
STATUTORY INSTRUMENTS

2020 No. 98

**FAMILY COURT, ENGLAND AND WALES
MAGISTRATES' COURTS,
ENGLAND AND WALES**

**The Authorised Court Staff (Legal Advice
Functions) Qualifications Regulations 2020**

<i>Made</i>	- - - -	<i>28th January 2020</i>
<i>Laid before Parliament</i>		<i>3rd February 2020</i>
<i>Coming into force</i>	- -	<i>6th April 2020</i>

The Lord Chancellor, in exercise of the powers conferred by section 28(3)(b) of the Courts Act 2003⁽¹⁾ and section 31O(2)(b) of the Matrimonial and Family Proceedings Act 1984⁽²⁾, with the agreement of the Lord Chief Justice of England and Wales, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Authorised Court Staff (Legal Advice Functions) Qualifications Regulations 2020 and come into force on 6th April 2020.

Qualifications required

2.—(1) A person may be authorised by the Lord Chief Justice under section 28(1) of the Courts Act 2003 or section 31O(1) of the Matrimonial and Family Proceedings Act 1984 only if the person—

- (a) is a barrister in England and Wales, a solicitor of the Senior Courts of England and Wales, or a Fellow of the Chartered Institute of Legal Executives;
- (b) is qualified to become a barrister in England and Wales, a solicitor of the Senior Courts of England and Wales, or a Fellow of the Chartered Institute of Legal Executives by virtue of—
 - (i) having passed the necessary examinations;

(1) [2003 c. 39](#). Section 28 of this Act was substituted by the Courts and Tribunals (Judiciary and Functions of Staff) Act [2018 \(c. 33\)](#), Schedule, paragraph 26.

(2) [1984 c. 42](#). Section 31O of this Act was inserted by the Crime and Courts Act [2013 \(c. 22\)](#) and substituted by the Courts and Tribunals (Judiciary and Functions of Staff) Act [2018 \(c. 33\)](#), Schedule, paragraph 14.

Status: This is the original version (as it was originally made).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

- (ii) having been granted an exemption in relation to the necessary examinations by the appropriate examining body; or
- (iii) any combination of the two;
- (c) holds a valid training certificate granted by a magistrates' courts committee before 1st January 1999; or
- (d) acted as a clerk in court before 1st January 1999 and was qualified to act as such under the Justices' Clerks (Qualification of Assistants) Rules 1979(3) as they stood immediately before 1st January 1999.

(2) In this regulation "training certificate" means a certificate granted in accordance with rule 5(2) of, and Schedule 3 to, the Justices' Clerks (Qualifications of Assistants) Rules 1979 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 those provisions were still in force.

27th January 2020

Chris Philp
Parliamentary Under Secretary of State
Ministry of Justice

I agree

28th January 2020

Burnett of Maldon
Lord Chief Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 31O of the Matrimonial and Family Proceedings Act 1984 and section 28 of the Courts Act 2003 provide for the Lord Chief Justice to be able to authorise members of court staff to perform the function of giving legal advice to judges in the family court and to justices of the peace respectively, provided that each such member of court staff has such qualifications as are prescribed by the Lord Chancellor with the concurrence of the Lord Chief Justice. These Regulations prescribe the necessary qualifications.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.