



Justices of the Peace Act 1979

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 is a barrister or solicitor of not less than five years' standing 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.
- (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;

Status: This is the original version (as it was originally enacted).

- (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.