
STATUTORY INSTRUMENTS

2006 No. 3405 (L. 14)

MAGISTRATES' COURTS

The Assistants to Justices' Clerks Regulations 2006

Made - - - - 18th December 2006
Laid before Parliament 19th December 2006
Coming into force - - 9th January 2007

The Lord Chancellor, in exercise of the power conferred on him by section 27(6) of the Courts Act 2003⁽¹⁾, makes the following Regulations:

Citation and Commencement

1. These Regulations may be cited as the Assistants to Justices' Clerks Regulations 2006 and shall come into force on 9 January 2007.

Revocation

2. The following Rules are revoked—
- (a) The Justices' Clerks (Qualifications of Assistants) Rules 1979⁽²⁾,
 - (b) The Justices' Clerks (Qualifications of Assistants) (Amendment) Rules 1998⁽³⁾,
 - (c) The Justices' Clerks (Qualifications of Assistants) (Amendment) Rules 1999⁽⁴⁾,
 - (d) The Justices' Clerks (Qualifications of Assistants) (Amendment) Rules 2001⁽⁵⁾.

Qualifications needed by assistant clerks

3. An assistant clerk may be employed as a clerk in court only if he is a barrister or solicitor of the Supreme Court or has passed the necessary examinations for either of those professions, or has been granted an exemption in relation to any examination by the appropriate examining body.

(1) 2003 c.39.

(2) S.I. 1979/570. The Rules are treated as if made under section 27(6) of the Courts Act 2003, and may be varied or revoked, by virtue of S.I. 2005/911, article 6(a).

(3) S.I. 1998/3107

(4) S.I. 1999/2814

(5) S.I. 2001/2269

4. Notwithstanding the provisions of regulation 3 above, the Lord Chancellor may designate any person be employed as a clerk in court for such period not exceeding six months as he may specify if he is satisfied—

- (a) that the person so specified is, in the circumstances, a suitable person to be employed as a clerk in court, and
- (b) that no other arrangements can reasonably be made for the hearing of proceedings before the court.

Unqualified assistant clerks

5.—(1) The Lord Chancellor may designate a person who is not qualified under regulation 3 above to perform the functions mentioned in paragraph (2) below.

(2) A person designated under paragraph (1) above may carry out the functions contained in paragraphs 7, 8, 9(a), 10 to 11 (with the exception of enlarging sureties), 15, 24, 25, 26B and 27 to 36 in the Schedule to the Justices' Clerks Rules 2005⁽⁶⁾, to the extent that they are performed out of court, provided that that person has been specifically authorised by the justices' clerk for that purpose.

Signed by authority of the Lord Chancellor

18th December 2006

Harriet Harman
Minister of State
Department for Constitutional Affairs

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations revoke the Justices' Clerks (Qualifications of Assistants) Rules 1979 and subsequent amending instruments, and replace them with new Regulations. The Regulations set out the qualifications for assistants to justices' clerks.

The Regulations also prescribe circumstances in which a person may be employed as a clerk in court for a specified temporary period.

The Regulations also prescribe circumstances in which a person who does not have a qualification to act as a court clerk, may be designated as an assistant clerk for the purposes of performing certain out of court functions specified by the Regulations. The effect of designating a person as an assistant clerk is that the Justices' Clerks Rules 2005 will govern the performance of the relevant functions; in particular this means that the authorisation of a justices' clerk will be needed in accordance with rule 3 of those Rules.