Courts Act 1971

1971 CHAPTER 23

PART VI

MISCELLANEOUS AND SUPPLEMENTAL

Supplemental

55 Financial provisions

(1) There shall be paid out of money provided by Parliament, or out of the Consolidated Fund, any increase attributable to the provisions of this Act in the sums respectively so payable under any other enactment.

(2) There shall be paid out of money provided by Parliament any sums payable by any Minister under or by virtue of this Act.

(3) Any sum payable under this Act to the Lord Chancellor or any other Minister shall be paid into the Consolidated Fund.

(4) In the application of section 3(1) of the Local Government Act 1966 (variation of rate support grant orders) to a rate support grant order made before the date of the coming into operation of any provision of this Act for a grant period ending after that date, the Minister having power to make orders under the said section 3 shall take into account any relief obtained, or likely to be obtained, by local authorities—

(a) which is attributable to the coming into operation of the said provision of this Act, and

(b) which was not taken into account in making the rate support grant order the variation of which is in question.

The provisions of this subsection are without prejudice to section 3(4) of the said Act of 1966 (under which an order under that section may vary the matters prescribed by a rate support grant order).

56 Minor and consequential amendments, transitional provisions and repeals

(1) Schedule 8 to this Act (which contains consequential and other amendments) shall have effect.

(2) In the enactments listed in Schedule 9 to this Act (which confer jurisdiction transferred to the Crown Court) for any reference to quarter sessions there shall be substituted a reference to the Crown Court.

This subsection applies to references to quarter sessions however expressed and in particular to any reference to " the next court of quarter sessions " , or to the quarter sessions for any particular area, or to any sessions which, by section 13(14) of the Interpretation Act 1889, were included in the expression " court of quarter sessions ".

(3) Schedule 10 to this Act, which contains transitional provisions, shall have effect.

(4) The enactments specified in Schedule 11 to this Act (which includes certain obsolete or unnecessary enactments) are hereby repealed to the extent specified in the third column of that Schedule, but subject to any provision at the end of that Schedule.

57 Interpretation of this Act and rules of construction of other Acts

(1) In this Act, unless the context otherwise requires—

the " appointed day " means the commencement of this Act which, as provided by this Act, may be a different date for different purposes,

" the Judicature Act 1925 " means the Supreme Court of Judicature (Consolidation) Act 1925,

" sentence ", in relation to an offence, includes any order made by a court when dealing with an offender including—

(a) a hospital order under Part V of the Mental Health Act 1959, with or without an order restricting discharge, and

(b) a recommendation for deportation made when dealing with an offender.

(2) Except where the context otherwise requires, this Act applies in relation to proceedings on a coroner's inquisition and to matters arising out of such proceedings, as it applies in relation to proceedings on indictment and matters arising out of them.

Except as otherwise provided, this subsection shall apply for the construction of any Act passed after this Act as it applies for the construction of this Act.

(3) Except where the context otherwise requires, in this or any other Act—

(a) a reference to a judge of the Supreme Court shall not include a reference to a judge of the Crown Court,

(b) any reference to the courts abolished by this Act shall include a reference to the Lancaster Palatine Court and the Durham Palatine Court (which are abolished on merger with the High Court).

(4) Except where the context otherwise requires, in any Act passed after this Act the expression " recorder" shall not include the Recorder of London or an honorary recorder of a borough.

(5) Any power of making orders contained in any provision of this Act shall include power to vary or revoke an order made under that provision.

(6) It is hereby declared that any power conferred by this Act on the Lord Chancellor or any other authority to give directions includes a power to vary or rescind any direction so given.

(7) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including this Act.

58 Northern Ireland powers concerning majority verdicts of juries

The provisions of the Government of Ireland Act 1920 about reserved matters shall not preclude the Parliament of Northern Ireland from making any law corresponding to section 13 of the Criminal Justice Act 1967, or otherwise authorising a majority verdict of a jury, or from making any provision related to or consequential upon a provision about majority verdicts of juries.

59 Short title, commencement and extent

(1) This Act may be cited as the Courts Act 1971.

(2) This Act shall come into force on such date as the Lord Chancellor may by order in a statutory instrument appoint, and different dates may be appointed for different provisions of this Act, or for different purposes.

(3) Without prejudice to the other transitory provisions of this Act, any order under this section may make such transitional provision as appears to the Lord Chancellor to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or any provisions of this Act then in force, and such savings of the provisions repealed by this Act, as appear to him to be necessary or expedient in consequence of the partial operation of this Act (whether before or after the day appointed by the order).

(4) A statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) The following provisions of this Act, and no others, shall extend to Scotland—
- (a) section 13(8) and, so far as it relates to the Court of Session, section 46,
- (b) any provision of this Act amending or repealing any provision of the House of Commons Disqualification Act 1957,
- (c) any provision of this Act affecting the operation of the law of Scotland in relation to courts in England and Wales,
- (d) the provisions of this Act about interpretation and commencement,
- (e) Schedule 8 to this Act so far as it amends section 14 of the Indictable Offences Act 1848, and sections 72A and 72B of the Magistrates' Courts Act 1952.

(6) The following provisions of this Act, and no others, shall extend to Northern Ireland—
- (a) section 46 of this Act except so far as it relates to the Court of Session and section 58,
- (b) any provision of this Act which amends or repeals any provision of the House of Commons Disqualification Act 1957,
- (c) any provision of this Act affecting the operation of the law of Northern Ireland in relation to courts in England and Wales,

(d) the provisions of this Act about interpretation and commencement,

(e) Schedule 8 to this Act so far as it amends section 12 of the Indictable Offences Act 1848 and section 30 of the Petty Sessions (Ireland) Act 1851.

(7) Schedule 8 to this Act shall extend to the Isle of Man and the Channel Islands so far as it amends section 13 of the Indictable Offences Act 1848.