EXPLANATORY NOTE

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

These Rules replace the Justices (Supplemental List) Rules, 1941, in a form designed to give effect to the changes in the law made by Section 4 of the Justices of the Peace Act, 1949.

The Justices of the Peace (Size and Chairmanship of Bench) Rules, 1950

1950 No. 1908

Made - - - -	*29th November,* 1950
Laid before Parliament	*8th December,* 1950
Coming into Operation	*1st January,* 1951

I, William Allen, Viscount Jowitt, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by Section 13 of the Justices of the Peace Act, 1949(**a**), and all other powers enabling me in this behalf, hereby make the following Rules:—

1.—(1) The number of justices sitting to deal with a case as a court of quarter sessions shall not be greater than nine.

(2) The number of county or borough justices sitting to deal with a case as a magistrates' court shall not be greater than seven.

2.—(1) Within six months of the coming into operation of these Rules each court of quarter sessions shall prepare and submit to the Lord Chancellor a scheme designed to secure that there shall be enough justices (not exceeding the number specified in paragraph (1) of the foregoing Rule) sitting to deal with cases brought before the court.

(2) The Lord Chancellor may approve a scheme, with or without modifications, or, may direct the preparation and submission to him of another scheme.

(3) A scheme approved by the Lord Chancellor under these Rules may be amended at any time with the approval of the Lord Chancellor.

3.—(1) The justices for each petty sessions area shall, once in every year, in the manner hereinafter provided, elect from among their number a chairman and one or more deputy chairmen.

(2) The election of the chairman and deputy chairmen shall be made by the justices acting by a majority of the votes of those present and voting at a meeting of which at least seven days' notice shall be given to each justice for the petty sessions area.

(3) Each justice present at the meeting shall be provided with two lists of the justices for the petty sessions area and shall place a mark on one list against the name of the justice he wishes to be chairman and on the other list against the name or names of the justice or justices he wishes to be deputy chairman or deputy chairmen as the case may be.

(4) There shall be no disclosure of how individual justices have voted.

(5) Any justice for the petty sessions area shall be eligible for election as chairman or deputy chairman for the petty sessions area, and no justice or justices shall be nominated for election before the election takes place.

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

(6) Where an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the Clerk to the Justices or his Deputy shall forthwith decide between those candidates by lot.

(7) A chairman and a deputy chairman elected under these Rules shall hold office for one year from the 1st January next after the date of his election and he shall be eligible for re-election.

(8) Where a chairman or deputy chairman is elected under these Rules to serve during the year 1951 and the election of such chairman or deputy chairman takes place after the 1st January, 1951, the chairman or deputy chairman so elected shall hold office until the 31st December, 1951, and a further election shall be held before the 1st January, 1952, to elect a chairman or deputy chairman to serve from that date.

(9) Where a chairman or deputy chairman vacates his office from any cause whatever during the term of his appointment, the justices shall, as soon as practicable, proceed to elect, in manner hereinbefore provided, another chairman, or deputy chairman, as the case may be, who shall hold office for the remainder of the term of the appointment of the justice whom he replaces.

(10) In the foregoing provisions of this Rule the expression "justice" means a justice of the peace whose name has not been entered in the Supplemental List, and in relation to a part of the county (other than a borough having a separate commission of the peace) means a justice of the peace for the county who ordinarily acts in and for that part.

(11) Nothing in this Rule shall prevent the appointment by the justices present (in any manner which has been customary) of one of their number to preside at a court sitting to deal with any particular case.

4.—(1) These Rules may be cited as the Justices of the Peace (Size and Chairmanship of Bench) Rules, 1950.

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

(3) These Rules shall come into operation on the first day of January, 1951.

(4) Paragraph (2) of Rule 1 of these Rules shall not apply to a magistrates' court sitting as a juvenile court or for the purpose of the hearing and determination of domestic proceedings under the Summary Procedure (Domestic Proceedings) Act, 1937(**b**).

Dated the 29th day of November, 1950.

Jowitt, C.

EXPLANATORY NOTE

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

These Rules are made by virtue of the powers conferred by Section 13 of the Justices of the Peace Act, 1949. The Rules limit the number of justices who may sit to deal with a case at quarter sessions to nine and at petty sessions to seven. The Rules also provide for the annual election by secret ballot of a chairman and deputy chairman of the justices in every petty sessions area.

(**a**) 52 & 53 Vict. c. 63. (**b**) 1 Edw. 8 & 1 Geo. 6. c. 58.