
Changes to legislation: Courts Act 2003, Cross Heading: Justices' clerks and assistant clerks is up to date with all changes known to be in force on or before 11 May 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) View outstanding changes

SCHEDULES

SCHEDULE 9

TRANSITIONAL PROVISIONS AND SAVINGS

Justices' clerks and assistant clerks

- 9 A person who—
- (a) immediately before section 27 comes into force, was a justices' clerk for a petty sessions area (or areas), and
 - (b) is transferred to the Lord Chancellor's employment by virtue of paragraph 11 of Schedule 2,
- shall be treated as having been designated as a justices' clerk under section 27(1)(b) and assigned under section 27(3)(a) to the corresponding local justice area (or areas) specified in the first order under section 8.
- 10 A person who—
- (a) immediately before section 27 comes into force, was employed to assist a justices' clerk by acting as a clerk in court in proceedings before a justice or justices, and
 - (b) is transferred to the Lord Chancellor's employment by virtue of paragraph 11 of Schedule 2,
- shall be treated as having been designated as an assistant to a justices' clerk under section 27(5)(b).
- 11 (1) Any regulations made under—
- (a) section 42 of the Justices of the Peace Act 1949 (compensation in connection with Parts 2 and 3 of the 1949 Act), or
 - (b) paragraph 16 of Schedule 3 to the Justices of the Peace Act 1968 (compensation in connection with section 1 of the 1968 Act),
- and in force immediately before paragraph 20 of Schedule 4 to the JPA 1997 is repealed by this Act shall continue to have effect and may be revoked or amended despite the repeal by the Justices of the Peace Act 1979 of the provisions under which they were made.
- (2) The power to make amendments by virtue of sub-paragraph (1) of regulations falling within paragraph (a) of that sub-paragraph shall extend to making provision—
- (a) for compensation to or in respect of persons falling within sub-paragraph (3) to be payable if such persons suffer loss of employment, or loss or diminution of emoluments, attributable to anything done under Part 2;
 - (b) for the determination by persons other than magistrates' courts committees of claims for compensation to be made;
 - (c) for the payment by the Lord Chancellor of compensation payable under the regulations.
- (3) A person falls within this sub-paragraph if—

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- (a) on 2nd February 1995 he held the office of justices' clerk or was employed to assist a justices' clerk, and
 - (b) is transferred to the Lord Chancellor's employment by virtue of paragraph 11 of Schedule 2.
- (4) A person who under regulations made by virtue of sub-paragraph (2)(a) is entitled to compensation in respect of anything done under Part 2 is not entitled to compensation in respect of that thing under a scheme made under section 1 of the Superannuation Act 1972 by virtue of section 2(2)(a) of that Act.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 75(6) inserted by [2022 c. 35 Sch. 4 para. 3\(2\)](#)
- s. 76(2B) inserted by [2010 c. 26 Sch. 3 para. 14](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 81(6) inserted by [2022 c. 35 Sch. 4 para. 3\(3\)](#)
- s. 85EA(5) words substituted by [2022 c. 32 Sch. 11 para. 29](#)
- Sch. 5 para. 13(1)(ca) inserted by [2013 c. 22 s. 26\(3\)](#)

Commencement Orders yet to be applied to the Courts Act 2003

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2005/547 art. 2](#) commences ([2003 c. 39](#))