



# Justices of the Peace Act 1979 (repealed 19.6.1997)

## 1979 CHAPTER 55

### PART II

#### ORGANISATION OF FUNCTIONS OF JUSTICES

##### *Justices' clerks and their staffs*

#### [<sup>F1</sup>25 Appointment and removal of justices' clerks.

- (1) Justices' clerks shall be appointed by the magistrates' courts committee; and a magistrates' courts committee may appoint more than one justices' clerk for any petty sessions area.
- (2) A person may not be appointed as justices' clerk unless—
  - (a) the magistrates' courts committee have submitted to the Lord Chancellor, in accordance with regulations, an application for approval of one or more persons offering themselves for the appointment,
  - (b) the Lord Chancellor has approved one or more of those persons, and
  - (c) the person appointed is a person so approved.
- (3) For the purposes of subsection (2) above, appointment as justices' clerk does not include, in relation to a person employed as such under a contract for a fixed term, re-appointment on the expiry of that term.
- (4) Where the Lord Chancellor declines to approve any person who is named in an application under subsection (2)(a) above, he shall inform the magistrates' courts committee of the reasons for his decision.
- (5) The approval of the Lord Chancellor shall be required—
  - (a) for any decision to increase the number of justices' clerks in a petty sessions area or to have more than one justices' clerk in a new petty sessions area, or

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*Status: Point in time view as at 01/04/1995. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997), Section 25. (See end of Document for details)*

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- (b) for the removal of the justices' clerk for a petty sessions area where the magistrates for the area do not consent to the removal.
- (6) A magistrates' courts committee shall consult the magistrates for any petty sessions area—
- (a) on the appointment of a justices' clerk for the area, except in the case of a re-appointment on the expiry of a fixed term, or
  - (b) on the removal of a justices' clerk for the area.
- (7) Before—
- (a) approving any persons under subsection (2) above, or
  - (b) approving the removal of a justices' clerk,
- the Lord Chancellor shall consider any representations made to him by the magistrates for the petty sessions area concerned; and before approving the removal of a justices' clerk the Lord Chancellor shall also consider any representations made to him by the clerk.
- (8) For the purposes of subsections (5) to (7) above, removal as justices' clerk shall be taken to include, in relation to a person employed as such under a contract for a fixed term, the expiry of that term without renewal in any case where the clerk has not consented to the failure to renew.
- (9) In this section “regulations” means regulations made by the Lord Chancellor by statutory instrument.]

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**Textual Amendments**

**F1** S. 25 substituted (1.4.1995) by 1994 c. 29, s.76; S.I. 1995/685, art.4(d)

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**Modifications etc. (not altering text)**

**C2** S. 25 modified (1.4.1995) by 1994 c. 29, s. 80(3); S.I. 1995/685, art.4(f)

**Status:**

Point in time view as at 01/04/1995. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997), Section 25.