

**201X No. XXXX**

**FAMILY COURT, ENGLAND AND WALES**

**MAGISTRATES' COURTS, ENGLAND AND WALES**

**The Authorised Court Staff Qualifications Regulations 201X**

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Lord Chancellor, in exercise of the powers conferred by section 28(3)(b) of the Courts Act 2003<sup>(a)</sup> and section 31O(2)(b) of the Matrimonial and Family Proceedings Act 1984<sup>(b)</sup>, with the concurrence of the Lord Chief Justice of England and Wales, makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Authorised Court Staff Qualifications Regulations 2018 and come into force on xxxx 201X.

**Qualifications required**

2.—(1) A person may be authorised by the Lord Chief Justice under section 28(1) of the Courts Act 2003 or section 31O(1) of the Matrimonial and Family Proceedings Act 1984 only if the person—

- (a) is a barrister in England and Wales, a solicitor of the Senior Courts of England and Wales, or a Fellow of the Chartered Institute of Legal Executives;
- (b) is qualified to become a barrister in England and Wales, a solicitor of the Senior Courts of England and Wales, or a Fellow of the Chartered Institute of Legal Executives by virtue of—
  - (i) having passed the necessary examinations;
  - (ii) having been granted an exemption in relation to any such examination by the appropriate examining body; or
  - (iii) any combination of the two.
- (c) holds a valid training certificate granted by a magistrates' courts committee before 1st January 1999; or

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(a) 2003 c. 39. Section 28 of this Act was amended by the Courts and Tribunals (Judiciary and Functions of Staff) Act 201X (c. XX).

(b) 1984 c. 42. Section 31O of this Act was inserted by the Crime and Courts Act 2013 (c. 22) and was amended by the Courts and Tribunals (Judiciary and Functions of Staff) Act 201X (c. XX).

(d) acted as a clerk in court before 1st January 1999 and was qualified to act as such under the Justices' Clerks (Qualification of Assistants) Rules 1979(a) as they stood immediately before 1st January 1999.

(2) In this regulation "training certificate" means a certificate granted in accordance with rule 5(2) of, and Schedule 3 to, the Justices' Clerks (Qualifications of Assistants) Rules 1979 as they stood immediately before 1st January 1999, and the validity and duration of a training certificate granted before that date shall be determined as if those provisions were still in force.

Date

*Name*  
[Minister of State]  
Ministry of Justice

#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations set out the qualifications required by court staff before they can be authorised by the Lord Chief Justice to provide legal advice to judges in the family court and/or justices of the peace.

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(a) S.I. 1979/570, revoked on 9th January 2007.