



# Access to Justice Act 1999

## 1999 CHAPTER 22

### PART V

#### MAGISTRATES AND MAGISTRATES' COURTS

##### *Justices' chief executives, justices' clerks and staff*

#### **89 Independence of clerks and staff exercising legal functions.**

(1) For section 48 of the <sup>M1</sup>Justices of the Peace Act 1997 substitute—

##### **“48 Independence of justices' clerks and staff exercising legal functions.**

(1) When exercising any legal function—

- (a) a justices' clerk shall not be subject to the direction of the justices' chief executive or any other person or body; and
- (b) a member of the staff of a magistrates' courts committee shall not be subject to the direction of any person or body other than a justices' clerk.

(2) In subsection (1) “legal function” means—

- (a) any function exercisable by one or more justices of the peace; or
- (b) a function specified in section 45(4) or (5) above.”

(2) In section 45 of that Act (functions of justices' clerks)—

- (a) in subsection (4) (advice on law, practice or procedure to justices at their request), for “law, practice or procedure” substitute “ matters of law (including procedure and practice) ”, and
- (b) in subsection (5) (power to bring point of law, practice or procedure to attention of justices), for “law, practice or procedure” substitute “ law (including procedure and practice) ”.

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*Status: Point in time view as at 27/09/1999. This version of this provision has been superseded.*

**Changes to legislation:** *There are currently no known outstanding effects for the Access to Justice Act 1999, Section 89. (See end of Document for details)*

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**Marginal Citations**

**M1** [1997 c.25](#).

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There are currently no known outstanding effects for the Access to Justice Act 1999, Section 89.