
STATUTORY INSTRUMENTS

1974 No. 499

The Magistrates' Courts (Transfer of Staff) Order 1974

4.—(1) For the purposes of Article 3(3), the new magistrates' courts committee to whose employment an officer is to be transferred shall be determined in accordance with the following provisions of this Article.

(2) In the case of an officer appointed to be a justices' clerk or to assist a justices' clerk for an existing petty sessions area, the matter shall be determined by agreement between the new magistrates' courts committees having authority in the existing petty sessions area or areas or any part thereof.

(3) In the case of any other officer employed by an existing magistrates' courts committee, the matter shall be determined by agreement between the new magistrates' courts committees having authority in any part of the area of authority of the existing magistrates' courts committee.

(4) If in any particular case—

- (a) the magistrates' courts committees concerned are unable to reach agreement for the purposes of paragraph (2) or (3) above; or
- (b) the person to be transferred does not accept the determination made by the magistrates' courts committees concerned for those purposes,

the matter shall be determined by the Secretary of State after consultation with the appropriate Joint Negotiating Committee.

(5) In making any determination under this Article, the magistrates' courts committees concerned or the Secretary of State shall take into account any representations made by the officer concerned.