

Authorisation of court staff to exercise judicial functions and Delegation of Authorisation Function

The Courts and Tribunals (Judiciary and Staff) Act 2018 provides powers to authorise court staff to provide legal advice to judges of the family court and justices of the peace and to exercise judicial functions where procedure rules so provide.

(1) Authorisation of Court Staff

I confirm that, as of 6 April 2020:

- 1) Any court officer who was authorised to exercise functions of the court under rules 52.24 and 54.1A of the Civil Procedure Rules on 5 April 2020 continues to be authorised to exercise those functions;
- 2) Any court officer who was authorised to exercise functions of the court under rule 2.3 of the Court of Protection Rules on 5 April 2020 continues to be authorised to exercise those functions;
- 3) Any court officer within the Criminal Appeals Office who was authorised by the Registrar of Criminal Appeals to exercise functions of the court is authorised to exercise such functions as are set out in rule 2.5 of the Criminal Procedure Rules;
- 4) Any court officer who was authorised to exercise functions of the court concerning extradition under rules 50.18(2) and 50.30 of the Criminal Procedure Rules on 5 April 2020 continues to be authorised to exercise those functions under rule 2.6 of the Criminal Procedure Rules;
- 5) Any individual who was a justice's clerk or assistant justice's clerk on 5 April 2020 is authorised to provide legal advice to judges of the family court and to justices of the peace;
- 6) Any individual who was a justices' clerk or any court officer who was authorised by a justices' clerk to exercise judicial functions on 5 April 2020 is authorised to exercise those functions under Rule 2.8 and 2.9 of the Criminal Procedure Rules, the Magistrates' Courts (Civil Proceedings - Functions of Authorised Officers) Rules 2020 and the Family Procedure Rules; and
- 7) I further authorise the HMCTS Heads of Legal Operations to provide legal advice to judges of the family court and justices of the peace. This authorisation is made to the individual who holds the offices specified and automatically transfers to their successors-in-title to the position held in HMCTS.

These authorisations are made under: s.28(1) and s67B(2) of the Courts Act 2003; and, s.31O(1) Matrimonial and Family Proceedings Act 1984.

(2) Delegation of Functions

I delegate my functions to authorise court officers to exercise functions of the court under rules of court to the following:

- 1) except in respect of any authorisation under rule 54.1A of the Civil Procedure Rules, The Masters of the Rolls in respect of those Rules;
- 2) The President of the Queen's Bench Division in respect of any authorisation under rule 54.1A of the Civil Procedure Rules;
- 3) The President of the Court of Protection in respect of any authorisation under the Court of Protection Rules;
- 4) The Registrar of Criminal Appeals in respect of any authorisation under rule 2.5 of the Criminal Procedure Rules;
- 5) Resident Judges in respect of any authorisation under rule 2.7 of the Criminal Procedure Rules; and
- 6) HMCTS Heads of Legal Operations in respect of any authorisation under rule 2.8 and 2.9 of the Criminal Procedure Rules, the Magistrates' Courts (Functions of Authorised Persons – Civil Proceedings) Rules 2020, and the Family Procedure Rules Rule 2.5 and Practice Directions made thereunder.

These delegations are made under s.67B(5) of the Courts Act 2003.

I further delegate to HMCTS Heads of Legal Operations the function of authorising court officers to provide legal advice to judges of the family court and justices of the peace under s.31O(1) Matrimonial and Family Proceedings Act 1984 and s.28(1) of the Courts Act 2003. This delegation is made under s.31O(6) Matrimonial and Family Proceedings Act 1984 and s.28(5) of the Courts Act 2003.

I further delegate to HMCTS Heads of Legal Operations and the Head of Legal and Professional Services the power to give directions to court officers who are authorised to provide legal advice to judges of the family court and justices of the peace under s.31O(4) Matrimonial and Family Proceedings Act 1984 and s.29(1) of the Courts Act 2003. This delegation is made under s.31O(6) Matrimonial and Family Proceedings Act 1984 and s. 29(3) of the Courts Act 2003.

All of the above delegations are made to the individual who holds the offices specified and automatically transfer to their successors-in-title to the office or position held in HMCTS, as applicable. They take effect as of 7 April 2020.

Burnett of Maldon

Lord Burnett of Maldon CJ

31 March 2020