

**2001 No. 612**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Local Government (Magistrates' Courts etc.)  
(Amendment) Order 2001**

*Made - - - - - 27th February 2001*

*Laid before Parliament 2nd March 2001*

*Coming into force - - 1st April 2001*

The Lord Chancellor, in exercise of the powers conferred on him by section 101 of the Local Government Act 1985(a), hereby makes the following Order:

1. This Order may be cited as the Local Government (Magistrates' Courts etc.) (Amendment) Order 2001 and shall come into force on the 1st April 2001.
2. In the Local Government (Magistrates' Courts etc.) Order 1985(b)—
  - (i) in article 3 (preliminary arrangements), in paragraph (3) for the words "justices' clerk", in each place where they occur, there shall be substituted the words "justices' chief executive" and in paragraph (8) for the words "justices' clerks" there shall be substituted the words "justices' chief executives"; and
  - (ii) in article 4 (manner of election to and period of office etc.), in paragraph (2)(a)(i) and (f), for the words "clerk to the justices", in each place where they occur, there shall be substituted the words "justices chief executive".

*Irvine of Lairg, C.*

27th February 2001

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(a) 1985 c. 51; by virtue of section 103(6), the power conferred on the Secretary of State by section 101 may also be exercised by any appropriate Minister which, by virtue of section 105(2) has the meaning given to it in the Local Government Act 1972 (c. 70), section 270(1) and is, in relation to magistrates' courts, the Lord Chancellor.  
(b) S.I. 1985/1383. The amending instruments are not relevant.

## EXPLANATORY NOTE

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

This Order amends the Local Government (Magistrates' Courts etc.) Order 1985 to transfer the administrative functions of justices' clerks under the Order to justices chief executives in line with section 90 (transfer of clerks' functions to chief executives) of, and Schedule 13 to, the Access to Justice Act 1999 (c. 22) which implement corresponding transfers in primary legislation.

Subsection (5) of that section provides that for the purposes of that section the administrative functions of justices' clerks are all of their functions apart from those which are legal functions within the meaning given by section 48(2) of the Justices of the Peace Act 1997 (c. 25), as substituted by section 89(1) of the 1999 Act.

£1.50

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under the authority and superintendence of Carol Tullo, Controller of  
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.  
E91 03/2001 582047 19585

ISBN 0-11-028897-1



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