



# Access to Justice Act 1999

## 1999 CHAPTER 22

### PART VI

#### IMMUNITY AND INDEMNITY

##### *Justices and their clerks*

#### **98 Justices and clerks: immunity from costs.**

(1) <sup>F1</sup> .....

(2) In the <sup>M1</sup>Magistrates' Courts (Northern Ireland) Order 1981, after Article 6 insert—

#### **6A “Costs in legal proceedings**

(1) A court may not order any resident magistrate, justice of the peace or clerk of petty sessions to pay costs in any proceedings in respect of any act or omission of his in the execution (or purported execution) of his duty—

- (a) as such a magistrate or justice; or
- (b) as such a clerk exercising, by virtue of any statutory provision, any of the functions of a magistrates' court.

(2) Paragraph (1) does not apply in relation to—

- (a) any proceedings in which a resident magistrate, justice of the peace or clerk of petty sessions is being tried for an offence or is appealing against a conviction; or
- (b) any proceedings in which it is proved that a resident magistrate, justice of the peace or clerk of petty sessions acted in bad faith in respect of the matters giving rise to the proceedings.

(3) Where a court is prevented by paragraph (1) from ordering a resident magistrate, justice of the peace or clerk of petty sessions to pay costs in any proceedings, the court may instead order the making by the Lord Chancellor of a payment in respect of the costs of a person in the proceedings.

*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Part VI. (See end of Document for details)*

- (4) The Lord Chancellor may by regulations specify—
  - (a) circumstances when a court shall or shall not exercise the power conferred on it by paragraph (3); and
  - (b) how the amount of any payment ordered under that paragraph is to be determined.
- (5) Regulations under paragraph (4) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the <sup>M2</sup>Statutory Instruments Act 1946 shall apply accordingly.”

- (3) In—
  - (a) Article 145A of the <sup>M3</sup>Magistrates’ Courts (Northern Ireland) Order 1981 (county court judge hearing certain appeals to be treated like resident magistrate in relation to immunity), <sup>F2</sup>. . .
  - (b) <sup>F2</sup>. . . . .  
after “6” insert “, 6A ”.

**Textual Amendments**

**F1** S. 98(1) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

**F2** S. 98(3)(b) and preceding word repealed (1.4.2005) by Justice (Northern Ireland) Act 2002 (c. 26), ss. 86, 87, **Sch. 13**; S.R. 2005/109, **art. 2**, Sch.

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**Marginal Citations**

**M1** S.I. 1981/1765 (N.I.26).

**M2** 1946 c.36.

**M3** S.I. 1981/1675 (N.I.26).

**99 Justices and clerks: indemnity.**

<sup>F3</sup> . . . . .

**Textual Amendments**

**F3** S. 99 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

**100 Assistant justices’ clerks: immunity from action.**

<sup>F4</sup> . . . . .

**Textual Amendments**

**F4** S. 100 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

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*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Part VI. (See end of Document for details)*

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*General Commissioners of income tax and their clerks*

**101 General Commissioners: immunity from action.**

F5 .....

**Textual Amendments**

**F5** Ss. 101-103 repealed (1.4.2009) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 146, 148, Sch. 23 Pt. 1; S.I. 2008/2696, art. 6

**102 General Commissioners: immunity from costs and expenses.**

F6 .....

**Textual Amendments**

**F6** Ss. 101-103 repealed (1.4.2009) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 146, 148, Sch. 23 Pt. 1; S.I. 2008/2696, art. 6

**103 General Commissioners and clerks: indemnity.**

F7 .....

**Textual Amendments**

**F7** Ss. 101-103 repealed (1.4.2009) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 146, 148, Sch. 23 Pt. 1; S.I. 2008/2696, art. 6

*Coroners*

**104 Indemnity.**

(1) In the <sup>M4</sup>Coroners Act 1988, after section 27 insert—

**“27A Indemnity.**

- (1) A coroner shall be indemnified by the relevant council (without having to lay before them an account under section 27 above) in respect of—
- (a) any costs which he reasonably incurs in or in connection with proceedings in respect of anything done or omitted in the exercise (or purported exercise) of his duty as a coroner;
  - (b) any costs which he reasonably incurs in taking steps to dispute any claim which might be made in such proceedings;
  - (c) any damages awarded against him or costs ordered to be paid by him in any such proceedings; and
  - (d) any sums payable by him in connection with a reasonable settlement of any such proceedings or claim.

*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Part VI. (See end of Document for details)*

- (2) Subsection (1) above applies in relation to proceedings by a coroner only if and to the extent that the relevant council agrees in advance to indemnify him.
- (3) A coroner may appeal to the Secretary of State, or to any person appointed by the Secretary of State for the purpose, from any decision of the relevant council under subsection (2) above.
- (4) Any amount due to a coroner under this section shall be paid—
- (a) in the case of a metropolitan or non-metropolitan district council or London borough council, out of the general fund;
  - (b) in the case of a non-metropolitan county council in England, out of the county fund;
  - (c) in the case of the council of a Welsh principal area, out of the council fund; and
  - (d) in the case of the Common Council, out of the City fund.
- (5) In the case of a coroner for a coroner’s district which—
- (a) consists of two or more metropolitan districts, special non-metropolitan districts or London boroughs;
  - (b) lies partly in each of two or more Welsh principal areas; or
  - (c) lies partly in each of two or more non-metropolitan counties in England,
- any amount due to the coroner under this section shall be apportioned between the councils of those districts, boroughs, areas or counties in such manner as they may agree or, in default of agreement, as may be determined by the Secretary of State.”

(2) In <sup>M5</sup>the Coroners Act (Northern Ireland) 1959, after section 5 insert—

**“5A Indemnity.**

- (1) A coroner shall be indemnified by the Lord Chancellor in respect of—
- (a) any costs which he reasonably incurs in or in connection with proceedings in respect of anything done or omitted in the exercise (or purported exercise) of his duty as a coroner;
  - (b) any costs which he reasonably incurs in taking steps to dispute any claim which might be made in such proceedings;
  - (c) any damages awarded against him or costs ordered to be paid by him in any such proceedings; and
  - (d) any sums payable by him in connection with a reasonable settlement of any such proceedings or claim.
- (2) Sub-section (1) applies in relation to proceedings by a coroner only if and to the extent that the Lord Chancellor agrees in advance to indemnify him.”

**Marginal Citations**

**M4** 1988 c.13.

**M5** 1959 c.15(N.I.).

**Changes to legislation:**

There are currently no known outstanding effects for the Access to Justice Act 1999, Part VI.