



# Justices of the Peace Act 1979 (repealed 19.6.1997)

## 1979 CHAPTER 55

### PART II

#### ORGANISATION OF FUNCTIONS OF JUSTICES

##### *Justices' clerks and their staffs*

#### **26 Qualifications for appointment as justices' clerk.**

- (1) Except as provided by this section, no person shall be appointed as justices' clerk of any class or description unless either—
  - (a) at the time of appointment he [<sup>F1</sup>has a 5 year magistrates' court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990,]and is within any limit of age prescribed for appointments to a clerkship of that class or description, or
  - (b) he then is or has previously been a justices' clerk.
- (2) A lower as well as an upper limit of age may be prescribed under subsection (1) above for appointments to any class or description of clerkship.
- (3) A person not having the qualification as barrister or solicitor which is required by subsection (1)(a) above may be appointed a justices' clerk—
  - (a) if at the time of appointment he is a barrister or solicitor and has served for not less than five years in service to which this subsection applies, or
  - (b) if before the 1st January 1960 he had served for not less than ten years in service to which this subsection applies and, in the opinion of the magistrates' courts committee and of the Secretary of State, there are special circumstances making the appointment a proper one.

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997), Section 26. (See end of Document for details)*

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- (4) Subsection (3) above applies to service in any one or more of the following capacities, that is to say, service as assistant to a justices' clerk and service before the 1st February 1969—
- (a) as clerk to a stipendiary magistrate;
  - (b) as clerk to a magistrates' court for the inner London area or as clerk to a metropolitan stipendiary court;
  - (c) as clerk at one of the justice rooms of the City of London; or
  - (d) as assistant to any such clerk as is mentioned in paragraphs (a) to (c) above.
- (5) A person may be appointed a justices' clerk notwithstanding that he is over the upper limit of age mentioned in subsection (1) of this section if he has served continuously in service to which subsection (3) above applies from a time when he was below that limit to the time of appointment.

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**Textual Amendments**

**F1** Words substituted by [Courts and Legal Services Act 1990 \(c.41, SIF 37\)](#), s. 71(2), **Sch. 10 para. 45**

**Status:**

Point in time view as at 01/02/1991. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Justices of the Peace Act 1979 (repealed 19.6.1997), Section 26.