



Justices of the Peace Act 1968

1968 CHAPTER 69

5 Justices' clerks

- (1) Rules made in accordance with section 15 of the Justices of the Peace Act 1949 may, except in so far as any enactment passed after this Act directs otherwise, make provision enabling things authorised to be done by, to or before a single justice of the peace, to be done instead by, to or before a justices' clerk; and any enactment or rule of law regulating the exercise of any jurisdiction or powers of justices of the peace, or relating to things done in the exercise or purported exercise thereof, shall apply in relation to the exercise or purported exercise thereof by virtue of this subsection by the clerk to any justices as if he were one of those justices.
- (2) The power conferred by section 15 of the Justices of the Peace Act 1949 to make rules for regulating and prescribing the procedure and practice to be followed by justices' clerks shall, without prejudice to the generality of section 15(1), include power to provide that, subject to any exceptions prescribed by the rules, persons shall not be employed to assist a justices' clerk in any capacity so prescribed, or shall not be permitted to do on behalf of a justices' clerk any such acts as may be so prescribed, unless those persons are qualified (any age limits apart) to be appointed justices' clerk or have such other qualifications as may for any purpose be allowed by the rules.
- (3) It is hereby declared that the functions of a justices' clerk include the giving to the justices to whom he is clerk or any of them, at the request of the justices or justice, of advice about law, practice or procedure on questions arising in connection with the discharge out of sessions of their or his functions as justices, including questions arising when the clerk is not personally attending on the justices or justice, and that the clerk may, at any time when he thinks he should do so, bring to the attention of the justices or justice any point of law, practice or procedure that is or may be involved in any question so arising ; but the enactment of this subsection shall not be taken as defining or in any respect limiting the powers and duties belonging to a justices' clerk or the matters on which justices may obtain assistance from their clerk.