
STATUTORY INSTRUMENTS

1999 No. 2814 (L.23)

MAGISTRATES' COURTS

The Justices' Clerks (Qualifications of Assistants) (Amendment) Rules 1999

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| <i>Made</i> | - - - - | <i>7th October 1999</i> |
| <i>Laid before Parliament</i> | | <i>12th October 1999</i> |
| <i>Coming into force</i> | - - | <i>8th November 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⁽¹⁾ as extended by section 44(3) of the Justices of the Peace Act 1997⁽²⁾, 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 1999 and shall come into force on 8th November 1999.

Interpretation

2. In these Rules, a reference to a rule by number alone means the rule so numbered in the Justices' Clerks (Qualifications of Assistants) Rules 1979⁽³⁾.

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

3. After rule 2 there shall be inserted the following new rule:

“**2A.**—(1) For the purposes of these Rules and of the Justices' Clerks (Qualifications of Assistants) (Amendment) Rules 1998⁽⁴⁾—

- (a) two or more periods of employment as a clerk in court, whether or not with the same magistrates' courts committee, shall be treated as continuous provided that no more than three calendar months have elapsed between any two successive periods of employment;

(1) 1980 c. 43.
(2) 1997 c. 25.
(3) S.I.1979/570, as amended by S.I. 1998/3107.
(4) S.I. 1998/3107.

(b) accordingly, if the first of those periods began before 1st January 1999, rule 4 as it stood immediately before that date shall apply in relation to all those periods.

(2) Paragraph (1) of this rule has effect subject to rule 5, and accordingly shall not operate so as to permit a person to be employed as a clerk in court after 31st December 2008 who could not otherwise have been so employed.”

4. The following new Rule shall be inserted after rule 4:—

“**4A.**—(1) An assistant who is not qualified for the purposes of rule 3 above may be employed as a clerk in court if:—

(a) he holds a valid training certificate granted by a magistrates' courts committee before 1st January 1999; or

(b) his employment as an assistant is registered by the Law Society as a training contract under regulation 23 of the Training Regulations 1990⁽⁵⁾.

(2) In this rule “training certificate” has the meaning assigned by rule 2(1) of these Rules as they stood immediately before 1st January 1999, and the validity and duration of a training certificate granted before that date shall be determined as if rule 5(2) of and Schedule 3 to these Rules had continued in force⁽⁶⁾.”

Signed by authority of the Lord Chancellor

7th October 1999

Keith Vaz
Parliamentary Secretary
Lord Chancellor’s Department

(5) Made by the Council of the Law Society under section 2 of the Solicitors Act 1974 (c. 47) with the approval of the Lord Chancellor and each of the designated judges.

(6) Rule 5 was replaced and Schedule 3 was revoked by S.I. 1998/3107 with effect from 1st January 1999.

EXPLANATORY NOTE

(This note is not part of the Rules)

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

- (a) an assistant who held a training certificate on 1st January 1999 may continue to act as a clerk in court for the duration of the course to which the certificate relates;
- (b) an assistant whose employment is registered with the Law Society as a training contract may act as a clerk in court;
- (c) 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 a barrister, or by having passed all the examinations for one of those professions) may accept further contracts of employment as a clerk in court after that date, provided that the interval between two successive contracts does not exceed three months.

This last provision does not enable a person to act as a clerk in court after 31st December 2008 who could not otherwise have done so.