



# Access to Justice Act 1999

## 1999 CHAPTER 22

### PART VI

#### IMMUNITY AND INDEMNITY

##### *Justices and their clerks*

#### **98 Justices and clerks: immunity from costs.**

(1) <sup>F1</sup> .....

(2) In the <sup>M1</sup>Magistrates' Courts (Northern Ireland) Order 1981, after Article 6 insert—

#### **6A “Costs in legal proceedings**

(1) A court may not order any resident magistrate, justice of the peace or clerk of petty sessions to pay costs in any proceedings in respect of any act or omission of his in the execution (or purported execution) of his duty—

- (a) as such a magistrate or justice; or
- (b) as such a clerk exercising, by virtue of any statutory provision, any of the functions of a magistrates' court.

(2) Paragraph (1) does not apply in relation to—

- (a) any proceedings in which a resident magistrate, justice of the peace or clerk of petty sessions is being tried for an offence or is appealing against a conviction; or
- (b) any proceedings in which it is proved that a resident magistrate, justice of the peace or clerk of petty sessions acted in bad faith in respect of the matters giving rise to the proceedings.

(3) Where a court is prevented by paragraph (1) from ordering a resident magistrate, justice of the peace or clerk of petty sessions to pay costs in any proceedings, the court may instead order the making by the Lord Chancellor of a payment in respect of the costs of a person in the proceedings.

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Cross Heading: Justices and their clerks. (See end of Document for details)*

- (4) The Lord Chancellor may by regulations specify—
  - (a) circumstances when a court shall or shall not exercise the power conferred on it by paragraph (3); and
  - (b) how the amount of any payment ordered under that paragraph is to be determined.

(5) Regulations under paragraph (4) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the <sup>M2</sup>Statutory Instruments Act 1946 shall apply accordingly.”

- (3) In—
  - (a) Article 145A of the <sup>M3</sup>Magistrates’ Courts (Northern Ireland) Order 1981 (county court judge hearing certain appeals to be treated like resident magistrate in relation to immunity), <sup>F2</sup>. . .
  - (b) <sup>F2</sup>. . . . .  
after “6” insert “, 6A ”.

**Textual Amendments**

**F1** S. 98(1) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

**F2** S. 98(3)(b) and preceding word repealed (1.4.2005) by Justice (Northern Ireland) Act 2002 (c. 26), ss. 86, 87, **Sch. 13**; S.R. 2005/109, **art. 2**, Sch.

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**Marginal Citations**

**M1** S.I. 1981/1765 (N.I.26).

**M2** 1946 c.36.

**M3** S.I. 1981/1675 (N.I.26).

**99 Justices and clerks: indemnity.**

<sup>F3</sup> . . . . .

**Textual Amendments**

**F3** S. 99 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

**100 Assistant justices’ clerks: immunity from action.**

<sup>F4</sup> . . . . .

**Textual Amendments**

**F4** S. 100 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

**Status:**

Point in time view as at 01/04/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the Access to Justice Act 1999, Cross  
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