JUSTICES OF THE PEACE

The Justices of the Peace Act, 1949 (Date of Commencement) Order, 1950

1950 No. 517

Made - - - - 31*st March*, 1950

At the Court at Windsor Castle, the 31st day of March, 1950

Present,

The King's Most Excellent Majesty in Council

Whereas by subsections (1) and (2) of section forty-five of the Justices of the Peace Act, 1949(a) (hereafter in this Order called "the Act"), it is provided that the Act shall come into force on such day as His Majesty may by Order in Council appoint and that, except in so far as the Act provides to the contrary, different days may be appointed for the purpose of different provisions of the Act and for different purposes of the same provision:

And Whereas by subsection (3) of the said section forty-five it is provided that any Order in Council under the section may make such transitional provision as appears to His Majesty to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or of any provisions of the Act then in force as appear to His Majesty necessary or expedient in consequence of the partial operation of the Act (whether before or after the day appointed by the Order):

Now, therefore, His Majesty in pursuance of the power vested in Him by the said section forty-five is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. Subject to Article 3 of this Order, the provisions of the Act specified in the first column of the First Schedule to this Order (which relate to the matters specified in the second column of the said Schedule) shall come into force on the first day of June, 1950.

2. The provisions of the Act specified in the first column of the Second Schedule to this Order (which relate to the matters specified in the second column of the said Schedule) shall come into force on the first day of January, 1951.

3. The transitional provisions set out in the Third Schedule to this Order shall have effect in connection with the provisions brought into force by Article 1 of this Order.

4. This Order may be cited as the Justices of the Peace Act, 1949 (Date of Commencement) Order, 1950.

E. C. E. Leadbitter.

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

FIRST SCHEDULE

PROVISIONS COMING INTO FORCE ON 1ST JUNE, 1950

Provisions of the Act	Subject matter of provisions
Section one	Residence qualification of justices.
Section two	The mayor as a justice.
Section three	Disqualification in certain cases of justices who are members of local authorities.
Section four	Supplemental list.
Section five	Saving for acts and appointments.
Section six	Amendment of Fisheries Acts.
Section seven	Restriction on right to practise as solicitor.
Section nine	Application of Part I to Scotland.
Subsections (2) to (8) of section eleven.	Justices and courts in London.
Section fourteen	Age of bench in juvenile courts.
Section twenty	Qualification of justices' clerk.
Subsections (1) to (5) and (8) to (12) of section twenty-nine.	Appointments of stipendiary magistrates outside London.
Section thirty	Local Act stipendiaries.
Section thirty-one	Appointments of stipendiary magistrates under previous Acts.
Section thirty-two	Salary of stipendiary magistrates.
Section thirty-three	Compulsory retirement and superannuation of stipendiary magistrates.
Section thirty-four	Sittings of stipendiary magistrates.
Section thirty-five	Remuneration of stipendiaries' deputies.
Section thirty-seven	Incorporation of probation committees.
Section thirty-nine	Transfer to Lord Chancellor of certain functions of Secretary of State.
Section forty	Appointment of interim clerk of the peace in Scotland.
Section forty-one	Authentication of certain licences.
Section forty-three	Expenses and payments into Exchequer.
Section forty-four	Interpretation.
Section forty-six, except so much of paragraph (*a*) of subsection (3) of the said section as relates to section eight.	Citation, repeal and extent.
First Schedule	Justices exempt from residence qualification.
In the Sixth Schedule, paragraph 6 and sub-paragraphs (2) and (3) of paragraph 4.	Consequential provisions as to local Act stipendiaries.
Part I of the Seventh Schedule and so much of Part III of the said Schedule as is set out in the Appendix hereto.	Repeals.

APPENDIX TO FIRST SCHEDULE

Session and Chapter	Title or Short Title	Extent of Repeal
2 & 3 Vict. c. 15.	The Staffordshire Potteries Stipendiary Justice Act, 1839.	In section six, the words from "at the rate" to "year"; in section seven, the words from "or sum" where first occurring to "or sum" where next occurring.

Session and Chapter	Title or Short Title	Extent of Repeal
2 & 3 Vict. c. 71.	The Metropolitan Police Courts Act, 1839.	In section three, the words from " each " to " bar ".
6 & 7 Vict. c. 68.	The Theatres Act, 1843 ...	In section five, the words from " and every " onwards.
21 & 22 Vict. c. 73.	The Stipendiary Magistrates Act, 1858.	Section fourteen.
26 & 27 Vict. c. 97.	The Stipendiary Magistrates Act, 1863.	The whole Act.
30 & 31 Vict. c. 63.	The Chatham and Sheerness Stipendiary Magistrate Act, 1867.	The whole Act.
32 & 33 Vict. c. 34.	The Stipendiary Magistrates Act, 1869.	In section two, the words from " who " to " years " and the words " qualified as aforesaid ".
34 & 35 Vict. c. xc.	The Staffordshire Potteries Stipendiary Justice Act, 1871.	Section twenty to " Provided always that " and from " Provided also " onwards, except as respects the magistrate holding office at the coming into force of this repeal; section twenty-one from the beginning to the words " pounds and ".
40 & 41 Vict. c. 43.	The Justices Clerks Act, 1877.	Section seven.
41 & 42 Vict. c. lv.	The Manchester Division and Borough of Salford (Stipendiary Justices) Act, 1878.	Section thirty-seven except as respects the magistrate holding office at the coming into force of this repeal; section forty-two from the word " not ", where first occurring, onwards; section forty-three except as respects a magistrate to whom subsection (1) of section thirty-three of this Act does not apply.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	Subsection (2) of section one hundred and fifty-nine; section one hundred and sixty-one.
57 & 58 Vict. c. xxvii.	The Merthyr Tydfil Stipendiary Justice Act, 1894.	In section four, the words from the first " shall " to " he ", except as respects the magistrate holding office at the coming into force of this repeal; in section five, the words from " at " to " State ".
58 & 59 Vict. c. cvii.	The Staffordshire Potteries Stipendiary Justice Act, 1895.	Section eight.
60 & 61 Vict. c. 26.	The Metropolitan Police Courts Act, 1897.	Section six; in section seven, in subsection (1) the words from " or " onwards.
61 & 62 Vict. c. 31.	The Metropolitan Police Courts Act, 1898.	The whole Act.
62 & 63 Vict. c. xc.	The South Staffordshire Stipendiary Justice Act, 1899.	In subsection (5) of section fifteen, the words from " of one " to " be paid "; in subsection (3) of section seventeen, the words from " of four " to " be paid ".

Session and Chapter	Title or Short Title	Extent of Repeal
7 Edw. 7. c. cxxviii.	The Merthyr Tydfil Stipendiary Justice Act, 1907.	In section three, in subsection (4) the words from " and such " to " magistrate " except as respects the magistrate holding office at the coming into force of this repeal.
10 & 11 Geo. 5. c. lxxxvi.	The Pontypridd Stipendiary Magistrate Act, 1920.	Section six from the first " attend " to the last " shall ", except as respects the magistrate holding office at the coming into force of this repeal; in section seven, the words from " at " to " State ".
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act, 1933.	The proviso to subsection (2) of section forty-seven; subsection (6) of section forty-eight; paragraph 3 of the Second Schedule.
26 Geo. 5. & 1 Edw. 8. c. cxi.	The Wolverhampton Corporation Act, 1936.	Except as respects the magistrate holding office at the coming into force of this repeal, section one hundred and one, except paragraph (*b*), and in that paragraph the words " under this section ".
1 Edw. 8. & 1 Geo. 6. c. 58.	The Summary Procedure (Domestic Proceedings) Act, 1937.	In section nine, in subsection (1), the words " the City of London or " and subsection (2).
8 & 9 Geo. 6. c. iv.	The Staffordshire Potteries Stipendiary Justice Act, 1945.	The whole Act.
9 & 10 Geo. 6. c. xxxviii.	The Manchester Corporation Act, 1946.	Section fifty-nine.

SECOND SCHEDULE

PROVISIONS COMING INTO FORCE ON 1ST JANUARY, 1951

Provisions of the Act	Subject matter of provisions
Section thirteen	Size and chairmanship of bench.
So much of Part III of the Seventh Schedule as relates to the Local Government Act, 1933.	Repeal.

THIRD SCHEDULE

TRANSITIONAL PROVISIONS

1. Notwithstanding anything in subsection (5) of section eleven of the Act, the justices of the peace for the City of London may, for the purpose of disposing of any proceedings commenced before the first day of June, 1950, continue as heretofore to exercise on and after the said date any jurisdiction which is required to be exercised by a juvenile court or any jurisdiction to hear and determine domestic proceedings.

2. Paragraph (*b*) of subsection (4) of section twenty of the Act shall have effect, until the date when section nineteen of the Act comes into force, as if for the reference in the said paragraph to the magistrates' courts committee there were substituted a reference to the justices by whom the appointment is made.

3. Sub-paragraph (3) of paragraph 4 of the Sixth Schedule to the Act shall have effect, until the date when section twenty-two of the Act comes into force, as if the words from " and paragraph 4 " to the end were omitted.