
STATUTORY INSTRUMENTS

2014 No. 603

The Justices' Clerks and Assistants Rules 2014

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Justices' Clerks and Assistants Rules 2014 and shall come into force on the day on which section 17(3) of the Crime and Courts Act 2013(1) comes fully into force.

(2) In these Rules—

“the Act” means the Matrimonial and Family Proceedings Act 1984;

“assistant justices' clerk” is an assistant to a justices' clerk within the meaning of section 27(5) of the Courts Act 2003(2);

“CPA” means the Civil Partnership Act 2004(3);

“FPR” means the Family Procedure Rules 2010(4);

“MCA” means the Matrimonial Causes Act 1973(5);

“undefended case” has the meaning given in FPR rule 7.1(3);

Functions which may be carried out by a justices' clerk

2. The functions of the family court or of a judge of the court that may be carried out by a justices' clerk are the functions of the family court or of a judge of the court specified in the provisions listed in the first column of the table in the Schedule subject to the exceptions or restrictions specified in the second column in relation to particular functions.

Functions which may be carried out by an assistant justices' clerk

3.—(1) An assistant justices' clerk may carry out any function that a justices' clerk may carry out pursuant to rule 2, provided that that assistant justices' clerk has been authorised by a justices' clerk to carry out that function.

(2) The functions specified in section 31O(2) of the Act may be carried out by an assistant justices' clerk.

(3) An authorisation by a justices' clerk under paragraph (1) above must be recorded in writing at the time the authorisation is given or as soon as practicable thereafter.

Duty to refer if inappropriate to carry out function

4.—(1) When considering carrying out a function specified in the Schedule, a justices' clerk must consider whether in the particular circumstances it would be inappropriate to carry out the function.

(1) 2013 c.22.

(2) 2003 c.39.

(3) 2004 c.33.

(4) S.I. 2010/2955; relevant amending instruments are S.I. 2011/1328, 2012/679, 2007, 2046, 2806 and 3006, 2013/530 and 3204.

(5) 1973 c.18.

Status: This is the original version (as it was originally made).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

(2) If a justices' clerk determines that it would be inappropriate to carry out a function specified in the Schedule, the justices' clerk must refer the matter to the court.

(3) References in this rule to a justices' clerk include a person authorised in accordance with rule 3.

Signed by the authority of the Lord Chancellor

12th March 2014

Simon Hughes
Parliamentary Under Secretary of State
Ministry of Justice