

2001 No. 2269 (L. 26)

MAGISTRATES' COURTS, ENGLAND AND WALES

**The Justices' Clerks (Qualifications of Assistants)
(Amendment) Rules 2001**

<i>Made - - - - -</i>	<i>21st June 2001</i>
<i>Laid before Parliament</i>	<i>21st June 2001</i>
<i>Coming into force - -</i>	<i>13th July 2001</i>

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

Citation and commencement

1. These Rules may be cited as the Justices' Clerks (Qualifications of Assistants) (Amendment) Rules 2001 and shall come into force on 13th July 2001.

Interpretation

2. In these Rules, "the Rules" means the Justices' Clerks (Qualifications of Assistants) Rules 1979^(c), and a reference to a rule by number alone means the rule so numbered in the Rules.

Transitional Provisions

3. These Rules shall apply to any person employed as a clerk in court whenever so employed.

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

4. The following provisions of the Rules shall be omitted—
- (a) in rule 2(1), the definitions of "Joint Negotiating Committee" and "preliminary professional examination";
 - (b) in rule 2A(1)(a), the words "provided that no more than three calendar months have elapsed between any two successive periods of employment";
 - (c) rule 2A(2);
 - (d) in rule 3, the reference to rule 5; and
 - (e) rule 5.

^(a) 1980 c. 43.

^(b) 1997 c. 25.

^(c) S.I. 1979/570; relevant amending instruments are S.I. 1998/3107 and 1999/2814.

5. In rule 6, the words “rules 3 to 4 above” shall be substituted for the words “rules 3 to 5 above”.

21st June 2001

Irvine of Lairg, C.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Justices’ Clerks (Qualifications of Assistants) Rules 1979 so as to:

- (a) remove the requirement that to be employed as a clerk in court after 31st December 2008, a court clerk employed on 31st December 1998, who had not attained the age of 40 at that date, must qualify as a barrister or solicitor or pass all the examinations for one of those professions; and
- (b) provide that a person employed as a clerk in court before 1st January 1999 who is not qualified under rule 4(1)(a) (that is to say, as a solicitor or barrister, or by having passed all the examinations for one of those professions) may accept further contracts of employment as a clerk in court, regardless of any interval between successive contracts.

The Rules also make minor drafting amendments.

£1.50

© Crown copyright 2001

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.
E1246 6/2001 637246 19585

ISBN 0-11-029603-6

