Appeal Act 1968—

(a) for the words "a court of assize or quarter sessions" wherever they occur (sections 10(1), (2), 11(2)) substitute the words "the Crown Court".

(b) for the words "at assizes or quarter sessions" wherever they occur (sections 10(2), (3), 24(2)(b), 39(3)) substitute the words "before the Crown Court".

(2) For section 46(2) of the said Act substitute—

"(2) Rules made by virtue of this section shall be made by the Crown Court rule committee."

This sub-paragraph shall not invalidate any rules previously made.

(3) In section 51(1) of the said Act for the definition of the judge of the court of trial substitute—

"the judge of court of trial" means, where the Crown Court comprises justices of the peace, the judge presiding."

1968 c. 63.

*Domestic and Appellate Proceedings  
(Restriction of Publicity) Act 1968*

58. In section 1(4) of the Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 after the words "the High Court" add the words "the Crown Court".

1969 c. 54.

*Children and Young Persons Act 1969*

59.—(1) In section 3(7) of the Children and Young Persons Act 1969 for the words "quarter sessions" substitute "the Crown Court".

(2) In the subsection (3B) in paragraph 1(3) and in paragraph 4(3) of Schedule 1 to the said Act for the words "a court of quarter sessions" substitute "the Crown Court".

1970 c. 31.

*Administration of Justice Act 1970*

60.—(1) In section 4(2) of the Administration of Justice Act 1970 for the words "at assizes" substitute "in the Crown Court".

(2) In section 43(1)(b) of the said Act for the words “assizes or quarter sessions” substitute “the Crown Court”.

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(3) In paragraphs 1 to 15 of Schedule 9 to the said Act for the words “quarter sessions” and the words “a court of assize or quarter sessions” wherever they occur substitute “the Crown Court”.

(4) For paragraphs 16 to 20 of the said Schedule 9 substitute the following paragraph—

“16. Any order for the payment of costs made by the Crown Court, other than an order falling within Part I above, or an order for costs to be paid out of money provided by Parliament”.

## SCHEDULE 9

Section 56.

## QUARTER SESSIONS JURISDICTION: SUBSTITUTION OF REFERENCES TO CROWN COURT

## PART I

## APPELLATE JURISDICTION

| <i>Act</i>  | <i>Section or Schedule</i> |              |
|---|----------------------------|--------------|
| Inclosure and Drainage (Rates) Act 1833 ...           | Section 3.                 | 1833 c. 35.  |
| Ordnance Survey Act 1841 ... ..                       | Section 2.                 | 1841 c. 30.  |
| Companies Clauses Consolidation Act 1845              | Section 159.               | 1845 c. 16.  |
| Lands Clauses Consolidation Act 1845 ...              | Section 146.               | 1845 c. 18.  |
| Inclosure Act 1845 ... ..                             | Section 63.                | 1845 c. 118. |
| Towns Improvement Clauses Act 1847 ...                | Sections 185 to 190.       | 1847 c. 34.  |
| Ecclesiastical Courts Jurisdiction Act 1860 ...       | Section 4.                 | 1860 c. 32.  |
| Trade Union Act 1871 ... ..                           | Section 20.                | 1871 c. 31.  |
| Railway Rolling Stock Protection Act 1872             | Section 6.                 | 1872 c. 50.  |
| Pawnbrokers Act 1872 ... ..                           | Section 52.                | 1872 c. 93.  |
| Explosives Act 1875 ... ..                            | Section 93.                | 1875 c. 17.  |
| Public Health Act 1875 ... ..                         | Section 269.               | 1875 c. 55.  |
| Highways and Locomotives (Amendment) Act 1878         | Section 37.                | 1878 c. 77.  |
| Public Health Acts Amendment Act 1890 ...             | Section 7.                 | 1890 c. 59.  |
| Brine Pumping (Compensation for Subsidence) Act 1891. | Section 42.                | 1891 c. 40.  |
| Friendly Societies Act 1896 ... ..                    | Section 93(1).             | 1896 c. 25.  |
| Canals Protection (London) Act 1898 ...               | Section 5.                 | 1898 c. 16.  |
| Public Health Acts Amendment Act 1907 ...             | Section 7.                 | 1907 c. 53.  |
| Cran Measures Act 1908 ... ..                         | Section 9(6).              | 1908 c. 17.  |
| Marine Insurance (Gambling Policies) Act 1909.        | Section 1(7).              | 1909 c. 12.  |
| Protection of Animals Act 1911 ... ..                 | Section 14(1).             | 1911 c. 27.  |
| Performing Animals (Regulation) Act 1925...           | Section 2(2).              | 1925 c. 38.  |
| Theatrical Employers Registration Act 1925            | Section 6(1).              | 1925 c. 71.  |
| Moneylenders Act 1927 ... ..                          | Section 2(7).              | 1927 c. 21.  |
| Land Drainage Act 1930 ... ..                         | Section 30.                | 1930 c. 44.  |
| Children and Young Persons Act 1933 ...               | Section 55(5).             | 1933 c. 12.  |
|   | Section 102.               |              |
| Pharmacy and Poisons Act 1933 ... ..                  | Section 21(2).             | 1933 c. 25.  |
| Public Health Act 1936 ... ..                         | Section 301.               | 1936 c. 49.  |
| Dogs Amendment Act 1938 ... ..                        | Section 1(1).              | 1938 c. 21.  |

| SCH. 9                         | <i>Act</i>   | <i>Section or Schedule</i>  |
|--------------------------------|--|---|
| 1945 c. 42.                    | Water Act 1945 ... ..  | Schedule III, 90.   |
| 1948 c. 24.                    | Police Pensions Act 1948 ... ..                                  | Section 5(1).   |
| 1948 c. 63.                    | Agricultural Holdings Act 1948 ... ..                            | Section 21(3).  |
| 1949 c. 55.                    | Prevention of Damage by Pests Act 1949 ... ..                    | Section 15(4).  |
| 1949 c. 74.                    | Coast Protection Act 1949 ... ..                                 | Section 13(7).  |
| 1949 c. 97.                    | National Parks and Access to the Country-side Act 1949.          | Section 68(6).  |
| 1950 c. 28.                    | Shops Act 1950 ... ..  | Section 53(11).   |
| 1950 c. 36.                    | Diseases of Animals Act 1950 ... ..                              | Section 81.   |
| 1952 c. 44.                    | Customs and Excise Act 1952 ... ..                               | Section 283(4).   |
|                                |  | Schedule VII, 11.   |
| 1952 c. 48.                    | Costs in Criminal Cases Act 1952 ... ..                          | Section 6(4).   |
| 1952 c. 55.                    | Magistrates' Courts Act 1952 ... ..                              | Section 83.   |
| 1952 c. 68.                    | Cinematograph Act 1952 ... ..                                    | Section 6.  |
| 1955 c. 16<br>(4 & 5 Eliz. 2). | Food and Drugs Act 1955 ... ..                                   | Section 118.  |
| 1956 c. 44.                    | Magistrates' Courts (Appeals from Binding Over Orders) Act 1956. |   |
| 1956 c. 49.                    | Agriculture Safety, Health and Welfare Provisions) Act 1956.     | Section 3(8).   |
| 1956 c. 74.                    | Copyright Act 1956 ... ..  | Section 21(10).   |
| 1957 c. 55.                    | Affiliation Proceedings Act 1957 ... ..                          | Section 8(1).   |
| 1957 c. 56.                    | Housing Act 1957 ... ..  | Section 14(5).  |
| 1958 c. 23.                    | Milford Haven Conservancy Act 1958' ... ..                       | Section 9(4).   |
| 1958 c. 49.                    | Trading Representations (Disabled Persons) Act 1958.             | Section 3(5).   |
| 1958 c. 65<br>(7 & 8 Eliz. 2). | Children Act 1958 ... ..   | Section 11.   |
| 1958 c. 5.                     | Adoption Act 1958 ... ..   | Sections 31(4), 48.   |
| 1959 c. 25.                    | Highways Act 1959 ... ..   | Sections 72(3), 74(3),<br>75(2), 151(2), 159(4),<br>163(6), 164(3), 165<br>(2), 166(5), 273, 275<br>(1), (2), 276(1).         |
| 1959 c. 66.                    | Obscene Publications Act 1959 ... ..                             | Section 3(5).   |
| 1959 c. 72.                    | Mental Health Act 1959 ... ..                                    | Section 70(1).  |
| 1961 c. 34.                    | Factories Act 1961 ... ..  | Section 165.  |
| 1962 c. 38.                    | Town and Country Planning Act 1962 ... ..                        | Section 58.   |
| 1963 c. 2.                     | Betting, Gaming and Lotteries Act 1963 ... ..                    | Schedule I, 21 to 23, 28,<br>35,<br>Schedule II, 6.<br>Schedule III, 13(2), (4).<br>Schedule VI, 8 to 11.<br>Schedule VII, 5. |
| 1963 c. 33.                    | London Government Act 1963 ... ..                                | Schedule XII, 19(2).  |
| 1963 c. 41.                    | Offices, Shops and Railway Premises Act 1963                     | Section 72.   |
| 1964 c. 26.                    | Licensing Act 1964 ... ..  | Sections 20(5), 21 to<br>25, 27(3)(4), 50, 146,<br>154.   |
| 1965 c. 56.                    | Compulsory Purchase Act 1965 ... ..                              | Section 12(3).  |
| 1967 c. 9.                     | General Rate Act 1967 ... ..                                     | Sections 7(1), 99(5),<br>116(1).  |
| 1967 c. 19.                    | Private Places of Entertainment (Licensing) Act 1967.            | Section 5(3)(4).  |

| <i>Act</i>                                 | <i>Section or Schedule</i>                | <i>SCH. 9</i> |
|--|---|---------------|
| Firearms Act 1968 ... ..                   | Section 44.                               | 1968 c. 27.   |
|  | Part II of Schedule V.                    |               |
| Theatres Act 1968 ... ..                   | Section 14(2).                            | 1968 c. 54.   |
| Gaming Act 1968 ... ..                     | Schedule II, 29 to 32,<br>45, 46, 50, 61. | 1968 c. 65.   |
|  | Schedule III, 12, 13,<br>15, 16.          |               |
|  | Schedule VII, 11, 12,<br>20.              |               |
|  | Schedule IX, 11 to 14.                    |               |
|  | Schedule XI, 8 to 11.                     |               |
| Town and Country Planning Act 1968 ...     | Section 50(7).                            | 1968 c. 72.   |
|  | Section 53(6).                            |               |
| Late Night Refreshment Houses Act 1969 ... | Section 7(3)(b).                          | 1969 c. 53.   |
| Children and Young Persons Act 1969 ...    | Sections 2(12), 3(8),<br>16(8), 21(4)(5). | 1969 c. 54.   |

PART II

ORIGINAL JURISDICTION

| <i>Act</i>   | <i>Section or Schedule</i> |             |
|--|----------------------------|-------------|
| Reservoirs (Safety Provisions) Act 1930 ...            | Section 5(1).              | 1930 c. 51. |
| National Parks and Access to the Countryside Act 1949. | Section 31.                | 1949 c. 97. |
| Highways Act 1959 ... ..                               | Section 59(3).             | 1959 c. 25. |
| Firearms Act 1968 ... ..                               | Section 21(6)(7).          | 1968 c. 27. |
|  | Schedule 3 Part I.         |             |

SCHEDULE 10

Section 56.

TRANSITIONAL PROVISIONS

PART I

CRIMINAL ASSIZE COURTS AND COURTS OF QUARTER SESSIONS

1.—(1) Subject to the provisions of this Act, for the purpose of enabling proceedings instituted before the appointed day to be continued thereafter, and for preserving in other respects the continuity of the administration of justice, the Crown Court shall be treated as succeeding to, and being the same court as, all criminal assize courts and, except as respects functions not transferred to the Crown Court, all courts of quarter sessions.

(2) Any order, writ, summons, warrant, recognizance, notice, grant of legal aid or other proceeding or document shall have effect in accordance with sub-paragraph (1) above, and shall be construed, unless the context otherwise requires, in accordance with the Table in Part I of Schedule 8 to this Act.

(3) In any proceedings in which a magistrates' court has committed a person for trial at, or otherwise given a direction as respects the hearing of proceedings by, a specified court of assize or court of quarter sessions, the place and time of trial of the proceedings in the Crown Court shall be determined in accordance with directions given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor.

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*Part-heard proceedings*

2.—(1) Any proceeding the hearing of which has begun but is not completed before the appointed day before a criminal court of assize or before a court of quarter sessions shall, subject to the provisions of this paragraph, be continued and disposed of as if this Act had not been passed.

(2) Sub-paragraph (1) above shall not affect the provisions of Schedule 3 to this Act as to the provision of court accommodation.

(3) A local or other authority shall be entitled to be reimbursed by the Lord Chancellor in respect of any expenditure incurred by the authority in consequence of sub-paragraph (1) above which, but for the provisions of that sub-paragraph, would have been payable by the Lord Chancellor or some other Minister.

*Costs in criminal cases*

3. Nothing in this Act shall affect any order made before the appointed day for the payment of costs out of local funds within the meaning of the Costs in Criminal Cases Act 1952, and except so far as the Lord Chancellor otherwise directs, any such costs shall be taxable and recoverable as if this Act had not been passed.

1952 c. 48.

*Records of courts of quarter sessions*

4. Before the appointed day the clerk of the peace of each court of quarter sessions shall make arrangements, in accordance with directions given by or on behalf of the Lord Chancellor, for the disposal in accordance with those directions of all records in his custody or control which relate to the judicial business of the court of quarter sessions.

## PART II

## COURTS: MISCELLANEOUS

*Civil courts of assize*

5.—(1) Subject to any provision made by rules of court, and to sub-paragraph (2) below—

(a) any civil proceedings which had been begun in a court of assize before the appointed day may be continued on and after the appointed day in the High Court as if they had been begun in the High Court and not assigned to a court of assize, and

(b) any act, judgment or order in civil proceedings in a court of assize shall be treated as having been done in accordance with the rules applicable to proceedings in the High Court, other than in a court of assize.

(2) Any civil proceedings in a court of assize the hearing of which has begun but is not completed before the appointed day shall be continued and disposed of as if this Act had not passed.

*Directions by Lord Chief Justice*

6.—(1) The Lord Chief Justice may if it appears to him expedient give directions as to the conduct of any proceedings instituted in any court abolished by this Act if in his opinion the direction

is required to meet any difficulty arising from the transfer by this Act of the jurisdiction of any of those courts.

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(2) The preceding provisions of this Schedule, and the provisions of Schedule 5 to this Act, shall have effect subject to any direction under this paragraph.

(3) A direction under this paragraph may relate either to a specified proceeding, or to proceedings of a specified class or description.

### PART III

#### COUNTY COURT JUDGES

7. Each person who, immediately before the appointed day, held office as judge for a county court district shall be treated, on and after that day, as having been assigned to that district (in his capacity as a Circuit judge) under section 20(1) of this Act.

8. Notwithstanding anything in section 20(4) of this Act, the termination by virtue of that section of a person's appointment as temporary or deputy judge of a county court shall not prevent him from continuing to deal with any case which had been begun before him before the appointed day; and for the purposes of that case and of any proceedings subsequent thereon he shall continue, on and after the appointed day, to be treated as a temporary or deputy judge of the county court concerned as if section 20(4) of this Act and the repeal of the provisions of the County Courts Act 1959 relating to temporary and deputy judges of county courts had not been enacted. 1959 c. 22.

### PART IV

#### JUDGES, OFFICERS AND STAFF

##### *Continuation of appointments*

9.—(1) The repeals made by this Act shall not affect the appointment of any judge, officer or other person made before the repeal takes effect, but without prejudice to any provision of this Act abolishing any office or employment.

(2) The repeals made by this Act shall not affect any pension or other right in respect of service before the repeal takes effect.

##### *Jury service*

10. The abolition by this Act of the offices of clerk of assize, clerk of the peace and other offices shall not affect the operation of section 16 of the Criminal Justice Act 1967 (under which certain persons are exempt from jury service for ten years after ceasing to hold office). 1967 c. 80.

##### *Superannuation etc.*

11. The repeal by this Act of provisions in Schedule 1 to the House of Commons Disqualification Act 1957 shall not affect the operation of section 4 of the Judicial Pensions Act 1959 (holders of high judicial office who are former holders of other judicial offices). 1957 c. 20. 1959 c. 9 (8 & 9 Eliz. 2).

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1956 c. 34.

12.—(1) The repeal by this Act of section 10 of the Criminal Justice Administration Act 1956 shall not affect the continuing liability of the city council of Liverpool or the city council of Manchester to pay to the Lord Chancellor under subsection (2) of that section, at such times as may be agreed between him and the council concerned, one-half or such other part as may with the concurrence of the Treasury be so agreed, of any sums payable under that Act on account of any pension or other benefit payable after the appointed day in respect of any person's service as Recorder of Liverpool or Recorder of Manchester at any time before that day.

(2) Any sums received by the Lord Chancellor by virtue of this paragraph shall be paid into the Exchequer.

1937 c. 68.

13.—(1) The provisions of this paragraph apply in relation to a contributory employee, within the meaning of the Local Government Superannuation Act 1937,—

- (a) whose office is abolished under section 44(1) of this Act or who otherwise ceases to be employed for the purpose of any function as a result of any of the matters referred to in paragraphs (a) to (c) of section 44(2) of this Act ; and
- (b) who, after the date of that abolition or cessation of employment, either continues in the employment of the same authority as before that date or becomes, as soon as practicable after that date, employed by the authority which before that date was responsible in whole or in part for the payment of his remuneration ; and
- (c) who suffers a reduction in remuneration in consequence of the abolition of his office or cessation of employment as mentioned in paragraph (a) above.

(2) A contributory employee to whom this paragraph applies shall be entitled to contribute or, as the case may be, to continue to contribute, to the superannuation fund (within the meaning of Part I of the Local Government Superannuation Act 1937) maintained by the authority referred to in sub-paragraph (1)(b) above the like amount as if his remuneration had not been reduced.

(3) For the purpose of determining the amount of any benefit which becomes payable to or in respect of a contributory employee to whom this paragraph applies and who, by virtue of sub-paragraph (2) above, paid contributions as if his remuneration had not been reduced, the contributory employee shall be treated as having received the remuneration which he would have received but for the reduction referred to in sub-paragraph (1)(c) above.

(4) Any reference in the preceding provisions of this paragraph to the reduction of an employee's remuneration includes, in the case of a person who also held office as a clerk of the peace or deputy clerk of the peace to whom paragraph B or paragraph C of Part II of Schedule 2 to the Local Government Superannuation Act 1937 applied immediately before the appointed day, a reference to the case where his remuneration ceased to be deemed to be increased under one or other of those paragraphs by an amount equal to his salary as clerk of the peace or deputy clerk of the peace.

14.—(1) Subject to sub-paragraph (2) below, on the abolition under section 44(1)(a) of this Act of a person's office as deputy clerk of the peace of a county, being a person who was also in the employment of the county council concerned, the provisions of Part I of the Local Government Superannuation Act 1937 relating to the return of contributions shall apply to him as if—

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1937 c. 68.

- (a) the abolition of his office were a ground for the return of contributions under the said Part I, and
- (b) the sum payable to him under the said Part I were a sum equal to the amount by which the contributions paid by and in respect of him had been increased by reason of any provision of Part II of Schedule 2 to that Act.

(2) Sub-paragraph (1) above shall not apply in the case of a person who is a contributory employee to whom the preceding paragraph applies and who exercises the right given to him by sub-paragraph (2) of that paragraph to pay contributions of the like amount as if his remuneration had not been reduced.

15.—(1) In relation to any person who, before the day appointed for the coming into force of section 44(1)(a) of this Act held office as a clerk of the peace or a deputy clerk of the peace, the repeal by this Act of—

- (a) section 9(2) of the Local Government (Clerks) Act 1931, 1931 c. 45.
- (b) any provision of the Local Government Superannuation Act 1937,
- (c) any provision of the Local Government Superannuation Act 1953, and
- (d) sections 8 and 29 of the Administration of Justice Act 1964 c. 42.

shall not affect the continued operation of those provisions or of any regulations made under them so far as they relate to rights accrued, contributions made and other things done before that day.

(2) Without prejudice to sub-paragraph (1) above, for the purposes of—

- (a) any statutory provision contained in or made or issued under the Local Government Superannuation Acts 1937 to 1953, the Superannuation (Miscellaneous Provisions) Act 1948 or Part III of the National Insurance Act 1965, which is in force at the passing of this Act, and
- (b) except as may be otherwise expressly provided therein, any enactment passed after the passing of this Act whereby any of those Acts is amended, extended or superseded, and any statutory instrument which after the passing of this Act is made or issued under any of those Acts or such an enactment,

in any case where, at a time after the day appointed for the purposes of section 44(1) of this Act, a court of quarter sessions would, if this Act had not been passed, have been the employing authority in rela-



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tion to a clerk of the peace, deputy clerk of the peace or other officer of the court who before that day died while serving, or otherwise ceased to serve, in that employment, or in relation to the widow or any other dependant of such a person, the relevant local authority, as defined in sub-paragraph (3) below, shall be treated as being at that time the employing authority in relation to that person or, as the case may be, to that person's widow or other dependant.

(3) In sub-paragraph (2) above "the relevant local authority" means—

(a) in relation to a person, or the widow or other dependant of a person, who was clerk of the peace or deputy clerk of the peace for a London commission area or who was otherwise an officer of the court of quarter sessions for such an area, the Greater London Council; and

(b) in relation to any person, or the widow or other dependant of any person, not falling within paragraph (a) above, the county council which, immediately before the day appointed for the purposes of section 44(1) of this Act, defrayed expenditure of the court of quarter sessions concerned under section 29(9) of the Administration of Justice Act 1964.

1964 c. 42.

16.—(1) The Lord Chancellor may, with the concurrence of the Minister for the Civil Service, give a direction with respect to any clerk, bailiff, usher or messenger of a county court appointed by the registrar of that court under the proviso to section 28(1) of the County Courts Act 1959 (which relates to the case where the registrar's salary includes the remuneration of any such officer) or deemed to have been so appointed by virtue of section 205 of that Act; and where a direction is so given then, subject to sub-paragraph (2) below, that person's employment in court service shall be deemed for all purposes to be employment in the civil service of the State and, if a certificate has been issued to him by the Civil Service Commissioners, allowances may in his case be granted accordingly under the Superannuation Acts 1965 and 1967.

1959 c. 22.

(2) Except in so far as the Minister for the Civil Service directs in any case, no account shall be taken for the purposes of this paragraph of court service before the issue of the certificate.

(3) For the purpose of this paragraph "court service" means employment as a clerk, bailiff, usher or messenger in the service of a county court, whether or not combined with employment as a clerk in the service of a district registry of the High Court.

#### *Seconding of staff from local or other authorities*

17.—(1) This paragraph has effect in order to meet any temporary shortage of staff to be appointed by the Lord Chancellor for the Supreme Court or county courts which may arise in the course of bringing the provisions of this Act into force.

(2) A local or other authority may enter into any agreement with the Lord Chancellor for the placing at the disposal of the Lord Chancellor, on such terms as may be provided by the agreement, of the services of any person who is employed by the authority and who gives his consent.

(3) For the avoidance of doubt it is hereby declared that for superannuation purposes service rendered by a person whose services are placed at the disposal of the Lord Chancellor in pursuance of this paragraph is service rendered to the authority by whom that person is employed.

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(4) This paragraph applies whether or not the staff to be placed at the disposal of the Lord Chancellor were employed in the discharge by the authority of duties of which the authority will be relieved by this Act, and is without prejudice to any other power exercisable by the authority for the purposes set out in sub-paragraph (2) above.

## SCHEDULE 11

## REPEALS

Section 56.

## PART I

## JURIES

| Chapter               | Short Title                        | Extent of Repeal   |
|-----------------------|------------------------------------|--|
| 6 Geo. 4. c. 50.      | The Juries Act 1825.               | The whole Act except sections 1, 27, 29 and 50.<br>In section 27 the words from "provided that nothing" to the end of the section.<br>In section 50 the words from "Provided also" to the end of the section.  |
| 7 Geo. 4. c. 64.      | The Criminal Law Act 1826.         | Section 21.  |
| 1 & 2 Vict. c. 4.     | The Quarter Sessions Act 1837.     | The whole Act.   |
| 15 & 16 Vict. c. 76.  | The Common Law Procedure Act 1852. | Sections 105 to 115.   |
| 17 & 18 Vict. c. 125. | The Common Law Procedure Act 1854. | Section 59.  |
| 25 & 26 Vict. c. 107. | The Juries Act 1862.               | The whole Act.   |
| 33 & 34 Vict. c. 77.  | The Juries Act 1870.               | Section 6.<br>Section 19.<br>Section 20 except as respects service at a coroner's court.<br>Section 21.<br>In section 23 the words from "be allowed at" to "court, and".<br>Section 24.<br>in the Schedule, in the entry beginning "Officers of the courts" the words "and the clerks of the peace or their deputies" and the penultimate three entries, that is the words from "Members of the council" to "he is a justice". |

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| Chapter                            | Short Title                                  | Extent of Repeal  |
|------------------------------------|--|---|
| 45 & 46 Vict.<br>c. 50.            | The Municipal Corporations Act 1882.         | Section 186.  |
| 50 & 51 Vict.<br>c. 55.            | The Sheriffs Act 1887.                       | Section 12.<br>In section 26 the words "to impanel or return any inquest, jury or tales, or".<br>In the second form in Schedule 2 all the words following "I shall remain therein".       |
| 10 Edw. 7 &<br>1 Geo. 5.<br>c. 17. | The County Common Juries Act 1910.           | The whole Act.  |
| 9 & 10 Geo. 5.<br>c. 71.           | The Sex Disqualification (Removal) Act 1919. | In section 1 the words from the last "and" in proviso (a) to "the Indictments Act 1915".  |
| 12 & 13 Geo. 5.<br>c. 11.          | The Juries Act 1922.                         | Sections 3, 4 and 5.<br>In section 7 the definition of "sheriff".<br>In section 8(2)(b) the words "(without prejudice to the provisions of section thirty-seven of the Juries Act 1825)". |
| 11 & 12 Geo. 6.<br>c. 58.          | The Criminal Justice Act 1948.               | Section 35(3).  |
| 12, 13 & 14<br>Geo. 6. c. 27.      | The Juries Act 1949.                         | Sections 2 to 9.<br>Section 11.<br>In section 14 paragraphs (c) and (d).<br>Sections 18 and 19.<br>Section 22.  |
| 12, 13 & 14<br>Geo. 6. c. 86.      | The Electoral Registers Act 1949.            | In Schedule 2 the amendment of section 1(8) of the Juries Act 1922.   |
| 7 & 8 Eliz. 2.<br>c. 22.           | The County Courts Act 1959.                  | Section 95.   |
| 1964 c. 42.                        | The Administration of Justice Act 1964.      | Section 96(3).<br>In section 21, subsections (3) and (4), subsection (5)(b)(c) and subsections (7), (8) and (9).  |
| 1967 c. 80.                        | The Criminal Justice Act 1967.               | Section 14(5).  |
| 1969 c. 48.                        | The Post Office Act 1969.                    | In Schedule 4, in paragraph 14 the words "section 11 of the Juries Act 1862 and" and the word "each".   |
| 1970 c. 9.                         | The Taxes Management Act 1970.               | In section 5(2) the words "in the county wherein he dwells".  |

## PART II

SCH. 11

## LOCAL COURTS

| Chapter                     | Short Title   | Extent of Repeal  |
|-----------------------------|---|---|
| 26 Hen. 8.<br>c. 14.        | The Jurisdiction in Liberties Act 1535.                     | Section 3 so far as saved from repeal by Schedule 5 to the Justices of the Peace Act 1968.  |
| 6 & 7 Will. 4.<br>c. 19.    | The Durham (County Palatine) Act 1836.                      | In section 1, the proviso.  |
| 13 & 14 Vict.<br>c. 43.     | The Court of Chancery of Lancaster Act 1850.                | The whole Act.  |
| 15 & 16 Vict.<br>c. lxxvii. | The London (City) Small Debts Extension Act 1852.           | The whole Act.  |
| 17 & 18 Vict.<br>c. 82.     | The Court of Chancery of Lancaster Act 1854.                | The whole Act.  |
| 31 & 32 Vict.<br>c. cxxx.   | The Salford Hundred Court of Record Act 1868.               | The whole Act.  |
| 35 & 36 Vict.<br>c. 86.     | The Borough and Local Courts of Record Act 1872.            | Section 8.  |
| 51 & 52 Vict.<br>c. 57.     | The Statute Law Revision (No. 2) Act 1888.                  | In section 2 the words "to the court of the county palatine of Lancaster or".   |
| 52 & 53 Vict.<br>c. 47.     | The Palatine Court of Durham Act 1889.                      | The whole Act.  |
| 53 & 54 Vict.<br>c. 23.     | The Chancery of Lancaster Act 1890.                         | The whole Act.  |
| 53 & 54 Vict.<br>c. 33.     | The Statute Law Revision Act 1890.                          | In section 4 the words "to the court of the county palatine of Lancaster or".   |
| 53 & 54 Vict.<br>c. 39.     | The Partnership Act 1890.                                   | In section 23(2) the words "or the Chancery Court of the County Palatine of Lancaster".   |
| 53 & 54 Vict.<br>c. 51.     | The Statute Law Revision (No. 2) Act 1890.                  | In section 2 the words "to the court of the county palatine of Lancaster or".   |
| 55 & 56 Vict.<br>c. 19.     | The Statute Law Revision Act 1892.                          | In section 2 the words "to the court of the county palatine of Lancaster or".   |
| 56 & 57 Vict.<br>c. 14.     | The Statute Law Revision Act 1893.                          | In section 2 the words "to the court of the county palatine of Lancaster or".   |
| 56 & 57 Vict.<br>c. 54.     | The Statute Law Revision (No. 2) Act 1893.                  | In section 2 the words "to the court of the county palatine of Lancaster or".   |
| 57 & 58 Vict.<br>c. 56.     | The Statute Law Revision Act 1894.                          | In section 2 the words "to the court of the county palatine of Lancaster or".   |
| 59 & 60 Vict.<br>c. 8.      | The Life Insurance Companies (Payment into Court) Act 1896. | In section 3 the words from "or where" to "Court" in the last place where it occurs.<br>In section 4 the words "or the Palatine Court, as the case may be". |

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| Chapter                      | Short Title   | Extent of Repeal   |
|------------------------------|---|--|
| 59 & 60 Vict.<br>c. 35.      | The Judicial Trustees Act 1896.                           | In section 2 the words " and as respects trusts within its jurisdiction by a Palatine Court "  |
| 8 Edw. 7. c. 49              | The Statute Law Revision Act 1908.                        | In section 2 the words " to the court of the county palatine of Lancaster or "   |
| 1 & 2 Geo. 5.<br>c. clxxii.  | The Salford Hundred Court of Record Act 1911.             | The whole Act.   |
| 11 & 12 Geo. 5.<br>c. lxxiv. | The Liverpool Corporation Act 1921.                       | Sections 244 to 263.   |
| 12 & 13 Geo. 5.<br>c. 16.    | The Law of Property Act 1922.                             | In section 188(6) the words from " and also " to " have jurisdiction ", except the words " or the county court "   |
| 15 & 16 Geo. 5.<br>c. 18.    | The Settled Land Act 1925.                                | Section 113(2).  |
| 15 & 16 Geo. 5.<br>c. 19.    | The Trustee Act 1925.                                     | In section 67, in subsection (1) the words from " and also " to " Durham " and in subsection (2) the words " Palatine Courts and "   |
| 15 & 16 Geo. 5.<br>c. 20.    | The Law of Property Act 1925.                             | In section 203(3) the words from " and also " to " Durham "  |
| 15 & 16 Geo. 5.<br>c. 21.    | The Land Registration Act 1925.                           | In section 3(ii) the words from " and also " to " Durham ".<br>In section 138(1) the words from " and also " to " Durham ".<br>In section 143(3) the words " or by the Court of Chancery of Lancaster or Durham " and the words " or such Court of Chancery respectively " |
| 15 & 16 Geo. 5.<br>c. 23.    | The Administration of Estates Act 1925.                   | In section 55(1)(iv) the words from " and as respects " to the end of paragraph (iv).  |
| 15 & 16 Geo. 5.<br>c. 22.    | The Land Charges Act 1925.                                | In section 20(2) the words from " also " to " Durham "   |
| 15 & 16 Geo. 5.<br>c. 49.    | The Supreme Court of Judicature (Consolidation) Act 1925. | Section 28.<br>In section 209 the words " to the Court of the County Palatine of Lancaster, or "   |
| 17 & 18 Geo. 5.<br>c. 42.    | The Statute Law Revision Act 1927.                        | In section 2 the words " to the court of the county palatine of Lancaster or "   |
| 18 & 19 Geo. 5.<br>c. 26.    | The Administration of Justice Act 1928.                   | Section 14(1).   |
| 23 & 24 Geo. 5.<br>c. 13.    | The Foreign Judgments (Reciprocal Enforcement) Act 1933.  | In section 11(1), in the definition of " Judgments given in the superior courts of the United Kingdom " the words from " the Court of Chancery " in the first place where they occur to " Durham "   |

| Chapter                              | Short Title  | Extent of Repeal  |
|--------------------------------------|--|---|
| 1 & 2 Geo. 6. c. 22.                 | The Trade Marks Act 1938.  | Section 39(12).   |
| 1 & 2 Geo. 6. c. 45.                 | The Inheritance (Family Provision) Act 1938.                       | In section 5(1), in the definition of "the court", as originally enacted, the words from "and also" to "jurisdiction", and in that definition as set out in Schedule 3 to the Family Provision Act 1966, the words from "the Court of Chancery", where those words first occur, to "Durham or".                             |
| 1 & 2 Geo. 6. c. 63.                 | The Administration of Justice (Miscellaneous Provisions) Act 1938. | Section 15.   |
| 11 & 12 Geo. 6. c. 38.               | The Companies Act 1948.  | Section 218(2).<br>Section 365(4).  |
| 11 & 12 Geo. 6. c. 62.               | The Statute Law Revision Act 1948.                                 | In section 2 the words "to the court of the county palatine of Lancaster or".   |
| 14 Geo. 6. c. 6.                     | The Statute Law Revision Act 1950.                                 | In section 2 the words "to the court of the county palatine of Lancaster or".   |
| 15 & 16 Geo. 6 and 1 Eliz. 2. c. 49. | The Court of Chancery of Lancaster Act 1952.                       | The whole Act.  |
| 2 & 3 Eliz. 2. c. 5.                 | The Statute Law Revision Act 1953.                                 | In section 2 the words "to the court of the county palatine of Lancaster or".   |
| 2 & 3 Eliz. 2. c. xlviii.            | The Manchester Corporation Act 1954.                               | Section 83.   |
| 4 & 5 Eliz. 2. c. 46.                | The Administration of Justice Act 1956.                            | Section 2.<br>In section 3, in subsections (1) and (3) the words "the Liverpool Court of Passage", in subsection (4) the words from "and (where" to "Passage" and in subsections (5), (6) and (7) the words "the Liverpool Court of Passage".<br>In section 4(6) the words "the Liverpool Court of Passage".<br>Section 52. |
| 5 & 6 Eliz. 2. c. 56.                | The Housing Act 1957.  | In section 164(3) the words from "and the Court" to "Durham".   |
| 6 & 7 Eliz. 2. c. 51.                | The Public Records Act 1958.                                       | In section 8(1), the proviso.<br>In Schedule 1, paragraph 4(1)(c).  |
| 7 & 8 Eliz. 2. c. 22.                | The County Courts Act 1959.  | In section 55(1), the proviso.<br>In section 140(3) the words from "and includes" to the end of the subsection.<br>Section 169.   |

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| Chapter                              | Short Title  | Extent of Repeal  |
|--------------------------------------|--|---|
| 7 & 8 Eliz. 2<br>c. 22— <i>cont.</i> | The County Courts Act<br>1959— <i>cont.</i>                      | In section 174(2) the words<br>“or the Mayor’s and City<br>of London Court Funds’<br>Rules, as the case may be”.<br>In section 175 the words from<br>“or the Mayor’s” to the<br>end of the section.<br>In section 176 the words from<br>“Mayor’s” to “of this Act”.<br>In section 180(2) the words<br>from “(other” to “court””.<br>Section 183(3).<br>Section 197. |
| 7 & 8 Eliz. 2.<br>c. 72.             | The Mental Health Act<br>1959.                                   | In Schedule 7, the amend-<br>ments of the Court of Chan-<br>cery of Lancaster Act 1850.   |
| 8 & 9 Eliz. 2.<br>c. 58.             | The Charities Act 1960.  | In section 46, the definition of<br>“Attorney General”.   |
| 8 & 9 Eliz. 2.<br>c. 65.             | The Administration of<br>Justice Act 1960.                       | In section 13(2)(b) the words<br>“of the Chancery Court of a<br>County Palatine”.   |
| 9 & 10 Eliz. 2.<br>c. 38.            | The Court of Chancery<br>of Lancaster (Amend-<br>ment) Act 1961. | The whole Act.  |
| 1965 c. 2.                           | The Administration of<br>Justice Act 1965.                       | Section 11.<br>In section 19(1), the words “or<br>the Mayor’s and City of<br>London Court”.   |
| 1968 c. 23.                          | The Rent Act 1968.   | In section 95(6), the words<br>from “or the Court of<br>Chancery” to “Durham”.  |
| 1969 c. 46.                          | The Family Law Reform<br>Act 1969.                               | In section 6(1) the words from<br>“the Court of Chancery” in<br>the first place where they<br>occur to “Durham”.<br>In section 7(1), the words<br>from “the Court of Chan-<br>cery” in the first place where<br>they occur to “Durham”.   |
| 1969 c. 58.                          | The Administration of<br>Justice Act 1969.                       | Section 32.   |
| 1970 c. 31.                          | The Administration of<br>Justice Act 1970.                       | In section 37(1) the words “or<br>the county palatine of Lan-<br>caster”.   |

## PART III

SCH. 11

## COSTS IN CRIMINAL CASES

| Chapter                                  | Short Title  | Extent of Repeal   |
|--|--|--|
| 15 & 16 Geo. 6<br>& 1 Eliz. 2.<br>c. 48. | The Costs in Criminal Cases Act 1952.  | Sections 1 to 4.<br>In section 5, in subsections (3) and (4), the words "and giving evidence".<br>Section 11.<br>Section 15.<br>Section 17(5).                   |
| 8 & 9 Eliz. 2.<br>c. 65.                 | The Administration of Justice Act 1960.  | In Schedule 3, the amendments of the Costs in Criminal Cases Act 1952.   |
| 10 & 11 Eliz. 2.<br>c. 15.<br>1963 c. 2. | The Criminal Justice Administration Act 1962.<br>The Betting, Gaming and Lotteries Act 1963. | Section 18.<br>In Schedule 1, sub-paragraphs (2) to (4) of paragraph 23.   |
| 1964 c. 26.                              | The Licensing Act 1964.  | In section 25, subsections (2) to (4).   |
| 1964 c. 42.                              | The Administration of Justice Act 1964.  | In Schedule 3, paragraph 21 and paragraph 31(2)(3).  |
| 1967 c. 52.                              | The Tokyo Convention Act 1967.   | Section 7(5).  |
| 1967 c. 58.                              | The Criminal Law Act 1967.   | In Schedule 2, paragraph 15(2) from "and in relation" to the end of the paragraph.   |
| 1967 c. 80.                              | The Criminal Justice Act 1967.   | In section 31, subsections (3) to (6).<br>Section 32(1).<br>In section 81, subsections (5), (6) and (7).<br>In Schedule 4, paragraphs 21 and 22.                 |
| 1968 c. 19.                              | The Criminal Appeal Act 1968.  | Section 28(3).<br>In Schedule 5, the amendments to sections 7, 8, 10 and 11 of the Costs in Criminal Cases Act 1952.   |
| 1968 c. 65.                              | The Gaming Act 1968.   | In Schedule 2, sub-paragraphs (3) to (5) of paragraph 30 and in paragraph 32(2) the words "to (5)".<br>In Schedule 9, sub-paragraphs (3) to (5) of paragraph 14. |
| 1968 c. 69.                              | The Justices of the Peace Act 1968.  | In Schedule 3, in paragraph 4, sub-paragraph (1) from "or" in the first place where it occurs to the end of the sub-paragraph and sub-paragraph (3).             |



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## PART IV

## OTHER REPEALS

| Chapter                           | Short Title                               | Extent of Repeal  |
|-----------------------------------|---|---|
| 33 Hen. 8.<br>c. 39.              | The Crown Debts Act 1541.                 | Section 37.   |
| 34 & 35 Hen. 8.<br>c. 26.         | The Laws in Wales Act 1542.               | Section 21.   |
| 31 Chas. 2.<br>c. 2.              | The Habeas Corpus Act 1679.               | Section 6.<br>Sections 17 and 18.   |
| 16 Geo. 2.<br>c. 18.              | The Justices Jurisdiction Act 1742.       | Section 3.  |
| 25 Geo. 2.<br>c. 36.              | The Disorderly Houses Act 1751.           | Section 10.   |
| 32 Geo. 3.<br>c. 56.              | The Servants' Characters Act 1792.        | Section 10.   |
| 38 Geo. 3.<br>c. 52.              | The Counties of Cities Act 1798.          | The whole Act.  |
| 44 Geo. 3.<br>c. 102.             | The Habeas Corpus Act 1804.               | In section 1 the words from "or any justice of oyer" to "baron as aforesaid" and the words "or any sitting of nisi prius" and the words "grand, petit or other".  |
| 51 Geo. 3.<br>c. 100.             | The Counties of Cities Act 1811.          | The whole Act.  |
| 52 Geo. 3.<br>c. 155.             | The Places of Religious Worship Act 1812. | In section 7 the words from "before or at" to the end of the section.<br>In section 10 the words "or the courts of the counties palatine of Lancaster, and Durham (as the case shall require)".<br>Section 12.<br>Sections 16 and 17. |
| 54 Geo. 3.<br>c. 159.             | The Harbours Act 1814.                    | Section 23.   |
| 57 Geo. 3.<br>c. 91.              | The Clerks of the Peace (Fees) Act 1817.  | Section 26.<br>The whole Act.   |
| 57 Geo. 3.<br>c. 93.              | The Distress (Costs) Act 1817.            | In section 7 the words "either" and "quarter or other".   |
| 59 Geo. 3.<br>c. 7.               | The Cutlery Trade Act 1819.               | Section 9.<br>In section 10 the words "and also for the said justices in quarter sessions assembled" and the word "respectively".   |
| 60 Geo. 3 &<br>1 Geo. 4.<br>c. 1. | The Unlawful Drilling Act 1819.           | In section 2 the words from "and it shall be lawful" to the end of the section.   |
| 4 Geo. 4.<br>c. 48.               | The Judgment of Death Act 1823.           | The whole Act.  |
| 7 Geo. 4. c. 63.                  | The County Buildings Act 1826.            | The whole Act.  |
| 7 Geo. 4. c. 64.                  | The Criminal Law Act 1826.                | Sections 12 and 13.<br>Section 31.  |
| 9 Geo. 4. c. 69.                  | The Night Poaching Act 1828.              | Sections 6, 7 and 8.  |

| Chapter                       | Short Title                                   | Extent of Repeal  |
|-------------------------------|---|---|
| 11 Geo. 4 & 1 Will. 4. c. 70. | The Law Terms Act 1830.                       | Section 15.   |
| 1 & 2 Will. 4. c. 32.         | The Game Act 1831.                            | Section 44.   |
| 3 & 4 Will. 4. c. 35.         | The Inclosure and Drainage (Rates) Act 1833.  | In section 3 the words from "which shall be holden" to the end of the section.<br>In section 4 the words "or adjudication made on appeal therefrom".  |
| 3 & 4 Will. 4. c. 41.         | The Judicial Committee Act 1833.              | Sections 10, 11 and 12.   |
| 5 & 6 Will. 4. c. 50.         | The Highways Act 1835.                        | Sections 105 to 108.  |
| 7 Will. 4 & 1 Vict. c. 24.    | The County Buildings Act 1837.                | The whole Act.  |
| 7 Will. 4 & 1 Vict. c. 77.    | The Central Criminal Court Act 1837.          | The whole Act.  |
| 1 & 2 Vict. c. 38.            | The Vagrancy Act 1838.                        | Section 1.  |
| 2 & 3 Vict. c. 69.            | The Judges' Lodgings Act 1839.                | The whole Act.  |
| 2 & 3 Vict. c. 71.            | The Metropolitan Police Courts Act 1839.      | Section 32.   |
| 3 & 4 Vict. c. 92.            | The Non-Parochial Registers Act 1840.         | In section 11, the words "on the trial of any cause in any of the courts of common law, or" and the words from "at any session" to "Wales".   |
| 3 & 4 Vict. c. 110.           | The Loan Societies Act 1840.                  | In section 4, the words following "general quarter sessions" to "transmitted to him as aforesaid", and the words "without motion".  |
| 4 & 5 Vict. c. 30.            | The Ordnance Survey Act 1841.                 | In section 2, the words from "who shall hear" to the end of the section.<br>In section 5 the words from "and in case it shall happen" to "in the execution of the purposes of this Act".<br>In section 6 the words "or by such inhabitants as aforesaid". |
| 5 & 6 Vict. c. 38.            | The Quarter Sessions Act 1842.                | The whole Act.  |
| 6 & 7 Vict. c. 98.            | The Slave Trade Act 1843.                     | In section 4 the words from "or information" to "Queen's Bench", the words "or informations respectively" and the words "in Her Majesty's said Court of Queen's Bench".   |
| 7 & 8 Vict. c. 33.            | The County Rates Act 1844.                    | Section 7.  |
| 8 & 9 Vict. c. 16.            | The Companies Clauses Consolidation Act 1845. | Section 160.  |

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| Chapter                  | Short Title                                       | Extent of Repeal  |
|--------------------------|---|---|
| 10 & 11 Vict.<br>c. 16.  | The Commissioners<br>Clauses Act 1847.            | In section 3 the definition of<br>"quarter sessions".<br>Section 93.  |
| 10 & 11 Vict.<br>c. 27.  | The Harbours, Docks and<br>Pier Clauses Act 1847. | Section 26.<br>In section 85 the words<br>"England or".<br>In section 90 the words "or the<br>court of quarter sessions",<br>the words "or of the chairman<br>of the court" and the words<br>"or chairman".   |
| 10 & 11 Vict.<br>c. 28.  | The County Buildings Act<br>1847.                 | The whole Act.  |
| 10 & 11 Vict.<br>c. 34.  | The Towns Improvement<br>Clauses Act 1847.        | In section 3 the definition<br>beginning "The expression<br>'quarter sessions'".<br>In section 185 the words from<br>"holden" to "poor rates",<br>and the words from "but no<br>such appeal" to the end of<br>the section.<br>In section 186 the words from<br>"holden" to the end of the<br>section.<br>Section 187.<br>In section 189 the words from<br>"and shall likewise" to<br>"within their jurisdiction".<br>Section 190. |
| 10 & 11 Vict.<br>c. 89.  | The Town Police Clauses<br>Act 1847.              | In section 3 the definition<br>beginning "The expression<br>'quarter sessions'".  |
| 11 & 12 Vict.<br>c. 42.  | The Indictable Offences<br>Act 1848.              | In section 32 the words from<br>"and also nothing" to the<br>end of the section.  |
| 11 & 12 Vict.<br>c. 43.  | The Summary Jurisdic-<br>tion Act 1848.           | The whole Act.  |
| 12 & 13 Vict.<br>c. 45.  | The Quarter Sessions Act<br>1849.                 | The whole Act.  |
| 12 & 13 Vict.<br>c. 109. | The Petty Bag Act 1849.                           | The whole Act.  |
| 13 & 14 Vict.<br>c. 26.  | The Piracy Act 1850.                              | In section 6 the words from<br>"in Her Majesty's" to the<br>end of the section except for<br>the words "in England".  |
| 14 & 15 Vict.<br>c. 100. | The Crim. Procedure<br>Act 1851.                  | Section 27.<br>In section 30 the words "and<br>any nisi prius record".  |
| 16 & 17 Vict.<br>c. 30.  | The Criminal Procedure<br>Act 1853.               | Section 2.  |
| 18 & 19 Vict.<br>c. 15.  | The Judgments Act 1855.                           | The whole Act.  |
| 21 & 22 Vict.<br>c. 73.  | The Stipendiary Magis-<br>trates Act 1858.        | In section 3, the words from<br>"acts to be" to "sessions or<br>to".<br>Sections 9 to 12.   |
| 24 & 25 Vict.<br>c. 45.  | The General Pier and<br>Harbour Act 1861.         | In section 15 the words<br>"England and".   |

| Chapter                  | Short Title   | Extent of Repeal  |
|--------------------------|---|---|
| 24 & 25 Vict.<br>c. 97.  | The Malicious Damage Act 1861.                            | Section 68.<br>In section 69 the words "or adjudication made on appeal therefrom".                                      |
| 25 & 26 Vict.<br>c. 114. | The Poaching Prevention Act 1862.                         | In section 5 the words "or adjudication made on appeal therefrom".<br>Section 6.  |
| 27 & 28 Vict.<br>c. 25.  | The Naval Prize Act 1864.                                 | In section 46 the words from "to be proceeded against" to "Admiralty, and".   |
| 27 & 28 Vict.<br>c. 39.  | The Union Assessment Committee Amendment Act 1864.        | The whole Act.  |
| 28 & 29 Vict.<br>c. 104. | The Crown Suits Act 1865.                                 | The whole Act.  |
| 30 & 31 Vict.<br>c. 35.  | The Criminal Law Amendment Act 1867.                      | In section 6 (as amended by the Magistrates' Courts Act 1952) the words "clerk of assize, clerk of the peace or other". |
| 30 & 31 Vict.<br>c. 36.  | The Chester Courts Act 1867.                              | The whole Act.  |
| 30 & 31 Vict.<br>c. 48.  | The Sale of Land by Auction Act 1867.                     | In section 8 the words "or of the Court of Chancery in the County Palatine of Lancaster".                               |
| 30 & 31 Vict.<br>c. 115. | The Justices of the Peace Act 1867.                       | The whole Act.  |
| 32 & 33 Vict.<br>c. 62.  | The Debtors Act 1869.                                     | In section 10 the words from "As respects any other court" to "judge of such court".<br>Section 29.                     |
| 35 & 36 Vict.<br>c. 51.  | The Judges Salaries Act 1872.                             | In section 4 the words "county court judge".  |
| 37 & 38 Vict.<br>c. 45.  | The County of Hertford and Liberty of St. Alban Act 1874. | Sections 16 to 20.<br>Sections 36 and 37.<br>Section 42.  |
| 38 & 39 Vict.<br>c. 17.  | The Explosives Act 1875.                                  | In section 75 the words from "where the justices" to "other local authority" and "itself".                              |
| 38 & 39 Vict.<br>c. 55.  | The Public Health Act 1875.                               | In section 4 the definition of "court of quarter sessions".   |
| 38 & 39 Vict.<br>c. 86.  | The Conspiracy and Protection of Property Act 1875.       | Section 12.   |
| 38 & 39 Vict.<br>c. 89.  | The Public Works Loans Act 1875.                          | In section 33 the words from "The Court of Exchequer" to "the proceeding".  |
| 39 & 40 Vict.<br>c. 57.  | The Winter Assizes Act 1876.                              | The whole Act.  |
| 39 & 40 Vict.<br>c. 77.  | The Cruelty to Animals Act 1876.                          | Section 16.   |
| 40 & 41 Vict.<br>c. 46.  | The Winter Assizes Act 1877.                              | The whole Act.  |
| 41 & 42 Vict.<br>c. 50.  | The County of Hertford Act 1878.                          | The whole Act.  |

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| Chapter                 | Short Title                                       | Extent of Repeal  |
|-------------------------|---|---|
| 42 & 43 Vict.<br>c. 1.  | The Spring Assizes Act 1879.                      | The whole Act.  |
| 42 & 43 Vict.<br>c. 19. | The Habitual Drunkards Act 1879.                  | Section 30.   |
| 42 & 43 Vict.<br>c. 49. | The Summary Jurisdiction Act 1879.                | The whole Act.  |
| 44 & 45 Vict.<br>c. 60. | The Newspaper Libel and Registration Act 1881.    | In section 16 the words from "and enforced" to the end of the section.  |
| 45 & 46 Vict.<br>c. 31. | The Inferior Courts Judgments Extension Act 1882. | In section 4 the words from "or, in the City" to "London Court".  |
| 45 & 46 Vict.<br>c. 50. | The Municipal Corporations Act 1882.              | In section 105 the words "quarter and" and the words "or an assize courthouse with or without judge's lodgings".<br>Section 150, but not so as to affect the areas which are rating areas at the commencement of this Act.<br>Section 151.<br>In section 152(1) the words from "in addition" to "section".<br>In section 153(1) the words "and having a separate court of quarter sessions" and paragraph (a).<br>In section 154(2) the words "exercisable out of quarter sessions".<br>In section 158(1) the words from "except that" to the end of the subsection.<br>In section 159(3) the words "at any court of gaol delivery or quarter sessions".<br>Sections 162 to 168.<br>Sections 175 to 177.<br>Section 185.<br>In section 187 the words "or of a separate court of quarter sessions".<br>Sections 188 and 189.<br>Section 219(2).<br>Section 225(7).<br>In section 234 the words "by the clerk of the peace (if any) for the borough" and paragraph (c).<br>In section 248(2) the words "court of quarter sessions" (where they first occur), "recorder" and the words "and clerk of the peace".<br>Section 252.<br>In Schedule 5 paragraphs 4 and 6.<br>Schedule 6. |

| Chapter                 | Short Title   | Extent of Repeal  |
|-------------------------|---|---|
| 45 & 46 Vict.<br>c. 72. | The Revenue, Friendly Societies and National Debt Act 1882. | Section 24(c).  |
| 46 & 47 Vict.<br>c. 18. | The Municipal Corporations Act 1883.                        | In subsections (2) and (3) of section 15 the word "Recorder".   |
| 50 & 51 Vict.<br>c. 55. | The Sheriffs Act 1887.                                      | Section 9.<br>Section 13.<br>In section 14 subsections (2) and (3).<br>Section 19.<br>In section 29(3) the words "any court of assize, oyer and terminer or gaol delivery".<br>In section 34(e) the words "to the return of panels or juries, or".<br>Section 35.<br>In section 36(4) the words from "and any jurisdiction" to the end of the section.  |
| 50 & 51 Vict.<br>c. 71. | The Coroners Act 1887.                                      | In section 10(1) the words "found by a grand jury".<br>Section 15.  |
| 51 & 52 Vict.<br>c. 41. | The Local Government Act 1888.                              | In section 3 paragraph (iv), in paragraph (ix) the words "the clerk of the peace and", in paragraph (x) the words "the clerk of the peace and".<br>Section 8.<br>In section 31 the words from "and if" in the proviso to the end of the section.<br>In section 32(3) paragraph (a) and in paragraph (b) the words "quarter sessions and" and the words from "and if" to the end of the paragraph.<br>In section 34(1)(a) the words "clerk of the peace and".<br>Section 35(5).<br>Section 37.<br>In section 42(12) the words "Quarter sessions", the words "may be held and" and the words from "but no jurors" to the end of the subsection.<br>In section 46(5) the words "chairman of quarter sessions or" and the words "or for any assize courts" and the words "chairman or". |

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| Chapter                               | Short Title   | Extent of Repeal  |
|---------------------------------------|---|---|
| 51 & 52 Vict.<br>c. 41.— <i>cont.</i> | The Local Government Act 1888.— <i>cont.</i>                              | Section 64(1)(a).<br>Section 81.<br>In section 83, subsections (4) and (9).<br>In section 100 in the definition of court costs the words “of assizes and”, “quarter and”, the words from “the judges’ lodgings” to “peace”, “the costs of the jury lists” and the words from “the assizes” to “the judges” except for the words “petty sessions”. |
| 52 & 53 Vict.<br>c. 10.               | The Commissioners for Oaths Act 1889.                                     | In section 1(2) the words from “including all proceedings” to the end of the subsection.  |
| 52 & 53 Vict.<br>c. 12.               | The Assizes Relief Act 1889.  | The whole Act.  |
| 52 & 53 Vict.<br>c. 63.               | The Interpretation Act 1889.  | In section 13 paragraphs (4), (5) and (14).   |
| 54 & 55 Vict.<br>c. 40.               | The Brine Pumping (Compensation for Subsidence) Act 1891.                 | In section 42 the words from “The provisions of section 31” to the end of the section.  |
| 57 & 58 Vict.<br>c. 60.               | The Merchant Shipping Act 1894.   | Section 682.  |
| 63 & 64 Vict.<br>c. 27.               | The Railway Employment (Prevention of Accidents) Act 1900.                | Section 11(2).  |
| 6 Edw. 7.<br>c. 46.                   | The Recorders, Stipendiary Magistrates, and Clerks of the Peace Act 1906. | The whole Act.  |
| 8 Edw. 7.<br>c. 41.                   | The Assizes and Quarter Sessions Act 1908.                                | The whole Act.  |
| 1 & 2 Geo. 5.<br>c. 6.                | The Perjury Act 1911.   | In section 9(1) the words from “or any sheriff” to “executed” and the words from “at the proper court” to the end of the subsection.<br>Section 9(2).   |
| 3 & 4 Geo. 5.<br>c. 32.               | The Ancient Monuments Consolidation and Amendment Act 1913.               | Section 14(2).  |
| 4 & 5 Geo. 5.<br>c. 59.               | The Bankruptcy Act 1914.  | In section 140 the words from “or in the Court” to “Lancaster”.   |
| 5 & 6 Geo. 5.<br>c. 90.               | The Indictments Act 1915.   | Section 2(3),<br>In Schedule 1 paragraph 13(3).   |
| 10 & 11 Geo. 5.<br>c. 81.             | The Administration of Justice Act 1920.                                   | Section 3(2).   |
| 14 & 15 Geo. 5.<br>c. 17.             | The County Courts Act 1924.   | Section 3.<br>Section 5.<br>Section 11(2).  |
| 15 & 16 Geo. 5.<br>c. 28.             | The Administration of Justice Act 1925.                                   | Section 19.   |

| Chapter                   | Short Title   | Extent of Repeal  |
|---------------------------|---|---|
| 15 & 16 Geo. 5.<br>c. 49. | The Supreme Court of<br>Judicature (Consolidation)<br>Act 1925. | <p>In section 3(1) the words from "or any person" to "High Court" in the first place where those words occur and the proviso to that subsection.</p> <p>Section 18(2)(a)(vii).</p> <p>Section 25.</p> <p>Section 52.</p> <p>Sections 70 to 83.</p> <p>In section 98(1) the words "other than a criminal proceeding by the Crown".</p> <p>Section 104(2).</p> <p>Section 105(2).</p> <p>Section 106.</p> <p>Section 109 and 109A.</p> <p>Sections 111 to 114.</p> <p>Section 115(3).</p> <p>Section 116(4).</p> <p>Section 118(2).</p> <p>Section 119(1).</p> <p>Section 123.</p> <p>Section 125.</p> <p>Sections 130 to 132.</p> <p>Section 201.</p> <p>In section 213(1) the words "or in any court created by any commission".</p> <p>In section 225 the definitions of "clerk of assize", "commission of assize", "county", "spring assizes" and "winter assizes".</p> <p>In Schedule 1 the entry relating to the Petty Bag Act 1849.</p> <p>In Schedule 3, in Part I, the words "Official Referee to the Supreme Court".</p> <p>In Schedule 4 the entry relating to an Official Referee and in column 2 of that Schedule paragraphs 2(ii) and 4(iii).</p> |
| 15 & 16 Geo. 5.<br>c. 86. | The Criminal Justice<br>Act 1925.                               | <p>In section 11 subsections (1), (2) and (4).</p> <p>Section 14.</p> <p>Section 20.</p> <p>Section 23.</p> <p>In section 41(2)(b) the word "recorder".</p> <p>In section 49(2) the definition of quarter sessions.</p>   |
| 16 & 17 Geo. 5.<br>c. 59. | The Coroners (Amendment)<br>Act 1926.                           | <p>In section 25(2) the words from "and such rules" to the end of the subsection.</p>   |
| 18 & 19 Geo. 5.<br>c. 26. | The Administration of<br>Justice Act 1928.                      | <p>Sections 3 and 4.</p> <p>In Schedule 1, the amendments of sections 112 and 116 of the Judicature Act 1925.</p>   |



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| Chapter                           | Short Title  | Extent of Repeal   |
|-----------------------------------|--|--|
| 19 & 20 Geo. 5.<br>c. 17.         | The Local Government Act 1929.                                     | In section 79(1) the words " or special juror "  |
| 20 & 21 Geo. 5.<br>c. 44.         | The Land Drainage Act 1930.  | In section 30(4) the words from the beginning to " section, but "  |
| 20 & 21 Geo. 5.<br>c. 51.         | The Reservoirs (Safety Provisions) Act 1930.                       | In section 5(1) the words " for the county or borough in which any part of the reservoir is situate "  |
| 21 & 22 Geo. 5.<br>c. 45.         | The Local Government (Clerks) Act 1931.                            | The whole Act.   |
| 23 & 24 Geo. 5.<br>c. 12.         | The Children and Young Persons Act 1933.                           | Section 56(2)(b).  |
| 23 & 24 Geo. 5.<br>c. 36.         | The Administration of Justice (Miscellaneous Provisions) Act 1933. | Section 1.<br>In section 2, in subsection (1) the words " or chairman ", subsections (4) and (5) and in subsection (6) the words " or of a commissioner of assize ".<br>In Schedule 2, paragraph 2.  |
| 23 & 24 Geo. 5.<br>c. 38.         | The Summary Jurisdiction (Appeals) Act 1933.                       | The whole Act.   |
| 23 & 24 Geo. 5.<br>c. 51.         | The Local Government Act 1933.                                     | Section 59(3).<br>In section 98 the words from " but " to the end of the section.<br>In section 100 subsection (2) and in subsection (3) in paragraph (a) the words from " or if " to " either office ", proviso (i) and in proviso (ii) the words from the beginning to " of the county ", and in subsection (4) the words from " or, where " to " those offices ".<br>In section 148(1)(d) the words " court of quarter sessions ", " clerk of the peace " and the word " sessions ".<br>Section 242(2).<br>In section 275(3) the words " palatine court or ". |
| 24 & 25 Geo. 5.<br>c. 53.         | The County Courts Act 1934.  | Section 9.<br>Section 29.<br>Part I of Schedule 1.   |
| 1 Edw. 8 &<br>1 Geo. 6.<br>c. 68. | The Local Government Superannuation Act 1937.                      | Section 19.<br>Part II of Schedule 2.  |
| 1 & 2 Geo. 6.<br>c. 63.           | The Administration of Justice (Miscellaneous Provisions) Act 1938. | Sections 1 to 5.<br>In section 8 the words " or court of quarter sessions ",<br>Section 11.<br>In Schedule 2 the amendments of sections 77 and 78 of the Judicature Act, of the Criminal Justice Act 1925 and of the local Acts for Middlesex and Hertfordshire.   |

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| Chapter                       | Short Title  | Extent of Repeal  |
|-------------------------------|--|---|
| 1 & 2 Geo. 6.<br>c. 67.       | The Supreme Court of Judicature (Amendment) Act 1938.        | In section 2 subsections (2) and (3).   |
| 9 & 10 Geo. 6.<br>c. 78.      | The Supreme Court of Judicature (Circuit Officers) Act 1946. | The whole Act.  |
| 11 & 12 Geo. 6.<br>c. 24.     | The Police Pensions Act 1948.                                | Section 5(2)(3).  |
| 11 & 12 Geo. 6.<br>c. 38.     | The Companies Act 1948.                                      | In section 270(9) the words following " Lord Chancellor " to " that court ".  |
| 11 & 12 Geo. 6.<br>c. 58.     | The Criminal Justice Act 1948.                               | In section 8(3) paragraph (b) of the proviso.<br>Section 17(3).<br>Section 20(4).<br>In section 35(2) the words " chairman of quarter sessions, recorder " and subsection (3).<br>Section 37(5).<br>In Schedule 9 the amendments of the Diplomatic Privileges Act 1708, the Beerhouse Act 1840, the Queen's Remembrancer Act 1859, the Local Government Act 1888, the Criminal Appeal Act 1907, the Costs in Criminal Cases Act 1908, the Licensing (Consolidation) Act 1910, the Local Government (Clerks) Act 1931 and the Summary Jurisdiction (Appeals) Act 1933. |
| 12, 13 & 14<br>Geo. 6. c. 51. | The Legal Aid and Advice Act 1949.                           | In Schedule 1 heads (e) to (k) of paragraph 1 and paragraph 5.  |
| 12, 13 & 14<br>Geo. 6. c. 68. | The Representation of the People Act 1949.                   | Section 45(6).<br>In section 111, subsections (1), (2), (4) and (7), and in subsection (3) the words " by the sheriff, mayor or other person ".<br>In section 163 in the definition of " public office " the words " clerk of the peace ".  |
| 12, 13 & 14<br>Geo. 6. c. 97. | The National Parks and Access to the Countryside Act 1949.   | In section 31, in subsection (2) paragraphs (a) and (d), and in subsections (3), (4), (5) and (6) the words " or committee " wherever they occur, and subsection (7).   |

## SCH. 11

| Chapter                           | Short Title                            | Extent of Repeal  |
|-----------------------------------|--|---|
| 12, 13 & 14<br>Geo. 6. c.<br>101. | The Justices of the Peace<br>Act 1949. | <p>In section 8(4), as set out in Schedule 4 to the Justices of the Peace Act 1968, the words "or recorder" and the words from "and a paid" to the end of the subsection, and section 8(8)(a).</p> <p>Section 10(5) except as respects Orders made before the coming into force of this repeal.</p> <p>In section 13, in subsection (1) the words "as a court of quarter sessions or" and in subsection (4) the words "at quarter sessions or".</p> <p>In section 16, paragraph (b) of the proviso to subsection (2), subsection (5) from the words "so however" onwards and subsection (6)(a).</p> <p>In section 20(6) the words "clerk of the peace".</p> <p>In section 27(2) the words from "otherwise" to "sessions".</p> <p>Sections 38 and 39.</p> <p>In section 44(1) the definition of "court of quarter sessions".</p> <p>In Schedule 2—</p> <p>in paragraph 11, in subparagraph (1) from the words "and the reference" to the end of the subparagraph, and in subparagraph (2) the words from "and in the case" to the end of the subparagraph,</p> <p>paragraphs 12 and 13,</p> <p>in paragraph 17, except as respects Orders made before the coming into force of this repeal, in subparagraph (1) the words "(including recorders)" and "court of quarter sessions or" (twice), and in subparagraph (2), in paragraph (a), the words "in or out of quarter sessions (including a recorder)" and paragraph (d).</p> <p>In Schedule 4 paragraphs 1(3) and 4.</p> |

| Chapter                                  | Short Title  | Extent of Repeal  |
|--|--|---|
| 14 & 15 Geo. 6.<br>c. 11.                | The Administration of Justice (Pensions) Act 1950.                         | Section 22.<br>In Schedule 1 the entry beginning "Judge appointed for a district" and the entries relating to an Official Referee and to a Clerk of Assize.<br>In Schedule 2, in the amendment of the County Courts Act 1934, the words from "in Part I" to "fortieths".<br>Schedule 4.   |
| 14 & 15 Geo. 6.<br>c. 39.                | The Common Informers Act 1951.   | In the Schedule the entries relating to the Levy of Fines Act 1822, the Juries Act 1825 and the Summary Jurisdiction Act 1848.  |
| 14 & 15 Geo. 6.<br>c. 65.                | The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951. | In section 48 the words "or clerk of the peace".<br>In Schedule 2, in Part I, the entry relating to clerk and deputy clerk of the peace, in Part II the two entries relating to clerk and deputy clerk of the peace.  |
| 15 & 16 Geo. 6<br>& 1 Eliz. 2.<br>c. 52. | The Prison Act 1952.   | In section 6, subsection (1), in subsection (2) the words from "other than" to "section", in subsection (3) the words "visiting committees and" and the words "visiting committee or", and subsection (4).<br>Section 20.<br>In section 25(7) the words "but not for the purpose of subsection (2) thereof".<br>In section 43(4)(a), the words "subsection (1) of section six".   |
| 15 & 16 Geo. 6<br>& 1 Eliz. 2.<br>c. 55. | The Magistrates' Courts Act 1952.  | Section 1(4).<br>Sections 9 to 12.<br>In section 19(3) the words "tell him before what court he would be tried if tried by a jury and".<br>In section 25(3) the words "tell him before what court he would be tried if tried by a jury and".<br>In section 34 the words "of assize or quarter sessions".<br>Section 84.<br>Section 85(1).<br>In section 126(1) the definition of "clerk of assize".<br>Section 129.<br>In Schedule 2 paragraph 6. |

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| Chapter  | Short Title                                     | Extent of Repeal   |
|--|---|--|
| 15 & 16 Geo. 6<br>& 1 Eliz. 2.<br>c. 55.— <i>cont.</i> | The Magistrates' Courts Act 1952.— <i>cont.</i> | In Schedule 5, in the amendment of the Criminal Law Amendment Act 1867 the words " clerk of assize, clerk of the peace or other ", and the amendments of the Assizes Relief Act 1889, the Summary Jurisdiction (Appeals) Act 1933 and sections 20 and 29 of the Criminal Justice Act 1948.   |
| 15 & 16 Geo. 6<br>& 1 Eliz. 2.<br>c. 68.               | The Cinematograph Act 1952.                     | Section 6(2).  |
| 1 & 2 Eliz. 2.<br>c. 25.                               | The Local Government Superannuation Act 1953.   | Section 24.<br>In Schedule 1, paragraph 11.  |
| 2 & 3 Eliz. 2.<br>c. 27.                               | The Judges' Remuneration Act 1954.              | The whole Act.   |
| 2 & 3 Eliz. 2.<br>c. 38.                               | The Supreme Court Officers (Pensions) Act 1954. | Section 1.<br>Section 3.   |
| 4 & 5 Eliz. 2.<br>c. 34.                               | The Criminal Justice Administration Act 1956.   | Part I.<br>Sections 13 to 15.<br>Section 16(1)(a).<br>In section 17, in subsection (1) the words from " nor " to the end of the subsection, and subsections (3) and (4).<br>Sections 19 and 20.<br>In section 21(2) the words from " except " to the end of the subsection.                  |
| 4 & 5 Eliz. 2.<br>c. 46.                               | The Administration of Justice Act 1956.         | Schedule 1.<br>Sections 9 and 10.<br>In section 25(1) the words from the beginning to " accordingly ".   |
| 4 & 5 Eliz. 2.<br>c. 69.                               | The Sexual Offences Act 1956.                   | Section 52.<br>In section 37(2) the words " if an indictment is not triable by a court of quarter sessions ".<br>In Schedule 2, in column 2, the words " not triable at quarter sessions " wherever they occur, and in paragraph 16 the words from " triable " to " not otherwise " (twice). |
| 5 & 6 Eliz. 2.<br>c. 20.                               | The House of Commons Disqualification Act 1957. | In Schedule 1, in Part I, all the entries from the first entry beginning " Commissioner " to the entry beginning " Judge of a County Court " except the entries relating to—<br>Judge of the Courts-Martial Appeal Court, and  |

| Chapter                               | Short Title  | Extent of Repeal  |
|---------------------------------------|--|---|
| 5 & 6 Eliz. 2.<br>c. 20— <i>cont.</i> | The House of Commons Disqualification Act 1957— <i>cont.</i> | <p>Chairman of the Scottish Lands Court;</p> <p>the six entries beginning with that relating to the Presiding Judge of the Liverpool Court of Passage and ending with the last entry beginning with the words "Whole-time salaried"; and the entry "Official Referee to the Supreme Court".</p> <p>In Schedule 1, in Part III, the entry "Clerk of Assize" and the entry "Registrar of any district of the Court of Chancery of the County Palatine of Lancaster".</p> <p>In Schedule 1, in Part IV the entries relating to a recorder and to a chairman or deputy chairman of a court of quarter sessions.</p> <p>In Schedule 3, in Part III of Schedule 1 as there set out the words "Clerk of Assize".</p> |
| 5 & 6 Eliz. 2.<br>c. 27.              | The Solicitors Act 1957.                                     | <p>In section 18(1) the words "any court of assize, any general or quarter sessions".</p> <p>In section 29(5) in the definition of "county office" the words "clerk or deputy clerk of the peace of a county", the words "the court of quarter sessions or by" and the words "or by a joint committee of the court of quarter sessions and the county council".</p>   |
| 5 & 6 Eliz. 2.<br>c. 46.              | The Judicial Offices (Salaries and Pensions) Act 1957.       | <p>In section 1, subsection (1)(a), in subsection (2) the words "to a recorder" and subsection (6).</p> <p>Section 2.</p> <p>Schedule 1.</p>  |
| 5 & 6 Eliz. 2.<br>c. 52.              | The Geneva Conventions Act 1957.                             | <p>In section 1(3) the words "Neither a court of quarter sessions".</p>   |
| 5 & 6 Eliz. 2.<br>c. 56.              | The Housing Act 1957.  | <p>Section 14(6)(7).</p>  |
| 6 & 7 Eliz. 2.<br>c. 55.              | The Local Government Act 1958.                               | <p>In section 38(2) the words "and a court of quarter sessions".</p>  |
| 7 & 8 Eliz. 2.<br>c. 5.               | The Adoption Act 1958.                                       | <p>Section 31(5).</p>   |

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| Chapter                    | Short Title                                   | Extent of Repeal   |
|----------------------------|---|--|
| 7 & 8 Eliz. 2.<br>c. 22.   | The County Courts Act 1959.                   | In section 2(2), the proviso.<br>Sections 3 to 10.<br>Sections 12 to 17.<br>Section 28.<br>Section 33.<br>In section 34(1) the words from "so however" to the end of the subsection.<br>In Schedule 2, paragraph 2(1).<br>In section 60, subsections (1), (3), (4) and (5).<br>Section 275(3).<br>In section 276, in subsection (1) the words from "the appeal" to the end of the subsection, and subsections (4), (7), (8) and (9). |
| 7 & 8 Eliz. 2.<br>c. 25.   | The Highways Act 1959.                        | Section 67(2).<br>Section 68(3).<br>Section 70(4).<br>Section 115(3).<br>Section 2.  |
| 7 & 8 Eliz. 2.<br>c. 72.   | The Mental Health Act 1959.                   | In section 3 subsections (3) and (5).<br>Sections 4 to 10.<br>Sections 14 to 18.<br>Section 21(3).<br>Schedule 4 except for the amendments (in Part I) of the South Staffordshire Stipendiary Justices Act 1899 and (in Part II) of section 24 of the Magistrates' Courts Act 1952.  |
| 10 & 11 Eliz. 2.<br>c. 15. | The Criminal Justice Administration Act 1962. | In section 3 subsections (3) and (5).<br>Sections 4 to 10.<br>Sections 14 to 18.<br>Section 21(3).<br>Schedule 4 except for the amendments (in Part I) of the South Staffordshire Stipendiary Justices Act 1899 and (in Part II) of section 24 of the Magistrates' Courts Act 1952.  |
| 1963 c. 2.                 | The Betting, Gaming and Lotteries Act 1963.   | In Schedule 2, in paragraph 6, the words from "in accordance" to "1849".<br>In Schedule 3, in paragraph 13(2), the words from "in accordance" to "1849".<br>In Schedule 7, in paragraph 5, the words from "in accordance" to "1849".   |
| 1963 c. 33.                | The London Government Act 1963.               | In Schedule 6 paragraph 20.  |
| 1963 c. 37.                | The Children and Young Persons Act 1963.      | Section 19.<br>In Schedule 3 paragraphs 28 and 51.   |
| 1964 c. 26.                | The Licensing Act 1964.                       | Section 21(3).<br>Subsections (1) and (2) of section 23.<br>In section 38(e) the words "for the constitution, where requisite, of committees of quarter sessions as standing committees, and".<br>Section 154(2).  |

| Chapter               | Title or Short Title                        | Extent of Repeal   |
|-----------------------|---|--|
| 1964 'c. 26<br>—cont. | The Licensing Act 1964<br>—cont.            | In Schedule 11, in paragraph 14, the words from the beginning to “be”.   |
| 1964 c. 42.           | The Administration of Justice Act 1964.     | <p>Section 1.</p> <p>In section 2, in subsection (3) the words “quarter sessions” and “the clerk of the peace”, and in subsection (4) the words from “and accordingly” to the end of the subsection.</p> <p>Sections 4 to 8.</p> <p>Section 10(5)(a).</p> <p>In section 13(2) the words “the chairman of the court of quarter sessions and” and the word “each”.</p> <p>Section 23.</p> <p>In section 25, subsection (1), in subsection (2) the words “commissions of assize and”, “quarter sessions” and “clerks of the peace” and subsections (3) and (4).</p> <p>In section 26 the words “quarter sessions”.</p> <p>In section 28, in subsection (2)(a) the words “or clerk of the peace”, subsection (2)(b) and in subsection (3) the words from “and ‘clerk of the peace’” to the end of the subsection.</p> <p>Section 29.</p> <p>Sections 34 and 35.</p> <p>Schedules 1 and 2.</p> <p>In Schedule 3 paragraphs 11, 14, 17, 22(1)(2), 23(1) and 28.</p> <p>Schedule 4.</p> |
| 1964 c. 84.           | The Criminal Procedure (Insanity) Act 1964. | In section 5(4), the words from “at the next” to “have been tried”.  |
| 1964 c. iv.           | The City of London (Courts) Act 1964.       | <p>Sections 4 to 6.</p> <p>Section 8.</p> <p>Sections 9 to 11.</p> <p>Sections 13 and 14.</p> <p>In section 15 the words “and the assistant judge of the court”, the words “and the assistant judge” and the proviso.</p> <p>Sections 16 to 21.</p>  |
| 1965 c. 66.           | The Hire-Purchase Act 1965.                 | Section 50.  |



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| Chapter     | Title or Short Title                                       | Extent of Repeal  |
|-------------|--|---|
| 1965 c. 69. | The Criminal Procedure (Attendance of Witnesses) Act 1965. | Section 3(3).<br>Sections 5 and 6.<br>Section 7(1).<br>In Schedule 1, in paragraph 1 the words following "rules of court", in paragraph 2 the words "or, as the case may be, standing orders" and sub-paragraph (c).<br>In Schedule 2, the amendments of the Quarter Sessions Act 1842, and of the Assizes Relief Act 1889.   |
| 1966 c. 31. | The Criminal Appeal Act 1966.                              | In section 1(3) the words "of the Queen's Bench Division" and paragraph (a).<br>Section 3(1).   |
| 1967 c. 9.  | The General Rate Act 1967.                                 | In Schedule 2 paragraph 5.<br>In section 7(1) the words "in accordance with the Quarter Sessions Act 1849" and the words "having jurisdiction in the rating district concerned".<br>In section 99(5) the words "for the area where the rate was made".  |
| 1967 c. 19. | The Private Places of Entertainment (Licensing) Act 1967.  | In section 5(4) the words from "and section 31" to the end of the subsection.   |
| 1967 c. 28. | The Superannuation (Miscellaneous Provisions) Act 1967.    | In section 3(4) in paragraph (a), in sub-paragraph (iii) the words "9 or" and sub-paragraphs (vii) and (viii).  |
| 1967 c. 56. | The Matrimonial Causes Act 1967.                           | In section 2(2) the words from "and may so provide" to the end of the subsection.   |
| 1967 c. 58. | The Criminal Law Act 1967.                                 | Section 8.<br>Schedule 1.<br>In Schedule 2, paragraph 1 and paragraph 15(2).  |
| 1967 c. 80. | The Criminal Justice Act 1967.                             | In section 22(4) the words "a court of quarter sessions".<br>In section 41, in subsection (1) the words "before which he appears or is brought" in the first place where they occur, in subsection (2) the words "having power to deal with him in respect of the suspended sentence" and subsection (3).<br>In section 42(5) the words from "but if a warrant" to the end of the subsection. |

| Chapter              | Title or Short Title  | Extent of Repeal  |
|----------------------|---|---|
| 1967 c. 80<br>—cont. | The Criminal Justice Act 1967—cont.   | <p>In section 47, subsection (5), and in subsection (7) the words “ and the clerk of the court ”.</p> <p>Section 54(4).</p> <p>Section 56(7).</p> <p>In section 76(4), in paragraph (b) the words from “ or any other court ” to “ 1962 ” and in paragraph (c) the words from “ or any other court ” to “ section 16 ”.</p> <p>In section 95, subsections (4) and (5).</p> <p>In section 104(1) the definition of “ the clerk of the court ”.</p> |
| 1968 c. 5.           | The Administration of Justice Act 1968.                                     | Section 1(1)(b)(iii).   |
| 1968 c. 19.          | The Criminal Appeal Act 1968.   | <p>In section 8(1), the words from “ and shall be tried ” to the end of the subsection.</p> <p>In section 24(2) the words from “ and the reference ” to the end of the subsection.</p> <p>In section 39(3) the words from “ and the reference ” to the end of the subsection.</p> <p>In Schedule 5 the amendment of the Children and Young Persons Act 1933.</p>  |
| 1968 c. 27.          | The Firearms Act 1968.  | <p>Section 44(2)(a).</p> <p>In Schedule 3, in Part I, paragraph 1.</p> <p>In Schedule 5, in Part I, the whole of the second column.</p>   |
| 1968 c. 60.          | The Theft Act 1968.   | <p>Section 29(1).</p> <p>In Schedule 2, in Part III, the amendment of the Criminal Law Act 1967.</p>  |
| 1968 c. 63.          | The Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968. | <p>In section 1(4), the words “ the Chancery Court of a County Palatine ” and the words from “ the Crown Court at Liverpool ” to “ quarter sessions ”.</p>  |
| 1968 c. 69.          | The Justices of the Peace Act 1968.   | <p>Section 1(8)(b).</p> <p>In Schedule 1, all except the entries (in all three columns) for stipendiary magistrates and the Commissioners and Assistant Commissioners of Police of the Metropolis.</p>  |

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| Chapter                      | Short Title                                      | Extent of Repeal   |
|------------------------------|--|--|
| 1968 c. 69<br>— <i>cont.</i> | The Justices of the Peace Act 1968— <i>cont.</i> | In Schedule 3, paragraph 2(2), in paragraph 3, the words “quarter sessions” and “the clerk of the peace”, in paragraph 4, sub-paragraphs (1), (2) and (3) and paragraph 7.                                     |
| 1969 c. 54.                  | The Children and Young Persons Act 1969.         | Section 3(9).  |
| 1969 c. 58.                  | The Administration of Justice Act 1969.          | In section 12 subsection (2)(b) and in subsection (8) the words “or commissioner” and “or paragraph (b)”.<br>Section 25(1)(a).<br>Section 26(1).   |
| 1970 c. 31.                  | The Administration of Justice Act 1970.          | Sections 7 and 8.<br>Section 45(1).<br>In Schedule 2, in paragraph 6 the amendments of sections 70, 109, 113, 115 and 116 of the Judicature Act 1925, and paragraph 10.<br>In Schedule 9, paragraphs 8 and 21. |

The repeal by this Schedule of any enactment in the Companies Clauses Consolidation Act 1845, or in any other Act enacted for incorporation in other Acts, shall extend so as to repeal that enactment as incorporated in any Act.

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