

**1999 No. 2397**

**MAGISTRATES' COURTS, ENGLAND AND WALES**

**The Justices' Chief Executives and Justices' Clerks  
(Appointment) Regulations 1999**

*Made* - - - 31st August 1999

*Laid before Parliament* 1st September 1999

*Coming into force* 27th September 1999

The Lord Chancellor, in exercise of the powers conferred on him by sections 40 and 42 of the Justices of the Peace Act 1997<sup>(a)</sup>, makes the following Regulations:

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Justices' Chief Executives and Justices' Clerks (Appointment) Regulations 1999 and shall come into force on 27th September 1999.

(2) In these Regulations "the Act" means the Justices of the Peace Act 1997.

**Application for approval of appointments**

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

(2) The application shall contain—

- (a) a job description for the relevant office;
- (b) a copy of any advertisement for the relevant office;
- (c) in relation to each person for whom approval is sought, a copy of his written application for the office to which he wishes to be appointed;
- (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 recruitment process which the magistrates' courts committee have undertaken in relation to the appointment; and
- (e) in the case of an appointment to the office of justices' clerk, in relation to each person for whom approval is sought—
  - (i) a statement by the magistrates' courts committee that he satisfies the requirements of section 43 of the Act in relation to the application; and
  - (ii) a statement that the magistrates' courts committee has consulted the magistrates for the petty sessions area to which the appointment is to be made in accordance with section 42(6)(a) of the Act.

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<sup>(a)</sup> 1997 c. 25. Subsection (5) of section 40 is omitted by section 87 of the Access to Justice Act 1999 (c. 22) which comes into force on 27th September 1999.

(3) In the case of an appointment of one person to the offices of both justices' chief executive and justices' clerk the application shall in addition contain—

- (a) the reason or reasons why the magistrates' courts committee considers it essential that the person should hold both appointments; and
- (b) a statement of—
  - (i) the number of petty sessions areas;
  - (ii) the number and locality of the courthouses; and
  - (iii) the number of justices' clerks holding office, in the area of the magistrates' courts committee.

### **Revocation**

**3.** The Justices' Chief Executives and Justices' Clerks (Appointment) Regulations 1995(a) are revoked.

Signed by the authority of the Lord Chancellor

Dated 31st August 1999

*Keith Vaz*  
Parliamentary Secretary, Lord Chancellor's Department

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(a) S.I. 1995/686.

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### **EXPLANATORY NOTE**

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

These Regulations replace the Justices' Chief Executives and Justices' Clerks (Appointment) Regulations 1995. They repeat the provisions in those Regulations apart from reflecting the removal of the requirement that a justices' chief executive be qualified for appointment as a justices' clerk. (The requirement was imposed by subsection (5) of section 40 of the 1997 Act, which has been omitted by section 87 of the Access to Justice Act 1999.)

They also require a magistrates' courts committee that wants to make a dual appointment to explain, when they apply for approval of the appointment, why it considers it essential that one person should be appointed to the offices of both justices' chief executive and justices' clerk.

**£1.00**

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