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STATUTORY INSTRUMENTS

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**1995 No. 686**

**MAGISTRATES' COURTS**

**The Justices' Chief Executives and Justices'  
Clerks (Appointment) Regulations 1995**

<i>Made</i>	- - - -	<i>9th March 1995</i>
<i>Laid before Parliament</i>		<i>10th March 1995</i>
<i>Coming into force</i>	- -	<i>1st April 1995</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 24D and 25 of the Justices of the Peace Act 1979(1), hereby makes the following Regulations—

**Citation and commencement**

1. These Regulations may be cited as the Justices' Chief Executives and Justices' Clerks (Appointment) Regulations 1995 and shall come into force on 1st April 1995.

**Submission of application for approval of persons to be appointed**

2. Before appointing a person to the office of justices' chief executive or justices' clerk for a petty sessions area—

- (a) every magistrates' courts committee shall submit to the Lord Chancellor an application for approval of one or more persons (up to a maximum of four) who have offered themselves for appointment; and
- (b) the application shall contain the items set out in regulation 3.

**Matters to be contained in the application**

3. The items referred to in regulation 2(b) are the following—

- (a) in relation to each person for whom approval is sought—
  - (i) a copy of his written application for the office to which he wishes to be appointed;

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(1) 1979 c. 55; section 24D was inserted by section 75 of the Police and Magistrates' Courts Act 1994 (c. 29) and section 25 was substituted by section 76 of the same Act.

- (ii) a statement by the magistrates' courts committee that he satisfies the requirements of section 26 of the Justices of the Peace Act 1979(2) in relation to the appointment;
- (b) a job description relating to the office to which appointment is to be made;
- (c) a copy of any advertisement relating to the office to which appointment is to be made;
- (d) in the case of an appointment to the office of justices' chief executive, a copy of any written appraisal by Her Majesty's Magistrates' Courts Service Inspectorate of the manner in which the magistrates' courts committee have undertaken the process of obtaining candidates for appointment;
- (e) in the case of an appointment to the office of justices' clerk, a statement that the magistrates' courts committee have, in relation to each person for whom approval is sought, consulted the magistrates for the petty sessions area to which the appointment is to be made in accordance with section 25(6)(a) of the Justices of the Peace Act 1979.

#### **Dual appointments as justices' chief executive and justices' clerk**

4. Where a magistrates' courts committee propose that a person be appointed both as justices' chief executive and as justices' clerk for a petty sessions area, the application referred to in regulation 2 shall also state—

- (a) in relation to the area of the magistrates' courts committee—
  - (i) the number of petty sessions areas;
  - (ii) the number and locality of the courthouses;
  - (iii) the number of justices' clerks holding office; and
- (b) the reason why the magistrates' courts committee consider it desirable that the person should hold both appointments.

#### **Transitional provision**

5. Regulation 3(a)(ii) shall not apply in relation to applications by the magistrates' courts committees for Hampshire, Kent and Lincolnshire for approval of one or more persons for appointment to the office of justices' chief executive until the coming into force of section 75 of the Police and Magistrates' Courts Act 1994(3) so far as it inserts section 24D(5) in the Justices of the Peace Act 1979 in relation to appointments of justices' chief executives by the magistrates' courts committees for those areas.

Dated 9th March 1995

*Mackay of Clashfern, C.*

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(2) Section 26 (qualifications for appointment as justices' clerk) was amended by paragraph 10 of Schedule 8 to the Police and Magistrates' Courts Act 1994. Section 24D(5) of the Justices of the Peace Act 1979 provides that a person may not be appointed as justices' chief executive unless he is eligible under section 26 of the Act for appointment as justices' clerk.

(3) 1994 c. 29.

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

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## EXPLANATORY NOTE

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

These Regulations provide for the procedure to be followed in connection with the submission to the Lord Chancellor by a magistrates' courts committee of an application for approval of one or more persons for appointment to the office of justices' chief executive or justices' clerk under sections 24D or 25 of the Justices of the Peace Act 1979.