SUPPLIED FOR THE PUBLIC SERVICE

CHAPTER 78.

An Act to amend the law relating to clerks of assize and certain other circuit offices. [6th November 1946.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Appointment, qualification and conditions of service of clerks of assize.

1.—(1) The power of appointing clerks of assize shall, as from the passing of this Act, be exercised by the Lord Chief Justice of England, and a person shall not be appointed a clerk of assize unless he is a barrister or solicitor of not less than five years standing.

(2) A clerk of assize appointed under this section shall be an officer of the Supreme Court, and sections one hundred and eighteen and one hundred and nineteen, subsection (1) of section one hundred and twenty-seven and subsections (1) and (2) of section one hundred and twenty-eight of the Supreme Court of Judicature (Consolidation) Act, 1925 (which relate to the salaries, conditions of appointment, retirement and pensions of certain officers of the Supreme Court) shall have effect as if the office of clerk of assize were among the offices specified in Part I of the Third Schedule to that Act. 15 & 16 Geo. 5. c. 49.

(3) The foregoing provisions of this section shall not affect any person holding the office of clerk of assize at the passing of this Act, unless he resigns his office and is re-appointed thereto under this section with the concurrence of the Treasury.

Abolition of certain circuit offices.

2.—(1) The office of associate on a circuit and the office of clerk of indictments or arraigns on a circuit shall be abolished as from the appointed day, and as from that day the duties previously performed by those officers shall form part of the business of the central office of the Supreme Court, and accordingly shall be

performed by the officers of the central office in such manner as the Lord Chancellor may, in the exercise of his powers under Part V of the Supreme Court of Judicature (Consolidation) Act, 1925, by order direct:

Provided that this subsection shall not affect any person holding any of the said offices at the appointed day, but without prejudice to the appointment of any such person, who resigns his office, as an officer of the central office.

(2) As from the appointed day, circuit bailiffs shall be appointed by the Lord Chancellor with the concurrence of the Treasury, and shall perform such duties as he may direct; and the Lord Chancellor may with the concurrence of the Treasury provide for the remuneration and conditions of service of circuit bailiffs, and any such remuneration shall be paid out of moneys provided by Parliament:

Provided that this subsection shall not affect any person holding the office of circuit bailiff at the appointed day, unless he resigns his office and is re-appointed thereto under this subsection.

(3) In this section the expression "the appointed day" means such day as may be appointed by order of the Lord Chancellor.

Short title, commencement, repeal and extent.

3.—(1) This Act may be cited as the Supreme Court of Judicature (Circuit Officers) Act, 1946.

(2) Section seventy-nine, except subsection (3) thereof, and section eighty of the Supreme Court of Judicature (Consolidation) Act, 1925, are hereby repealed, except in so far as they apply to any person holding the office of clerk of assize at the passing of this Act, or any person holding any of the offices mentioned in section two of this Act at the appointed day.

(3) This Act shall not extend to Scotland or Northern Ireland.

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