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STATUTORY INSTRUMENTS

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**2001 No. 2269 (L. 26)**

**MAGISTRATES' COURTS,  
ENGLAND AND WALES**

**The Justices' Clerks (Qualifications of  
Assistants) (Amendment) Rules 2001**

<i>Made</i>	- - - -	<i>21st June 2001</i>
<i>Laid before Parliament</i>		<i>21st June 2001</i>
<i>Coming into force</i>	- -	<i>13th July 2001</i>

The Lord Chancellor, in exercise of the powers conferred on him by subsection (1) of section 144 of the Magistrates' Courts Act 1980<sup>(1)</sup> as extended by section 44(3) of the Justices of the Peace Act 1997<sup>(2)</sup>, after consultation with the Rule Committee appointed under the said section 144, makes the following Rules:

**Citation and commencement**

1. These Rules may be cited as the Justices' Clerks (Qualifications of Assistants) (Amendment) Rules 2001 and shall come into force on 13th July 2001.

**Interpretation**

2. In these Rules, "the Rules" means the Justices' Clerks (Qualifications of Assistants) Rules 1979<sup>(3)</sup>, and a reference to a rule by number alone means the rule so numbered in the Rules.

**Transitional Provisions**

3. These Rules shall apply to any person employed as a clerk in court whenever so employed.

**Amendments to the Justices' Clerks (Qualifications of Assistants) Rules 1979**

4. The following provisions of the Rules shall be omitted—

- (a) in rule 2(1), the definitions of "Joint Negotiating Committee" and "preliminary professional examination";

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(1) 1980 c. 43.

(2) 1997 c. 25.

(3) S.I.1979/570; relevant amending instruments are S.I. 1998/3107 and 1999/2814.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (b) in rule 2A(1)(a), the words “provided that no more than three calendar months have elapsed between any two successive periods of employment”;
  - (c) rule 2A(2);
  - (d) in rule 3, the reference to rule 5; and
  - (e) rule 5.
5. In rule 6, the words “rules 3 to 4 above” shall be substituted for the words “rules 3 to 5 above”.

21st June 2001

*Irvine of Lairg, C.*

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Justices' Clerks (Qualifications of Assistants) Rules 1979 so as to:

- (a) remove the requirement that to be employed as a clerk in court after 31st December 2008, a court clerk employed on 31st December 1998, who had not attained the age of 40 at that date, must qualify as a barrister or solicitor or pass all the examinations for one of those professions; and
- (b) provide that a person employed as a clerk in court before 1st January 1999 who is not qualified under rule 4(1)(a) (that is to say, as a solicitor or barrister, or by having passed all the examinations for one of those professions) may accept further contracts of employment as a clerk in court, regardless of any interval between successive contracts.

The Rules also make minor drafting amendments.