



Justices of the Peace Act 1979

1979 CHAPTER 55

PART III

INNER LONDON AREA

Provisions relating to committee of magistrates

37 Justices' clerks and other officers

- (1) It shall be the duty of the committee of magistrates, subject to the following provisions of this section, to appoint—
 - (a) a principal chief clerk for the inner London area, one or more chief clerks for each petty sessional division of that area and one or more chief clerks for the juvenile courts for that area and the City of London, and
 - (b) such deputy chief clerks and other officers as may be necessary;and the committee shall, where there is more than one chief clerk for such a division or for those courts, designate one of them to be the senior chief clerk for that division or for all those courts, as the case may be.
- (2) The officers mentioned in subsection (1) (a) above shall rank as justices' clerks and be treated as such for the purposes of the enactments relating to justices' clerks, including (except where otherwise expressly provided) any such enactment contained in this Act.
- (3) The justices' clerks and deputy chief clerks mentioned in subsection (1) above shall not be appointed or dismissed by the committee of magistrates without the approval of the Secretary of State, and—
 - (a) the committee shall inform the Secretary of State of the age, qualification and experience of any person proposed to be appointed such a clerk, and, if the Secretary of State so requires, of any other person offering himself for the appointment; and
 - (b) before approving the dismissal of any such clerk the Secretary of State shall consider any representations made to him by the clerk.

Status: This is the original version (as it was originally enacted).

- (4) The number of justices' clerks and of other officers employed by the committee of magistrates in each grade below that of principal chief clerk, the grades in which such officers below that of deputy clerk are to be employed and the terms and conditions of employment of all officers employed by the committee shall be such as may from time to time be determined by the committee.
- (5) The following provisions of this subsection shall have effect with respect to determinations under subsection (4) above and related matters, that is to say—
- (a) no such determination shall have effect unless confirmed, with or without modifications, by the Secretary of State;
 - (b) the committee of magistrates shall not make or refuse to make any such determination with respect to terms and conditions of employment except after consultation with persons appearing to the committee to represent the interests of the officers affected;
 - (c) any refusal of the committee to make any such determination with respect to any terms and conditions of employment may be reviewed by the Secretary of State, and on the review the Secretary of State may confirm the refusal or make such determination with respect to those terms and conditions as he thinks fit;
 - (d) in the case of any matter which falls to be determined under subsection (4) above and affects officers employed by the committee who immediately before the 1st April 1965—
 - (i) were clerks or other officers of metropolitan stipendiary courts, or
 - (ii) were justices' clerks or officers employed by the magistrates' courts committee for the county of London,the functions of the Secretary of State under paragraphs (a) to (c) above shall be exercised in such manner as he thinks necessary for protecting the interests of those officers.
- (6) The Secretary of State may by order made by statutory instrument amend subsection (1) (a) above by substituting for or adding to the offices therein mentioned such other offices as he thinks fit; and any such order may contain transitional and other consequential provisions (including provisions amending the preceding provisions of this section).
- (7) Any statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.