

SCHEDULES

SCHEDULE 3

PREMISES FORMERLY USED FOR BUSINESS OF ABOLISHED COURTS

Right of use for Supreme Court and county, courts

- 1 (1) This paragraph has effect—
- (a) as respects any premises which were, up to the appointed day, being used to any extent for business of the abolished courts, and
 - (b) as respects the local authority who were providing the accommodation for the abolished courts,
- and has effect in particular to ensure that court proceedings, including proceedings in cases in the course of hearing on the appointed day, can be conducted without any interruption or interference in the transition from the jurisdiction of the abolished courts to the jurisdiction conferred by this Act.
- (2) On and after the appointed day it shall be the duty of the authority, up to the extent to which the premises were being used for business of the abolished courts, to make the premises available for Supreme Court or county court business, together with all the fittings, and all furniture, office and other equipment and other chattels previously made available for business of the abolished courts.
- (3) If the premises, or any larger premises of which they form part, consist of or comprise a courtroom used or available for use as a magistrates' court (whether or not it has also been used for business of the abolished courts), and at any time the Lord Chancellor so directs, it shall be the duty of the authority to make the courtroom available for Supreme Court or county court business to the exclusion of all other business, or to such extent as the Lord Chancellor may direct.
- A direction under this sub-paragraph may also apply to all other parts of the building used or available for use for the sitting or other business of the magistrates' court, together with all the fittings, and all furniture, office and other equipment and other chattels, in the courtroom or elsewhere, previously available for business of the magistrates' court.
- (4) Before giving a direction under sub-paragraph (3) above the Lord Chancellor shall consult the Secretary of State, the local authority and any magistrates' courts committee concerned.
- (5) Where under the preceding provisions of this paragraph the authority are to make any premises available, it shall be their duty to heat, light, clean and maintain them.
- (6) The appropriate Minister shall pay to the authority—
- (a) the reasonable and necessary charges for heating, lighting and cleaning premises made available under this paragraph, and a fair contribution to the cost of any custodial services, and

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- (b) a fair contribution in respect of the maintenance and repair of the building, and
 - (c) where the authority pay rent for the premises, a contribution amounting to a fair proportion of the rent, and
 - (d) where the Lord Chancellor gives a direction under sub-paragraph (3) above, such compensation for any costs of removal and costs of initial adaptation of any alternative accommodation incurred by the authority, as is reasonable in the circumstances,
- and if and so far as greater use is made of any premises for Supreme Court and county court business as compared with their use for business of the abolished courts, the appropriate Minister shall make such payment to the authority by way of rent as is reasonable having regard both to the rent which the authority have to pay for alternative accommodation, and to the rent which would be commanded by the accommodation (whether the use was at all times or part-time only) which the authority have had to surrender.
- (7) Where under the preceding provisions of this paragraph the authority are to make available any fittings, or furniture, office or other equipment or other chattels—
 - (a) it shall be their duty to keep them in order and repair and to clean them ;
 - (b) the appropriate Minister shall pay their reasonable and necessary charges under paragraph (a) above;
 - (c) if and so far as greater use is made of any such fittings or chattels for Supreme Court and county court business as compared with their use for business of the abolished courts, the appropriate Minister shall make such payment to the authority by way of hire payments as is reasonable, but not so as to make any payment in respect of anything taken into account in paying rent under sub-paragraph (6) above.
 - (8) The appropriate Minister shall also make such payment, if any, as is authorised by paragraph 4 below.
 - (9) The obligations imposed by this paragraph on any local authority shall terminate on the expiration of a period of ten years beginning with the appointed day, or, in the case of any particular premises, at such earlier time as may be agreed by the Lord Chancellor and the local authority subject to those obligations as respects the premises.
 - (10) Where sub-paragraph (1)(b) above applies to two or more local authorities, the obligations imposed by this paragraph shall be shared among them in a way corresponding to that in which they provided for the abolished courts, and, where a direction is given under sub-paragraph (3) above, for any magistrates' court.