



Justices of the Peace Act 1949

1949 CHAPTER 101

PART III

MAGISTRATES' COURTS COMMITTEES AND JUSTICES' CLERKS

19 Appointment and conditions of service of justices' clerks

- (1) Justices' clerks shall be appointed by the magistrates' courts committee and shall hold office during the pleasure of the committee, and the committee may appoint more than one justices' clerk for any area.
- (2) A justices' clerk shall be paid a salary for his personal remuneration, and the salary shall be deemed to be remuneration for all business which he may by reason of his office as justices' clerk be called upon to perform, other than any duties as secretary to a licensing planning committee under the Licensing Planning (Temporary Provisions) Acts, 1945 and 1946.
- (3) A justices' clerk may be paid a single salary in respect of two or more clerkships.
- (4) Subject to subsection (6) of this section, a justices' clerk shall be provided with the accommodation and staff, and the furniture, books and other things, proper to enable him to carry out his duties.
- (5) A justices' clerk shall, in addition to his salary, be paid the amount of any expenses of a description specified when his salary is determined, being expenses incurred by him with the general or special authority of the magistrates' courts committee.
- (6) Where a justices' clerk devotes part of his time to work other than the duties appertaining to his clerkship or clerkships, he may by arrangement with the magistrates' courts committee make use for the purpose of those duties of any accommodation, staff or equipment which he has for other purposes, and the sums payable to him under the last foregoing subsection may include payments for accommodation, staff or equipment so provided by him, whether or not he thereby incurs additional expense.

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- (7) Any staff provided for a justices' clerk shall be employed by the magistrates' courts committee but shall work under the direction of the clerk, and subject to this Act the committee may make any arrangements they think fit for staff to be engaged and dismissed, and the terms of their employment fixed, on behalf of the committee.

Before any such staff are engaged or dismissed (otherwise than by the clerk himself on behalf of the committee), the clerk shall be consulted.

- (8) The approval of the Secretary of State 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;
 - (b) for any appointment of a justices' clerk;
 - (c) for the removal of the justices' clerk for a petty sessional division of a county where the magistrates for the division do not consent to the removal.
- (9) A magistrates' courts committee shall consult the magistrates for any petty sessional division of a county on the appointment or removal of a justices' clerk for the division, and the Secretary of State before approving the appointment or removal of a justices' clerk for such a division shall consider any representations made to him by the magistrates for the division, and before approving the removal of any such clerk shall consider any representations made to him by the clerk.
- (10) The two last foregoing subsections shall apply to a non-county borough having a separate commission of the peace but not a separate magistrates' courts committee, and to a county borough or county not divided into petty sessional divisions which is included in a joint committee area, as if it were a petty sessional division of a county.
- (11) The magistrates' courts committee shall inform the Secretary of State of the age, qualification and experience of any person proposed to be appointed a justices' clerk and, if the Secretary of State so requires, of any other person offering himself for the appointment.
- (12) Section forty-eight of the Summary Jurisdiction Act, 1879 (which provides that in a petty sessional division the duties of the clerk of a court of summary jurisdiction shall belong to the justices' clerk), shall apply in relation to any petty sessions area as it applies in relation to a petty sessional division, and references in that section to the Justices Clerks Act, 1877, or section five thereof shall be taken as including references to this section.
- (13) Subsection (1) of section forty-nine of the Licensing (Consolidation) Act, 1910 (which prohibits clerks to licensing justices from acting professionally in connection with proceedings at licensing sessions), shall apply to a clerk appointed after the coming into force of this section in relation to the general annual licensing meeting, transfer sessions and petty sessions held for any district as it applies in relation to those held for the clerk's district, and the words excepting the preparation of notices and forms from the operation of the subsection shall not have effect in the application of the subsection to a clerk appointed after the coming into force of this section.