

*These notes refer to the Courts Act 2003 (c.39)
which received Royal Assent on 20 November 2003*

COURTS ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS: PART 2

Protection and indemnification of justices and justices' clerks

Section 35: Indemnity

87. **Section 35** makes similar provision to section 54 of the JPA 1997 with some amendments. This section reflects the fact that in future the Lord Chancellor, rather than a magistrates' courts committee, may indemnify justices of the peace, justices' clerks and their assistants against costs orders in any proceedings, not only proceedings taken against them. The section also removes the right of appeal to a person appointed by the Lord Chancellor against a decision by a MCC to refuse to indemnify a person under this section. This is because in future the Lord Chancellor will decide whether a person should be indemnified. A person unhappy with a decision by the Lord Chancellor to refuse to indemnify them would, however, have recourse to judicial review proceedings.