



# Police and Magistrates' Courts Act 1994

## 1994 CHAPTER 29

### PART IV

#### MAGISTRATES' COURTS

##### *Justices' chief executives, justices' clerks and staff*

#### **75 Appointment and functions of justices' chief executive**

After section 24C of the 1979 Act there shall be inserted—

##### *“Justices' chief executives, justices' clerks and staff*

#### **24D Appointment of justices' chief executive**

- (1) Every magistrates' courts committee shall appoint a justices' chief executive.
- (2) A person may not be appointed as justices' chief executive unless—
  - (a) the magistrates' courts committee have submitted to the Lord Chancellor, in accordance with regulations, an application for approval of one or more persons offering themselves for the appointment,
  - (b) the Lord Chancellor has approved one or more of those persons, and
  - (c) the person appointed is a person so approved.
- (3) For the purposes of subsection (2) above, appointment as justices' chief executive does not include, in relation to a person employed as such under a contract for a fixed term, re-appointment on the expiry of that term.
- (4) Where the Lord Chancellor declines to approve any person who is named in an application under subsection (2)(a) above, he shall inform the magistrates' courts committee of the reasons for his decision.
- (5) A person may not be appointed as justices' chief executive unless he is eligible under section 26 of this Act for appointment as justices' clerk.

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*Status: This is the original version (as it was originally enacted).*

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- (6) A person may not be appointed both as justices' chief executive and as justices' clerk for a petty sessions area unless the Lord Chancellor has agreed that he may hold both appointments.
- (7) Where, in accordance with subsection (6) above, a person holds an appointment as justices' chief executive with an appointment as justices' clerk for a petty sessions area, he shall not exercise any functions as justices' clerk for the petty sessions area unless authorised to do so (either generally or in any particular case) by the magistrates' courts committee for the area which includes that petty sessions area.
- (8) In this section "regulations" means regulations made by the Lord Chancellor by statutory instrument.

#### **24E Functions of justices' chief executive**

- (1) The justices' chief executive in relation to any magistrates' courts committee shall—
  - (a) act as clerk to the committee, and
  - (b) subject to and in accordance with any directions given by the committee, carry on the day to day administration of the magistrates' courts for the area to which the committee relates.
- (2) A justices' chief executive may arrange for his functions under subsection (1) (a) above to be exercised by any member of the staff of the magistrates' courts committee.
- (3) It shall be the duty of the justices' chief executive to make arrangements for discussions relating to law, practice and procedure among the justices' clerks for petty sessions areas within the area of the committee."