



# Courts Act 2003

## 2003 CHAPTER 39

### PART 2

#### JUSTICES OF THE PEACE

##### *Justices' clerks and assistant clerks*

## 28 Functions

- (1) Rules may make provision enabling things authorised to be done by, to or before a single justice of the peace to be done instead by, to or before a justices' clerk.
- (2) Rules may also make provision enabling things authorised to be done by, to or before a justices' clerk (whether by virtue of subsection (1) or otherwise) to be done instead by, to or before an assistant clerk.
- (3) An enactment or rule of law which—
  - (a) regulates the exercise of any jurisdiction or powers of justices of the peace, or
  - (b) relates to things done in the exercise or purported exercise of any such jurisdiction or powers,applies in relation to the exercise or purported exercise of any such jurisdiction or powers by a justices' clerk by virtue of subsection (1) as if he were a justice of the peace.
- (4) The functions of a justices' clerk include giving advice to any or all of the justices of the peace to whom he is clerk about matters of law (including procedure and practice) on questions arising in connection with the discharge of their functions, including questions arising when the clerk is not personally attending on them.
- (5) The powers of a justices' clerk include, at any time when he thinks he should do so, bringing to the attention of any or all of the justices of the peace to whom he is clerk any point of law (including procedure and practice) that is or may be involved in any question so arising.

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*Status: Point in time view as at 01/04/2005. This version of this provision has been superseded.*

*Changes to legislation: Courts Act 2003, Section 28 is up to date with all changes known to be in force on or before 08 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (6) For the purposes of subsections (4) and (5) the functions of justices of the peace do not include functions as a judge of the Crown Court.
- (7) Subsections (4) and (5) do not limit—
  - (a) the powers and duties of a justices' clerk, or
  - (b) the matters on which justices of the peace may obtain assistance from their clerk.
- (8) In this section “rules” means rules made by the Lord Chancellor.
- (9) Before making any rules for the purposes of this section the Lord Chancellor must consult—
  - (a) the Criminal Procedure Rule Committee,
  - (b) the Family Procedure Rule Committee, and
  - (c) the Magistrates' Courts Rule Committee.

**Status:**

Point in time view as at 01/04/2005. This version of this provision has been superseded.

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