STATUTORY INSTRUMENTS

1964 No. 1107 (L. 9)

MAGISTRATES' COURTS

SESSIONS

The Justices of the Peace (Size and Chairmanship of Bench) Rules 1964

Made - - - -	16*th July* 1964
Laid before Parliament	23*rd July* 1964
Coming into Operation	1*st August* 1964

I, Reginald Edward, Baron Dilhorne, 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), as modified by section 33 of the Administration of Justice Act 1964(b), do hereby, after consultation with the Rule Committee appointed under section 15 of the said Act of 1949, make the following Rules :—

1.—(1) These Rules may be cited as the Justices of the Peace (Size and Chairmanship of Bench) Rules 1964.

(2) The Interpretation Act 1889(c) 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 1st August 1964.

(4) The Justices of the Peace (Size and Chairmanship of Bench) Rules 1950(d) and the Justices of the Peace (Size and Chairmanship of Bench) (Amendment) Rules 1951(e) are hereby revoked without prejudice to the continued operation of anything previously done thereunder.

2.—(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 justices sitting to deal with a case as a magistrates' court shall not be greater than seven.

(3) The foregoing paragraph shall not apply to a magistrates' court sitting as a juvenile court or hearing domestic proceedings within the meaning of section 56 of the Magistrates' Courts Act 1952(f).

3.—(1) Each court of quarter sessions shall administer a scheme approved by the Lord Chancellor to secure the presence at each sitting of the court of enough, but not more than enough, justices.

(a) 12, 13 & 14 Geo. 6. c. 101. (b) 1964 c. 42. (c) 52 & 53 Vict. c. 63.
(d) S.I. 1950/1908 (1950 I, p. 1151). (e) S.I. 1951/1982 (1951 I, p. 1173).
(f) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.

(2) A scheme approved by the Lord Chancellor in accordance with this Rule may be amended at any time with the approval of the Lord Chancellor.

4.—(1) In this Rule :—

the expression " justice " means any justice who ordinarily acts in and for the petty sessions area, other than—

(*a*) any person whose name has been entered in the Supplemental List, and

(*b*) any person who is a justice of the peace by virtue only of his office as a mayor of a borough or chairman of the council of a county or county district or of the Greater London Council ;

the expression " Clerk to the Justices " includes any person acting as such.

(2) The justices for each petty sessions area shall elect from among their number a chairman and one or more deputy chairmen at a meeting to be held in the month of October in every year, of which at least seven days' notice shall be given to each justice for the petty sessions area.

(3) No justice shall be nominated for election before the election takes place.

(4) The justices present shall not proceed to elect a deputy chairman before—

(*a*) the result of the ballot for the election of the chairman has been announced, and

(*b*) they have decided how many deputy chairmen are to be elected.

(5) The Clerk to the Justices shall prepare ballot papers containing the names of all the justices in the petty sessions area and shall hand to each justice present at the meeting one list for the election of the chairman and one list for the election of the deputy chairman or deputy chairmen, and each justice 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.

(6) Immediately after each ballot has been closed the Clerk to the Justices shall collect the ballot papers, count the votes and announce the result.

(7) Subject to the provisions of this Rule, no justice shall be declared to be elected chairman unless he obtains more than half of the votes cast and, if no justice obtains such a majority at a ballot, subsequent ballots shall be held until such a majority is obtained :

Provided that, if, after three ballots have been held, no justice has obtained such a majority, the justice who has obtained most votes in the aggregate in the three ballots shall be declared to be elected.

(8) Subject to the provisions of this Rule, the result of a ballot for the election of a deputy chairman or deputy chairmen shall be ascertained by counting the votes given to each justice, and the justice or justices, as the case may be, who have obtained the most votes shall be declared to be elected.

(9) Where any justices receive an equal number of votes and the addition of a vote would entitle one of them to be elected, the Clerk to the Justices shall forthwith decide between those justices by lot and proceed as if the justice on whom the lot falls had received an additional vote.

(10) A ballot paper shall be deemed to be void if—

(*a*) it is unmarked ; or

(*b*) it bears any mark or writing from which the voter can be identified ; or

(*c*) it is marked in such a manner that there is doubt as to the identity of the justice for whom the vote is recorded ;

and such a ballot paper shall be rejected by the Clerk to the Justices when the votes are counted.

(11) There shall be no disclosure how any justice voted.

(12) 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 shall be eligible for re-election.

(13) If the office of chairman or deputy chairman becomes or is about to become vacant for any reason, the justices shall, as soon as practicable, proceed to elect, in the 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.

(14) In the absence of a chairman or deputy chairman elected under these Rules, nothing in this Rule shall prevent the appointment by justices present (in any manner which has been customary) of one of their number to preside at a court sitting to deal with any case.

Dated 16th July 1964.

Dilhorne, C.

EXPLANATORY NOTE

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

These Rules revoke and re-enact, with minor amendments, the Justices of the Peace (Size and Chairmanship of Bench) Rules 1950 and the Justices of the Peace (Size and Chairmanship of Bench) (Amendment) Rules 1951. In accordance with section 33 of the Administration of Justice Act 1964, Rule 4(1) restricts the class of justices who may take part in the election of the Chairman or Deputy Chairman in any Petty Sessional Division by excluding those who are justices only by virtue of election as Mayor of a Borough or as Chairman of any other local authority.