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STATUTORY INSTRUMENTS

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**1998 No. 3107 (L. 18)**

**MAGISTRATES' COURTS**

**The Justices' Clerks (Qualifications of Assistants) (Amendment) Rules 1998**

<i>Made</i>	- - - -	<i>10th December 1998</i>
<i>Laid before Parliament</i>		<i>11th December 1998</i>
<i>Coming into force</i>	- -	<i>1st January 1999</i>

The Lord Chancellor, in exercise of the powers conferred on him by subsection (1) of section 144 of the Magistrates' Courts Act 1980<sup>(1)</sup> as extended by section 44(3) of the Justices of the Peace Act 1997<sup>(2)</sup>, after consultation with the Rule Committee appointed under the said section 144, hereby makes the following Rules:

**Citation and commencement**

1. These Rules may be cited as the Justices' Clerks (Qualifications of Assistants) (Amendment) Rules 1998 and shall come into force on 1st January 1999.

**Interpretation**

2. In these Rules, “the Rules” means the Justices' Clerks (Qualification of Assistants) Rules 1979<sup>(3)</sup>, and a reference to a rule or Schedule by number alone means the rule or Schedule so numbered in the Rules.

**Transitional provisions**

3.—(1) Rule 5 of these Rules shall apply to a person employed as a clerk in court for a term beginning on or after 1st January 1999 and only to such a person.

(2) The remainder of these Rules shall apply to any assistant whenever employed.

**Amendments to the Justices' Clerks (Qualification of Assistants) Rules 1979**

4. The following shall be substituted for paragraphs (b) and (c) of the definition of “preliminary professional examination” in rule 2(1):—

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(1) 1980 c. 43.  
(2) 1997 c. 25.  
(3) S.I.1979/570.

- “(b) the final examination for a qualifying law degree recognised by the General Council of the Bar and the Law Society;
- (c) the final examination for a post-graduate diploma in law recognised by the General Council of the Bar and the Law Society.”.
5. The following provisions of the Rules shall be omitted:—
- (a) in rule 2(1), the definitions of “certificate of competence” and “relevant course”;
- (b) sub-paragraphs (b), (c) and (d) of rule 4(1);
- (c) rule 4(2);
- (d) Schedules 1 and 2.
6. The following provisions of the Rules shall be omitted:—
- (a) in rule 2(1), the definition of “training certificate”;
- (b) Schedule 3.
7. The following shall be substituted for rule 5:—
- “5. An assistant born on or after 1st January 1959 and employed as a clerk in court on 31st December 1998 may not continue to be employed as a clerk in court at any time after 31st December 2008 unless he possesses one of the qualifications mentioned in Rule 4(1)(a).”.

Signed by authority of the Lord Chancellor

Dated 10th December 1998

*G.W. Hoon*  
Minister of State,  
Lord Chancellor’s Department

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## EXPLANATORY NOTE

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

These Rules amend the Justices' Clerks (Qualification of Assistants) Rules 1979 so as to provide that, on or after 1st January 1999, a justices' clerks' assistant may only be appointed as a court clerk if he or she

- (a) is a barrister or solicitor, or
- (b) has passed all the necessary examinations to become a barrister or solicitor.

A court clerk employed on 31st December 1998 who has not attained the age of 40 may only continue to assist a justices' clerk by acting in his place as a clerk in court after 31st December 2008 if he holds one of these qualifications. These Rules also abolish the system of training certificates.