
EXPLANATORY NOTE

(This note is not part of the Rules)

Section 67B of the Courts Act 2003 (c. 39) (“the 2003 Act”) provides for rules of court to be able to provide for the exercise of relevant judicial functions (as defined in section 67A of the 2003 Act) by members of court staff who have such qualifications as are required by the rules and who are authorised by the Lord Chief Justice to perform relevant judicial functions. These Rules provide for the exercise of functions in relation to civil proceedings only, and subject to certain restrictions and general provisions set out in rule 3. The functions which may be exercised by authorised court officers are set out in the Schedule to the Rules, and are in two categories – those which may be performed by any authorised court officer, and those which may be performed only by an authorised court officer who is legally qualified. This essentially mirrors the position in relation to the exercise of functions of the court by justices’ clerks and assistants to justices’ clerks prior to the abolition of those roles by the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.