Courts Act 2003

2003 CHAPTER 39

U.K.

An Act to make provision about the courts and their procedure and practice; about judges and magistrates; about fines and the enforcement processes of the courts; about periodical payments of damages; and for connected purposes. [20th November 2003]

BE IT ENACTED by the Queen'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:—

PART 1 E+W

MAINTAINING THE COURT SYSTEM

The general duty

1 The general duty E+W

(1) The Lord Chancellor is under a duty to ensure that there is an efficient and effective system to support the carrying on of the business of—

(a) the Supreme Court,

(b) county courts, and

(c) magistrates' courts,

and that appropriate services are provided for those courts.

(2) In this Part—

(a) "the Supreme Court" includes the district probate registries, and

(b) "magistrates' court" includes a committee of justices.

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(3) In this Part references to the Lord Chancellor's general duty in relation to the courts are to his duty under this section.

(4) The Lord Chancellor must, within 18 months of the coming into force of this section, and afterwards annually, prepare and lay before both Houses of Parliament a report as to the way in which he has discharged his general duty in relation to the courts.

Court staff and accommodation

2 Court officers, staff and services E+W

(1) The Lord Chancellor may appoint such officers and other staff as appear to him appropriate for the purpose of discharging his general duty in relation to the courts.

(2) The civil service pension arrangements for the time being in force apply (with any necessary adaptations) to persons appointed under subsection (1) as they apply to other persons employed in the civil service of the State.

(3) "The civil service pension arrangements" means—

(a) the principal civil service pension scheme (within the meaning of section 2 of the Superannuation Act 1972 (c. 11)), and

(b) any other superannuation benefits for which provision is made under or by virtue of section 1 of the 1972 Act for or in respect of persons in employment in the civil service of the State.

(4) Subject to subsections (5) and (6), the Lord Chancellor may enter into such contracts with other persons for the provision, by them or their sub-contractors, of officers, staff or services as appear to him appropriate for the purpose of discharging his general duty in relation to the courts.

(5) The Lord Chancellor may not enter into contracts for the provision of officers and staff to discharge functions which involve making judicial decisions or exercising any judicial discretion.

(6) The Lord Chancellor may not enter into contracts for the provision of officers and staff to carry out the administrative work of the courts unless an order made by the Lord Chancellor authorises him to do so.

(7) Before making an order under subsection (6) the Lord Chancellor must consult—

(a) the Lord Chief Justice,

(b) the Master of the Rolls,

[[F1](c) the President of the Queen's Bench Division,

(d) the President of the Family Division, and

(e) the Chancellor of the High Court.**]**

as to what effect (if any) the order might have on the proper and efficient administration of justice.

(8) An order under subsection (6) may authorise the Lord Chancellor to enter into contracts for the provision of officers or staff to discharge functions—

(a) wholly or to the extent specified in the order,

(b) generally or in cases or areas specified in the order, and

(c) unconditionally or subject to the fulfilment of conditions specified in the order.

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Textual Amendments

F1 S. 2(7)(c)-(e) substituted (1.10.2005) for s. 2(7)(c)(d) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 309(1)**; S.I. 2005/2505, **art. 2(c)**

3 Provision of accommodation E+W

(1) The Lord Chancellor may provide, equip, maintain and manage such court-houses, offices and other accommodation as appear to him appropriate for the purpose of discharging his general duty in relation to the courts.

(2) The Lord Chancellor may enter into such arrangements for the provision, equipment, maintenance or management of court-houses, offices or other accommodation as appear to him appropriate for the purpose of discharging his general duty in relation to the courts.

(3) The powers under—

(a) section 2 of the Commissioners of Works Act 1852 (c. 28) (acquisition by agreement), and

(b) section 228(1) of the Town and Country Planning Act 1990 (c. 8) (compulsory acquisition),

to acquire land necessary for the public service are to be treated as including power to acquire land for the purpose of its provision under arrangements entered into under subsection (2).

(4) "Court-house" means any place where a court sits, including the precincts of any building in which it sits.

Courts boards

4 Establishment of courts boards E+W

(1) England and Wales is to be divided into areas for each of which there is to be a courts board.

(2) The areas are to be those specified by an order made by the Lord Chancellor.

(3) Each area established by an order under subsection (2) is to be known by such name as is specified in the order (but subject to subsection (4)).

(4) The Lord Chancellor may make orders altering the areas.

(5) "Altering", in relation to an area, includes (as well as changing its boundaries)—

(a) combining it with one or more other areas,

(b) dividing it between two or more other areas, and

(c) changing its name.

[F2(5A) Before making any order under subsection (2) or (4), the Lord Chancellor must consult the Lord Chief Justice.**]**

(6) Before making an order under subsection (4), the Lord Chancellor must consult any courts board affected by the proposed order.

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(7) When making an order under subsection (2) the Lord Chancellor must have regard to the desirability of specifying areas which are the same as—

(a) the police areas listed in Schedule 1 to the Police Act 1996 (c. 16) (division of England and Wales, except London, into police areas), and

(b) the area consisting of the Metropolitan Police District and the City of London police area.

[F3(7A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

(8) Schedule 1 contains provisions about the constitution and procedure of courts boards.

Textual Amendments

F2 S. 4(5A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 310(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F3 S. 4(7A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 310(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

5 Functions of courts boards E+W

(1) Each courts board is under a duty, in accordance with guidance under this section—

(a) to scrutinise, review and make recommendations about the way in which the Lord Chancellor is discharging his general duty in relation to the courts with which the board is concerned, and

(b) for the purposes mentioned in paragraph (a), to consider draft and final business plans relating to those courts.

(2) In discharging his general duty in relation to the courts, the Lord Chancellor must give due consideration to recommendations made by the boards under subsection (1).

(3) If the Lord Chancellor rejects a recommendation made by a courts board under subsection (1) as a result of the board's consideration of a final business plan, he must give the board his written reasons for so doing.

(4) The courts with which a courts board is concerned are—

(a) the Crown Court,

(b) county courts, and

(c) magistrates' courts,

in the board's area.

(5) The Lord Chancellor must **[**F4, after consulting the Lord Chief Justice,**]** prepare and issue the boards with guidance about how they should carry out their functions under subsection (1).

(6) The guidance may in particular contain provisions about the procedures to be followed in connection with draft and final business plans.

(7) The Lord Chancellor may **[**F5, after consulting the Lord Chief Justice,**]** from time to time issue the boards with revised guidance and revoke previous guidance.

(8) Guidance issued under this section must be laid before both Houses of Parliament.

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[F6(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

Textual Amendments

F4 Words in s. 5(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 311(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F5 Words in s. 5(7) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 311(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F6 S. 5(9) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 311(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

Abolition of magistrates' courts committees

6 Abolition of magistrates' courts committees, etc. E+W

(1) The Greater London Magistrates' Courts Authority (the magistrates' courts committee for Greater London) and all the magistrates' courts committees for areas of England and Wales outside Greater London are abolished.

(2) In consequence of that—

(a) England and Wales outside Greater London is no longer divided into magistrates' courts committee areas, and

(b) the office of justices' chief executive is abolished.

(3) Schedule 2 (abolition of magistrates' courts committees: transfers) has effect.

(4) The Justices of the Peace Act 1997 (c. 25) ceases to have effect.

Commencement Information

I1 S. 6 wholly in force at 1.4.2005; s. 6 not in force at Royal Assent see s. 110(1)(2); s. 6(3) in force at 1.9.2004 by S.I. 2004/2066, **art. 2(a)** (subject to art. 3); s. 6 in force at 1.4.2005 insofar as not already in force by S.I. 2005/910, **art. 3(d)**

PART 2 E+W

JUSTICES OF THE PEACE

The commission of the peace and local justice areas

7 The commission of the peace for England and Wales E+W

There shall be a commission of the peace for England and Wales—

(a) issued under the Great Seal, and

(b) addressed generally, and not by name, to all such persons as may from time to time hold office as justices of the peace for England and Wales.

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8 Local justice areas E+W

(1) England and Wales is to be divided into areas to be known as local justice areas.

(2) The areas are to be those specified by an order made by the Lord Chancellor.

(3) Each local justice area established by order under subsection (2) is to be known by such name as is specified in the order (but subject to subsection (4)).

(4) The Lord Chancellor may make orders altering local justice areas.

(5) "Altering", in relation to a local justice area, includes (as well as changing its boundaries)—

(a) combining it with one or more other local justice areas,

(b) dividing it between two or more other local justice areas, and

(c) changing its name.

[F7(5A) Before making any order under subsection (2) or (4), the Lord Chancellor must consult the Lord Chief Justice.**]**

(6) Before making an order under subsection (4) in relation to a local justice area the Lord Chancellor must consult—

(a) the justices of the peace assigned to the local justice area,

(b) any courts board whose area includes the local justice area or a part of the local justice area, and

(c) unless the alteration consists only of a change of name, any local authorities whose area includes the local justice area or a part of the local justice area.

(7) "Local authority" means—

(a) any council of a county, a county borough, a London borough or a council of a district,

(b) the Common Council of the City of London, or

(c) a police authority established under section 3 of the Police Act 1996 (c. 16) or the Metropolitan Police Authority.

[F8(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

Textual Amendments

F7 S. 8(5A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148, **Sch. 4 para. 312(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F8 S. 8(8) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148, **Sch. 4 para. 312(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

Lay justices

9 Meaning of "lay justice" E+W

In this Act "lay justice" means a justice of the peace who is not a District Judge (Magistrates' Courts).

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10 Appointment of lay justices etc. E+W

(1) Lay justices are to be appointed for England and Wales by the Lord Chancellor by instrument on behalf and in the name of Her Majesty.

(2) **[**F9Lord Chief Justice**]**
(a) must assign each lay justice to one or more local justice areas, and
(b) may change an assignment so as to assign the lay justice to a different local justice area or to different local justice areas.

[F10(2A) The Lord Chancellor must ensure that arrangements for the exercise, so far as affecting any local justice area, of functions under subsections (1) and (2) include arrangements for consulting persons appearing to him to have special knowledge of matters relevant to the exercise of those functions in relation to that area.**]**

(3) Every lay justice is, by virtue of his office, capable of acting as such in any local justice area (whether or not he is assigned to it); but he may do so only in accordance with arrangements made by **[**F11Lord Chief Justice**]** .

(4) Rules may make provision about the training courses to be completed before a person may exercise functions as a lay justice in any proceedings or class of proceedings specified in the rules.

(5) Subsection (3) is subject to section 12 (the supplemental list).

[F12(6) The functions conferred on the Lord Chief Justice by subsections (2) and (3) may be exercised only after consulting the Lord Chancellor.

(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2) or (3).**]**

Textual Amendments

F9 Words in s. 10(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 313(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F10 S. 10(2A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), **s. 106**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 6

F11 Words in s. 10(3) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 313(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F12 S. 10(6)(7) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 313(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

11 Resignation and removal of lay justices E+W

(1) A lay justice may resign his office at any time.

(2) The Lord Chancellor may **[**F13, with the concurrence of the Lord Chief Justice,**]** remove a lay justice from his office by an instrument on behalf and in the name of Her Majesty—
(a) on the ground of incapacity or misbehaviour,
(b) on the ground of a persistent failure to meet such standards of competence as are prescribed by a direction given by the Lord Chancellor **[**F14with the concurrence of the Lord Chief Justice**]** , or

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(c) if he is satisfied that the lay justice is declining or neglecting to take a proper part in the exercise of his functions as a justice of the peace.

Textual Amendments

F13 Words in s. 11(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 314(a)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F14 Words in s. 11(2)(b) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 314(b)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

12 The supplemental list E+W

(1) A list, to be known as "the supplemental list", must be kept in the office of the Clerk of the Crown in Chancery.

(2) A lay justice whose name is entered in the supplemental list is not qualified as a justice of the peace to do any act or to be a member of a committee or other body.

(3) No act or appointment is invalidated by reason of the disqualification of a lay justice under subsection (2).

13 Entry of names in the supplemental list E+W

(1) Subject to subsections (2) and (3), the name of a lay justice who has reached 70 must be entered in the supplemental list.

(2) The name of a lay justice who, when he reaches 70, is chairman of the lay justices assigned to a local justice area need not be entered in the supplemental list until the term for which he is serving as chairman has ended.

(3) Where—

(a) proceedings are, or are expected to be, in progress on the day on which the lay justice reaches 70, and

(b) the lay justice is exercising functions in those proceedings as a justice of the peace,

the **[**[F15]Lord Chief Justice may, with the concurrence of the Lord Chancellor,**]** direct that the name of the lay justice need not be entered in the supplemental list until the proceedings have ended.

(4) The name of a lay justice must be entered in the supplemental list if—

(a) he applies for it to be entered, and

(b) the application is approved by the Lord Chancellor.

(5) The Lord Chancellor may **[**[F16], with the concurrence of the Lord Chief Justice,**]** direct that the name of a lay justice is to be entered in the supplemental list on the ground of incapacity.

[[F17](6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (3).**]**

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Textual Amendments

F15 Words in s. 13(3) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 315(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F16 Words in s. 13(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 315(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F17 S. 13(6) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 315(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

14 Removal of names from the supplemental list E+W

(1) A person's name must be removed from the supplemental list if he ceases to be a justice of the peace.

(2) A person's name must be removed from the supplemental list if—

(a) his name is in the list as a result of section 13(4) or (5), and

(b) the Lord Chancellor **[**[F18], with the concurrence of the Lord Chief Justice,**]** directs its removal.

Textual Amendments

F18 Words in s. 14(2)(b) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 316**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

15 Lay justices' allowances E+W

(1) A lay justice is entitled to payments by way of—

(a) travelling allowance,

(b) subsistence allowance, and

(c) financial loss allowance.

(2) Allowances under this section are to be paid by the Lord Chancellor at rates determined by him.

(3) A lay justice's travelling allowance is an allowance in respect of expenditure—

(a) which is incurred by him on travelling, and

(b) which is necessarily incurred for the purpose of enabling him to perform his duties.

(4) A lay justice's subsistence allowance is an allowance in respect of expenditure—

(a) which is incurred by him on subsistence, and

(b) which is necessarily incurred for the purpose of enabling him to perform his duties.

(5) A lay justice's financial loss allowance is an allowance in respect of—

(a) any other expenditure incurred by reason of the performance of his duties, and

(b) any loss of earnings or social security benefits suffered by reason of the performance of his duties.

(6) A lay justice is not entitled to a payment under this section in respect of the performance of his duties if—

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(a) a payment of a similar kind in respect of those duties may be made to him apart from this section, or

(b) entitlement to the payment is excluded by regulations made by the Lord Chancellor.

(7) For the purposes of this section the performance of a lay justice's duties includes taking a training course provided by or on behalf of the **[**F19Lord Chief Justice**]** .

(8) The Lord Chancellor may by regulations make provision about the way in which this section is to be administered and may in particular make provision—

(a) prescribing sums (including tax credits) that are to be treated as social security benefits for the purposes of financial loss allowances,

(b) prescribing the particulars to be provided for claiming payment of allowances, and

(c) for avoiding duplication between payments under this section and under other arrangements where expenditure is incurred for more than one purpose.

[F20(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (7).**]**

Textual Amendments

F19 Words in s. 15(7) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 317(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F20 S. 15(9) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 317(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

16 Records of lay justices E+W

(1) The Lord Chancellor—

(a) must appoint a person to be keeper of the rolls for each local justice area, and

(b) may appoint the same person to be keeper of the rolls for more than one local justice area.

(2) The keeper of the rolls for a local justice area must be notified, in such manner as the Lord Chancellor may direct, of—

(a) any assignment of a lay justice to the area,

(b) any change in an assignment of a lay justice as a result of which he ceases to be assigned to the area, and

(c) the fact that a lay justice assigned to the area has ceased to be a justice of the peace or that his name has been entered in or removed from the supplemental list.

(3) The keeper of the rolls for a local justice area must ensure that an accurate record is maintained of all lay justices for the time being assigned to the area.

[F21(4) The Lord Chancellor must consult the Lord Chief Justice before—

(a) appointing a person under subsection (1), or

(b) giving a direction under subsection (2).

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(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

Textual Amendments

F21 S. 16(4)(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 318**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

Chairman and deputy chairmen and the bench

17 Chairman and deputy chairmen: selection E+W

(1) For each local justice area there is to be—

(a) a chairman of the lay justices assigned to the area, and

(b) one or more deputy chairmen of those lay justices,

chosen by them from among their number.

(2) Rules may make provision—

(a) subject to subsection (3), as to the term of office of the chairman and deputy chairmen, and

(b) as to the number of deputy chairmen to be elected for any area.

(3) The **[**F22Lord Chief Justice may, with the concurrence of the Lord Chancellor,**]** authorise a lay justice to continue to hold office as chairman or deputy chairman for the purposes of specified proceedings which are, or are expected to be, in progress on the day on which the lay justice's office would otherwise end.

(4) Any contested election for choosing the chairman or a deputy chairman is to be held by secret ballot.

(5) Rules may make provision for the purposes of this section and may in particular make provision—

(a) about the procedure for nominating candidates for election as a chairman or a deputy chairman;

(b) about the procedure at such an election.

[F23(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

Textual Amendments

F22 Words in s. 17(3) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 319(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F23 S. 17(6) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 319(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

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18 Rights to preside and size of bench E+W

(1) If the chairman for a local justice area is present at a sitting or other meeting of lay justices assigned to or acting in the area, he must preside.

(2) If, in the absence of the chairman, one or more of the deputy chairmen for a local justice area is present at a sitting or other meeting of lay justices assigned to or acting in that area he (or the most senior of them) must preside.

(3) Neither subsection (1) nor subsection (2) applies if, in accordance with rules, the chairman or (as the case may be) the deputy chairman asks another of the lay justices to preside.

(4) Subsections (1) and (2) do not confer on the chairman or a deputy chairman a right to preside in court if, under rules, he is ineligible to do so.

(5) Subsections (1) and (2) do not confer on the chairman or a deputy chairman a right to preside—

(a) in a youth court or family proceedings court,

(b) at meetings of a committee or other body of justices of the peace which has its own chairman, or

(c) at sittings when a District Judge (Magistrates' Courts) is engaged as such in administering justice.

(6) Rules may make provision for the purposes of subsections (3) and (4) and may in particular make provision—

(a) as to training courses to be completed by lay justices before they may preside in court,

(b) as to—

(i) the approval of lay justices, in accordance with the rules, before they may preside in court,

(ii) the lay justices who may be so approved, and

(iii) the courts to which the approval relates, and

(c) as to circumstances in which a lay justice may preside in court even though requirements imposed under paragraph (a) or (b) are not met in relation to him.

(7) Rules may also make provision—

(a) specifying the maximum number of lay justices who may sit to deal with a case as a magistrates' court, and

(b) as to the arrangements to be made for securing the presence on the bench of enough, but not more than enough, lay justices.

Supplementary provisions about the bench

19 Training, development and appraisal of lay justices E+W

(1) Rules may (in addition to making provision under sections 10(4) and 18(6)) make provision for, or in connection with, the training, development and appraisal of lay justices.

(2) Such rules may make provision for committees, constituted in accordance with the rules, to have such functions as may be specified in the rules, including, in particular—

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(a) providing advice and support to lay justices in connection with their functions as lay justices;
(b) identifying the training needs of lay justices;
(c) appraising lay justices and reporting on the results of appraisals;
(d) giving or withholding approval for the purposes of section 18;
(e) advising the **[**F24Lord Chief Justice**]** in relation to authorisations of lay justices as members of family proceedings courts or youth courts;
(f) granting or revoking such authorisations on behalf of the **[**F24Lord Chief Justice**]** .

(3) The **[**F25Lord Chief Justice**]** must ensure that **[**F26training and training materials that appear to him, after consulting the Lord Chancellor, to be appropriate**]** are provided for lay justices with a view to enabling them to comply with requirements as to training imposed by rules under section 10 or 18 or this section.

[F27(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

Textual Amendments

F24 Words in s. 19(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 320(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F25 Words in s. 19(3) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 320(3)(a)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F26 Words in s. 19(3) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 320(3)(b)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F27 S. 19(4) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 320(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

20 Rules E+W

(1) In sections 10, 17, 18 and 19 "rules" means rules made by the **[**F28Lord Chief Justice**]** .

(2) Before making any rules for the purposes of section 10, 17, 18 or 19 the **[**F29Lord Chief Justice**]** must consult—
[F30(za) the Lord Chancellor,**]**
(a) the Criminal Procedure Rule Committee,
(b) the Family Procedure Rule Committee, and
(c) the Magistrates' Courts Rule Committee.

[F31(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions of making the rules referred to in this section.**]**

Textual Amendments

F28 Words in s. 20(1) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 321(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F29 Words in s. 20(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 321(3)(a)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

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F30 S. 20(2)(za) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 321(3)(b)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F31 S. 20(3) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 321(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F32 21 Duty to consult lay justices on matters affecting them etc. E+W

(1) The Lord Chancellor **[**F33and the Lord Chief Justice**]** must take all reasonable and practicable steps—

(a) for ensuring that lay justices acting in a local justice area are kept informed of matters affecting them in the performance of their duties, and

(b) for ascertaining their views on such matters.

[F34(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

Textual Amendments

F32 S. 21 renumbered as s. 21(1) (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 322(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F33 Words in s. 21(1) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 322(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F34 S. 21(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 322(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

District Judges (Magistrates' Courts)

22 Appointment etc. E+W

(1) Her Majesty may, on the recommendation of the Lord Chancellor, appoint a person who has a 7 year general qualification to be a District Judge (Magistrates' Courts).

(2) A District Judge (Magistrates' Courts) must, before acting as such, take the oath of allegiance and judicial oath in accordance with the Promissory Oaths Act 1868 (c. 72) and the Promissory Oaths Act 1871 (c. 48).

(3) The Lord Chancellor may pay to a District Judge (Magistrates' Courts) such allowances as he may determine.

(4) Any such allowances are in addition to the salary charged on and paid out of the Consolidated Fund under section 9 of the Administration of Justice Act 1973 (c. 15).

(5) The Lord Chancellor may **[**F35, with the concurrence of the Lord Chief Justice,**]** remove a District Judge (Magistrates' Courts) from office on the ground of incapacity or misbehaviour.

Textual Amendments

F35 Words in s. 22(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 323**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

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23 Senior District Judge (Chief Magistrate) E+W

[F36Her Majesty**]**

(a) may designate one of the District Judges (Magistrates' Courts) to be Senior District Judge (Chief Magistrate), and

(b) if **[**F37she**]** does so, may designate another of them to be the deputy of the Senior District Judge (Chief Magistrate).

Textual Amendments

F36 Words in s. 23 substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 14, **Sch. 3 para. 5(a)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 9

F37 Words in s. 23 substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 14, **Sch. 3 para. 5(b)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 9

24 Deputy District Judges (Magistrates' Courts) E+W

(1) The Lord Chancellor may appoint a person who has a 7 year general qualification to be a Deputy District Judge (Magistrates' Courts) for such period as the Lord Chancellor considers appropriate (but subject to subsection (4)).

(2) A Deputy District Judge (Magistrates' Courts) must, before acting as such, take the oath of allegiance and judicial oath in accordance with the Promissory Oaths Act 1868 and the Promissory Oaths Act 1871.

(3) The Lord Chancellor may pay to a Deputy District Judge (Magistrates' Courts) such remuneration and allowances as he may determine.

(4) The Lord Chancellor may **[**F38, with the concurrence of the Lord Chief Justice,**]** remove a Deputy District Judge (Magistrates' Courts) from office on the ground of incapacity or misbehaviour.

(5) During the period of his appointment, a Deputy District Judge (Magistrates' Courts)—

(a) is to act as a District Judge (Magistrates' Courts), and

(b) is to be treated for all purposes (apart from appointment, tenure, remuneration, allowances and pensions) as if he were a District Judge (Magistrates' Courts).

Textual Amendments

F38 Words in s. 24(4) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 324**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

25 District Judges (Magistrates' Courts) as justices of the peace E+W

(1) A District Judge (Magistrates' Courts) is by virtue of his office a justice of the peace for England and Wales.

(2) It is the duty of a District Judge (Magistrates' Courts) to act as a justice of the peace in any local justice area in accordance with arrangements made by **[**F39the Lord Chief Justice, after consulting the Lord Chancellor**]** .

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[F40(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2).**]**

Textual Amendments

F39 S. 25(2): words 'or on behalf of the Lord Chancellor' left out, and words 'the Lord Chief Justice, after consulting the Lord Chancellor' inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 325(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F40 S. 25(3) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 325(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

26 District Judges (Magistrates' Courts) able to act alone E+W

(1) Nothing in the 1980 Act—

(a) requiring a magistrates' court to be composed of two or more justices, or

(b) limiting the powers of a magistrates' court when composed of a single justice,

applies to a District Judge (Magistrates' Courts).

(2) A District Judge (Magistrates' Courts) may—

(a) do any act, and

(b) exercise alone any jurisdiction,

which can be done or exercised by two justices, apart from granting or transferring a licence.

(3) Any enactment making provision ancillary to the jurisdiction exercisable by two justices of the peace also applies to the jurisdiction of a District Judge (Magistrates' Courts), unless the provision relates to granting or transferring a licence.

(4) This section does not apply to the hearing or determination of family proceedings (as defined by section 65 of the 1980 Act).

(5) "The 1980 Act" means the Magistrates' Courts Act 1980 (c. 43).

Justices' clerks and assistant clerks

27 Justices' clerks and assistant clerks E+W

(1) A justices' clerk is a person who is—

(a) appointed by the Lord Chancellor under section 2(1), and

(b) designated by the Lord Chancellor **[**F41, after consulting the Lord Chief Justice,**]** as a justices' clerk.

(2) A person may be designated as a justices' clerk only if he—

(a) has a 5 year magistrates' court qualification,

(b) is a barrister or solicitor who has served for not less than 5 years as an assistant to a justices' clerk, or

(c) has previously been a justices' clerk.

(3) The Lord Chancellor—

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(a) must **[**F42, after consulting the Lord Chief Justice,**]** assign each justices' clerk to one or more local justice areas, and

(b) subject to **[**F43subsections (4A) to (4C)**]** , may change an assignment so as to assign the justices' clerk to a different local justice area or to different local justice areas.

[F44(4A) The Lord Chancellor may change an assignment of a justices' clerk so that he is no longer assigned to a local justice area ("the relevant area") only if the conditions in subsections (4B) and (4C) are met.

(4B) Before changing the assignment, the Lord Chancellor must consult—

(a) the chairman of the lay justices assigned to the relevant area, or

(b) if that is not possible or not practicable, the deputy chairman or such of the lay justices assigned to or acting in the relevant area as it appears to the Lord Chancellor appropriate to consult.

(4C) The Lord Chief Justice must agree to the change.**]**

(5) An assistant to a justices' clerk is a person who is—

(a) appointed by the Lord Chancellor under section 2(1) or provided under a contract made by virtue of section 2(4), and

(b) designated by the Lord Chancellor as an assistant to a justices' clerk.

(6) The Lord Chancellor may by regulations provide that, subject to such exceptions as may be prescribed by the regulations, a person may be designated as an assistant to a justices' clerk only if he—

(a) has a 5 year magistrates' court qualification, or

(b) has such qualifications as may be prescribed by, or approved by the Lord Chancellor in accordance with, the regulations.

[F45(6A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

(7) In this Part "assistant clerk" is short for "assistant to a justices' clerk".

Textual Amendments

F41 Words in s. 27(1)(b) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 326(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F42 Words in s. 27(3)(a) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 326(3)(a)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F43 Words in s. 27(3)(b) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 326(3)(b)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F44 S. 27(4A)-(4C) substituted (3.4.2006) for s. 27(4) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 326(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F45 S. 27(6A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 326(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

28 Functions E+W

(1) Rules may make provision enabling things authorised to be done by, to or before a single justice of the peace to be done instead by, to or before a justices' clerk.

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(2) Rules may also make provision enabling things authorised to be done by, to or before a justices' clerk (whether by virtue of subsection (1) or otherwise) to be done instead by, to or before an assistant clerk.

(3) An enactment or rule of law which—

(a) regulates the exercise of any jurisdiction or powers of justices of the peace, or

(b) relates to things done in the exercise or purported exercise of any such jurisdiction or powers,

applies in relation to the exercise or purported exercise of any such jurisdiction or powers by a justices' clerk by virtue of subsection (1) as if he were a justice of the peace.

(4) The functions of a justices' clerk include giving advice to any or all of the justices of the peace to whom he is clerk about matters of law (including procedure and practice) on questions arising in connection with the discharge of their functions, including questions arising when the clerk is not personally attending on them.

(5) The powers of a justices' clerk include, at any time when he thinks he should do so, bringing to the attention of any or all of the justices of the peace to whom he is clerk any point of law (including procedure and practice) that is or may be involved in any question so arising.

(6) For the purposes of subsections (4) and (5) the functions of justices of the peace do not include functions as a judge of the Crown Court.

(7) Subsections (4) and (5) do not limit—

(a) the powers and duties of a justices' clerk, or

(b) the matters on which justices of the peace may obtain assistance from their clerk.

(8) In this section "rules" means rules made by the Lord Chancellor **[**[F46]with the concurrence of the Lord Chief Justice**]** .

(9) Before making any rules for the purposes of this section the Lord Chancellor must consult—

(a) the Criminal Procedure Rule Committee,

(b) the Family Procedure Rule Committee, and

(c) the Magistrates' Courts Rule Committee.

[[F47](10) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

Textual Amendments

F46 Words in s. 28(8) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 327(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F47 S. 28(10) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 327(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

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29 Independence E+W

(1) A justices' clerk exercising—

(a) a function exercisable by one or more justices of the peace,

(b) a function specified in section 28(4) or (5) (advice on matters of law, including procedure and practice), or

(c) a function as a member of the Criminal Procedure Rule Committee or the Family Procedure Rule Committee,

is not subject to the direction of the Lord Chancellor or any other person.

(2) An assistant clerk who is exercising any such function is not subject to the direction of any person other than a justices' clerk.

Places, dates and times of sittings

30 Places, dates and times of sittings E+W

(1) The Lord Chancellor may **[**F48, after consulting the Lord Chief Justice,**]** give directions as to the places in England and Wales at which magistrates' courts may sit.

(2) In exercising his powers under subsection (1), the Lord Chancellor shall have regard to the need to ensure that court-houses are accessible to persons resident in each local justice area.

(3) The Lord Chancellor may, with the concurrence of the Lord Chief Justice, give directions as to the distribution and transfer of the general business of magistrates' courts between the places specified in directions under subsection (1).

(4) Directions under subsection (3) may, in particular, contain provision that, where a person is charged with an offence and is being required to appear before a magistrates' court, the place where he is required to appear is one of the places described in subsection (5).

(5) The places are—

(a) a place in the local justice area in which the offence is alleged to have been committed;

(b) a place in the local justice area in which the person charged with the offence resides;

(c) a place in the local justice area in which the witnesses, or the majority of the witnesses, reside;

(d) a place where other cases raising similar issues are being dealt with.

(6) "The general business of magistrates' courts" does not include family proceedings (as defined in section 65 of the 1980 Act).

(7) The Lord Chancellor may **[**F49, after consulting the Lord Chief Justice,**]** give directions as to the days on which and times at which magistrates' courts may sit.

(8) Subject to any directions under subsection (7), the business of magistrates' courts may be conducted on any day and at any time.

[F50(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1) or (7).**]**

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Textual Amendments

F48 Words in s. 30(1) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 328(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F49 Words in s. 30(7) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 328(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F50 S. 30(9) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 328(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

Protection and indemnification of justices and justices' clerks

31 Immunity for acts within jurisdiction E+W

(1) No action lies against a justice of the peace in respect of what he does or omits to do—

(a) in the execution of his duty as a justice of the peace, and

(b) in relation to a matter within his jurisdiction.

(2) No action lies against a justices' clerk or an assistant clerk in respect of what he does or omits to do—

(a) in the execution of his duty as a justices' clerk or assistant clerk exercising, by virtue of an enactment, a function of a single justice of the peace, and

(b) in relation to a matter within his jurisdiction.

32 Immunity for certain acts beyond jurisdiction E+W

(1) An action lies against a justice of the peace in respect of what he does or omits to do—

(a) in the purported execution of his duty as a justice of the peace, but

(b) in relation to a matter not within his jurisdiction,

if, but only if, it is proved that he acted in bad faith.

(2) An action lies against a justices' clerk or an assistant clerk in respect of what he does or omits to do—

(a) in the purported execution of his duty as a justices' clerk or assistant clerk exercising, by virtue of an enactment, a function of a single justice of the peace, but

(b) in relation to a matter not within his jurisdiction,

if, but only if, it is proved that he acted in bad faith.

33 Striking out proceedings where action prohibited E+W

(1) If an action is brought in circumstances in which section 31 or 32 provides that no action lies, a judge of the court in which the action is brought may, on the application of the defendant, strike out the proceedings in the action.

(2) If a judge strikes out proceedings under subsection (1), he may if he thinks fit order the person bringing the action to pay costs.

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34 Costs in legal proceedings E+W

(1) A court may not order a justice of the peace to pay costs in any proceedings in respect of what he does or omits to do in the execution (or purported execution) of his duty as a justice of the peace.

(2) A court may not order—

(a) a justices' clerk, or

(b) an assistant clerk,

to pay costs in any proceedings in respect of what he does or omits to do in the execution (or purported execution) of his duty as a justices' clerk or assistant clerk exercising, by virtue of an enactment, a function of a single justice of the peace.

(3) But subsections (1) and (2) do not apply in relation to any proceedings in which a justice of the peace, justices' clerk or assistant clerk—

(a) is being tried for an offence or is appealing against a conviction, or

(b) is proved to have acted in bad faith in respect of the matters giving rise to the proceedings.

(4) A court which is prevented by subsection (1) or (2) from ordering a justice of the peace, justices' clerk or assistant clerk to pay costs in any proceedings may instead order the Lord Chancellor to make a payment in respect of the costs of a person in the proceedings.

(5) The Lord Chancellor may **[**F51, after consulting the Lord Chief Justice,**]** make regulations specifying—

(a) circumstances in which a court must or must not exercise the power conferred on it by subsection (4), and

(b) how the amount of any payment ordered under subsection (4) is to be determined.

[F52(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

Textual Amendments

F51 Words in s. 34(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 329(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F52 S. 34(6) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 329(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

35 Indemnity E+W

(1) "Indemnifiable amounts", in relation to a justice of the peace, justices' clerk or assistant clerk, means—

(a) costs which he reasonably incurs in or in connection with proceedings in respect of anything done or omitted to be done in the exercise (or purported exercise) of his duty as a justice of the peace, justices' clerk or assistant clerk,

(b) costs which he reasonably incurs in taking steps to dispute a claim which might be made in such proceedings,

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(c) damages awarded against him or costs ordered to be paid by him in such proceedings, or

(d) sums payable by him in connection with a reasonable settlement of such proceedings or such a claim.

(2) Indemnifiable amounts relate to criminal matters if the duty mentioned in subsection (1)(a) relates to criminal matters.

(3) The Lord Chancellor must indemnify a justice of the peace, justices' clerk or assistant clerk in respect of—

(a) indemnifiable amounts which relate to criminal matters, unless it is proved, in respect of the matters giving rise to the proceedings or claim, that he acted in bad faith, and

(b) other indemnifiable amounts if, in respect of the matters giving rise to the proceedings or claim, he acted reasonably and in good faith.

(4) The Lord Chancellor may indemnify a justice of the peace, justices' clerk or assistant clerk in respect of other indemnifiable amounts unless it is proved, in respect of the matters giving rise to the proceedings or claim, that he acted in bad faith.

(5) Any question whether, or to what extent, a person is to be indemnified under this section is to be determined by the Lord Chancellor.

(6) The Lord Chancellor may, if the person claiming to be indemnified so requests, make a determination for the purposes of this section with respect to—

(a) costs such as are mentioned in subsection (1)(a) or (b), or

(b) sums such as are mentioned in subsection (1)(d),

before the costs are incurred or the settlement in connection with which the sums are payable is made.

(7) But a determination under subsection (6) before costs are incurred—

(a) is subject to such limitations (if any) as the Lord Chancellor thinks proper and to the subsequent determination of the costs reasonably incurred, and

(b) does not affect any other determination which may fall to be made in connection with the proceedings or claim in question.

Fines officers and designated officers

36 Fines officers E+W

Any reference in an enactment to a fines officer is to a person who is—

(a) appointed by the Lord Chancellor under section 2(1) or provided under a contract made by virtue of section 2(4), and

(b) designated as a fines officer by the Lord Chancellor.

37 Designated officers and magistrates' courts E+W

(1) Any reference in an enactment to the designated officer, in relation to a magistrates' court, justice of the peace or local justice area, is to a person who is—

(a) appointed by the Lord Chancellor under section 2(1) or provided under a contract made by virtue of section 2(4), and

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(b) designated by the Lord Chancellor in relation to that court, justice of the peace or area.

(2) In this section "magistrates' court" includes—

(a) a committee of justices, and

(b) when exercising a function exercisable by one or more justices of the peace—

(i) a justices' clerk, and

(ii) an assistant clerk.

Application of receipts of magistrates' courts etc.

38 Application of receipts of designated officers E+W

(1) The following are to be paid to the Lord Chancellor—

(a) fines imposed by a magistrates' court,

(b) sums which—

(i) become payable by virtue of an order of a magistrates' court, and

(ii) are by an enactment made applicable as fines (or any description of fines) imposed by a magistrates' court, and

(c) all other sums received by—

(i) a designated officer for a magistrates' court, or

(ii) a designated officer for a local justice area,

in his capacity as such.

(2) "Fine" includes—

(a) any pecuniary penalty, pecuniary forfeiture or pecuniary compensation payable under a conviction, and

(b) any pecuniary forfeiture on conviction by, or under any order of, a magistrates' court so far as the forfeiture is converted into or consists of money.

(3) For the purposes of this section anything done by the Crown Court on appeal from a magistrates' court is to be treated as done by the magistrates' court.

(4) Any sums received by the Lord Chancellor under this section are to be paid by him into the Consolidated Fund.

39 Limits to requirements about application of receipts E+W

(1) Section 38(1) is subject to section 139 of the 1980 Act (sums paid on summary conviction applied for payment of compensation and costs).

(2) Paragraphs (a) and (b) of section 38(1) do not apply to sums which, by or under any enactment, are directed to be paid to—

(a) the Commissioners of Customs and Excise, or

(b) officers of, or persons appointed by, the Commissioners.

(3) Those paragraphs also do not apply to sums which, by or under any enactment, are directed—

(a) to be paid to or for the benefit of—

(i) the party aggrieved or injured or a person described in similar terms, or

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(ii) the family or relatives of a person described in any such terms or of a person dying in consequence of an act or event which constituted or was the occasion of an offence,

(b) to be applied in making good any default or repairing any damage or reimbursing any expenses (other than those of the prosecution), or

(c) to be paid to any person, if the enactment refers in terms to awarding or reimbursing a loss or to damages, compensation or satisfaction for loss, damage, injury or wrong.

(4) Paragraph (c) of section 38(1) does not apply to—

(a) sums to which a person other than the Lord Chancellor is by law entitled and which are paid to that person, or

(b) sums received by a designated officer on account of his salary or expenses as such.

(5) Any sum paid to the Lord Chancellor by virtue of paragraph (c) of section 38(1) is to be paid to him subject to being repaid to any person establishing his title to it.

40 Regulations about payments, accounting and banking by designated officers E+W

(1) The Lord Chancellor may, with the concurrence of the Treasury, make regulations—

(a) as to the times at which, and the manner in which, a designated officer is to pay sums payable by him in his capacity as such to the Lord Chancellor or any other person,

(b) requiring the keeping of accounts by designated officers in respect of sums received by them,

(c) as to the production, inspection and audit of accounts required to be kept, and

(d) requiring designated officers to use—

(i) specified banking arrangements or facilities, or

(ii) banking arrangements or facilities of a specified description,

in relation to sums received by them.

(2) Regulations under this section may make different provision in relation to different descriptions of designated officer.

Miscellaneous

41 Disqualification of lay justices who are members of local authorities E+W

(1) A lay justice who is a member of a local authority may not act as a member of the Crown Court or a magistrates' court in proceedings brought by or against, or by way of an appeal from a decision of—

(a) that local authority,

(b) a committee or officer of that local authority, or

(c) if that local authority is operating executive arrangements (within the meaning of Part 2 of the Local Government Act 2000 (c. 22))—

(i) the executive of that local authority (within the meaning of that Part), or

(ii) any person acting on behalf of that executive.

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(2) A lay justice who is a member of the Common Council of the City of London may not act as a member of the Crown Court or a magistrates' court in proceedings brought by or against, or by way of an appeal from a decision of—

(a) the Corporation of the City,

(b) the Common Council, or

(c) a committee or officer of the Corporation or the Common Council.

(3) A joint committee, joint board, joint authority or other combined body—

(a) of which a local authority, the Corporation or the Common Council is a member, or

(b) on which the local authority, the Corporation or the Council is represented,

is to be regarded for the purposes of this section as a committee of the local authority, Corporation or Common Council.

(4) Any reference in this section to an officer of—

(a) a local authority,

(b) the Corporation, or

(c) the Common Council,

is to a person employed or appointed by, or by a committee of, the local authority, Corporation or Common Council in the capacity in which he is employed or appointed to act.

(5) No act is invalidated merely because of the disqualification under this section of the person by whom it is done.

(6) "Local authority" means—

(a) a local authority within the meaning of the Local Government Act 1972 (c. 70),

(b) a local authority constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39),

(c) a police authority established under section 3 of the Police Act 1996 (c. 16), the Metropolitan Police Authority **[**F53or the Serious Organised Crime Agency**]** ,

(d) the London Fire and Emergency Planning Authority,

(e) a joint authority established under Part 4 of the Local Government Act 1985 (c. 51),

(f) a National Park Authority,

(g) the Broads Authority, or

(h) a housing action trust established under Part 3 of the Housing Act 1988 (c. 50).

Textual Amendments

F53 Words in s. 41(6)(c) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005, (c. 15), s. 59, {Sch. 4 para. 192}; S.I. 2006/378, **art. 4**, Sch. para. 10

42 Effect of Act of Settlement on existing justices of the peace E+W

Nothing in section 3 of the Act of Settlement (1700 c. 2) (certain persons born outside the United Kingdom) invalidates—

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(a) any appointment, whether made before or after the passing of this Act, of a justice of the peace, or

(b) any act done by virtue of such an appointment.

PART 3 E+W

MAGISTRATES' COURTS

Criminal jurisdiction and procedure

43 Summons or warrant for suspected offender E+W

(1) For section 1(1) of the 1980 Act (issue of summons to accused or warrant for his arrest), substitute—

"(1) On an information being laid before a justice of the peace that a person has, or is suspected of having, committed an offence, the justice may issue—

(a) a summons directed to that person requiring him to appear before a magistrates' court to answer the information, or

(b) a warrant to arrest that person and bring him before a magistrates' court."

(2) Omit section 1(2), (5) and (8) of the 1980 Act.

44 Trial of summary offences E+W

For section 2 of the 1980 Act substitute—

"**2 Trial of summary offences**

(1) A magistrates' court has jurisdiction to try any summary offence.

(2) A magistrates' court has jurisdiction as examining justices over any offence committed by a person who appears or is brought before the court.

(3) Subject to—

(a) sections 18 to 22, and

(b) any other enactment (wherever contained) relating to the mode of trial of offences triable either way,

a magistrates' court has jurisdiction to try summarily any offence which is triable either way.

(4) A magistrates' court has jurisdiction, in the exercise of its powers under section 24, to try summarily an indictable offence.

(5) This section does not affect any jurisdiction over offences conferred on a magistrates' court by any enactment not contained in this Act."

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45 Power to make rulings at pre-trial hearings E+W

(1) Schedule 3 contains amendments of the 1980 Act relating to rulings at pre-trial hearings in magistrates' courts.

(2) The amendments made by the Schedule apply in relation to pre-trial hearings beginning on or after the day on which it comes into force.

46 Power to transfer criminal cases E+W

(1) After section 27 of the 1980 Act insert—

"Transfer of criminal proceedings

27A Power to transfer criminal proceedings

(1) Where a person appears or is brought before a magistrates' court—

(a) to be tried by the court for an offence, or

(b) for the court to inquire into the offence as examining justices,

the court may transfer the matter to another magistrates' court.

(2) The court may transfer the matter before or after beginning the trial or inquiry.

(3) But if the court transfers the matter after it has begun to hear the evidence and the parties, the court to which the matter is transferred must begin hearing the evidence and the parties again.

(4) The power of the court under this section to transfer any matter must be exercised in accordance with any directions given under section 30(3) of the Courts Act 2003."

(2) Omit section 3B of the 1980 Act (transfer of trials of summary offences).

Civil jurisdiction and procedure

47 Jurisdiction to issue summons and deal with complaints E+W

(1) For section 51 of the 1980 Act (issue of summons on complaint) substitute—

"**51 Issue of summons on complaint**

Where a complaint relating to a person is made to a justice of the peace, the justice of the peace may issue a summons to the person requiring him to appear before a magistrates' court to answer to the complaint."

(2) For section 52 of the 1980 Act (jurisdiction to deal with complaints) substitute—

"**52 Jurisdiction to deal with complaints**

(1) A magistrates' court has jurisdiction to hear any complaint.

(2) But subsection (1) is subject to provision made by any enactment."

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48 Power to transfer civil proceedings (other than family proceedings) E+W

After section 57 of the 1980 Act insert—

"Transfer of civil proceedings (other than family proceedings)

57A Power to transfer civil proceedings (other than family proceedings)

(1) A magistrates' court may at any time, whether before or after beginning to hear a complaint, transfer the hearing to another magistrates' court.

(2) But if the court transfers the matter after it has begun to hear the evidence and the parties, the court to which the matter is transferred must begin hearing the evidence and the parties again.

(3) This section does not apply to family proceedings.

(4) The power of the court under this section to transfer a hearing must be exercised in accordance with any directions given under section 30(3) of the Courts Act 2003."

Family proceedings courts and youth courts

49 Family proceedings courts E+W

(1) For section 67 of the 1980 Act (family proceedings courts and panels) substitute—

"**67 Family proceedings courts**

(1) Magistrates' courts—

(a) constituted in accordance with this section or section 66 of the Courts Act 2003 (judges having powers of District Judges (Magistrates' Courts)), and

(b) sitting for the purpose of hearing family proceedings,

are to be known as family proceedings courts.

(2) A justice of the peace is not qualified to sit as a member of a family proceedings court to hear family proceedings of any description unless he has an authorisation extending to the proceedings.

(3) He has an authorisation extending to the proceedings only if he has been authorised by the Lord Chancellor or a person acting on his behalf to sit as a member of a family proceedings court to hear—

(a) proceedings of that description, or

(b) all family proceedings.

(4) The Lord Chancellor may by rules make provision about—

(a) the grant and revocation of authorisations,

(b) the appointment of chairmen of family proceedings courts, and

(c) the composition of family proceedings courts.

(5) Rules under subsection (4) may confer powers on the Lord Chancellor with respect to any of the matters specified in the rules.

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(6) Rules under subsection (4) may be made only after consultation with the Family Procedure Rule Committee.

(7) Rules under subsection (4) are to be made by statutory instrument.

(8) A statutory instrument containing rules under subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament."

(2) Omit section 68 of the 1980 Act (combined family panels for two or more petty sessions areas).

50 Youth courts E+W

(1) For section 45 of the 1933 Act (constitution of youth courts) substitute—

"**45 Youth courts**

(1) Magistrates' courts—

(a) constituted in accordance with this section or section 66 of the Courts Act 2003 (judges having powers of District Judges (Magistrates' Courts)), and

(b) sitting for the purpose of—

(i) hearing any charge against a child or young person, or

(ii) exercising any other jurisdiction conferred on youth courts by or under this or any other Act,

are to be known as youth courts.

(2) A justice of the peace is not qualified to sit as a member of a youth court for the purpose of dealing with any proceedings unless he has an authorisation extending to the proceedings.

(3) He has an authorisation extending to the proceedings only if he has been authorised by the Lord Chancellor or a person acting on his behalf to sit as a member of a youth court to deal with—

(a) proceedings of that description, or

(b) all proceedings dealt with by youth courts.

(4) The Lord Chancellor may by rules make provision about—

(a) the grant and revocation of authorisations,

(b) the appointment of chairmen of youth courts, and

(c) the composition of youth courts.

(5) Rules under subsection (4) may confer powers on the Lord Chancellor with respect to any of the matters specified in the rules.

(6) Rules under subsection (4) may be made only after consultation with the Criminal Procedure Rule Committee.

(7) Rules under subsection (4) are to be made by statutory instrument.

(8) A statutory instrument containing rules under subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament."

(2) Omit Schedule 2 to the 1933 Act (constitution of youth courts).

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(3) Omit section 146 of the 1980 Act (rules relating to youth court panels and the composition of youth courts).

(4) "The 1933 Act" means the Children and Young Persons Act 1933 (c. 12).

Commencement Information

I2 S. 50 fully in force; s. 50 not in force at Royal Assent, see s. 110(1)(2); s. 50(1)(4) in force at 1.4.2005 by S.I. 2005/910, **art. 3(r)**; s. 50(2)(3) in force at 5.9.2007 by S.I. 2007/2706, **art. 1**

PART 4 E+W

COURT SECURITY

Modifications etc. (not altering text)

C1 Pt. 4 (ss. 51-57): power to apply in part (with modifications) conferred (prosp.) by Coroners and Justice Act 2009 (c. 25), **ss. 148**, 182 (with s. 180)

51 Court security officers E+W

(1) A court security officer is a person who is—

(a) appointed by the Lord Chancellor under section 2(1) or provided under a contract made by virtue of section 2(4), and

(b) designated by the Lord Chancellor as a court security officer.

(2) The Lord Chancellor may by regulations make provision as to—

(a) training courses to be completed by court security officers;

(b) conditions to be met before a person may be designated as a court security officer.

(3) For the purposes of this Part a court security officer who is not readily identifiable as such (whether by means of his uniform or badge or otherwise), is not to be regarded as acting in the execution of his duty.

Modifications etc. (not altering text)

C2 S. 51(1)(b) extended (1.4.2005) by The Courts Act 2003 (Transitional Provisions, Savings and Consequential Provisions) Order 2005 (S.I. 2005/911), **art. 10**

52 Powers of search E+W

(1) A court security officer acting in the execution of his duty may search—

(a) any person who is in, or seeking to enter, a court building, and

(b) any article in the possession of such a person.

(2) Subsection (1) does not authorise the officer to require a person to remove any of his clothing other than a coat, jacket, headgear, gloves or footwear.

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(3) In this Part "court building" means any building—

(a) where the business of any of the courts referred to in section 1 is carried on, and

(b) to which the public has access.

53 Powers to exclude, remove or restrain persons E+W

(1) A court security officer acting in the execution of his duty may exclude or remove from a court building, or a part of a court building, any person who refuses—

(a) to permit a search under section 52(1), or

(b) to surrender an article in his possession when asked to do so under section 54(1).

(2) A court security officer acting in the execution of his duty may—

(a) restrain any person who is in a court building, or

(b) exclude or remove any person from a court building, or a part of a court building,

if it is reasonably necessary to do so for one of the purposes given in subsection (3).

(3) The purposes are—

(a) enabling court business to be carried on without interference or delay;

(b) maintaining order;

(c) securing the safety of any person in the court building.

(4) A court security officer acting in the execution of his duty may remove any person from a courtroom at the request of a judge or a justice of the peace.

(5) The powers conferred by subsections (1), (2) and (4) include power to use reasonable force, where necessary.

54 Surrender and seizure of articles E+W

(1) If a court security officer acting in the execution of his duty reasonably believes that an article in the possession of a person who is in, or seeking to enter, a court building ought to be surrendered on any of the grounds given in subsection (3), he must ask the person to surrender the article.

(2) If the person refuses to surrender the article, the officer may seize it.

(3) The grounds are that the article—

(a) may jeopardise the maintenance of order in the court building (or a part of it),

(b) may put the safety of any person in the court building at risk, or

(c) may be evidence of, or in relation to, an offence.

55 Powers to retain articles surrendered or seized E+W

(1) Subject to subsection (2), a court security officer may retain an article which was—

(a) surrendered in response to a request under section 54(1), or

(b) seized under section 54(2),

until the time when the person who surrendered it, or from whom it was seized, is leaving the court building.

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(2) If a court security officer reasonably believes that the article may be evidence of, or in relation to, an offence, he may retain it until—

(a) the time when the person who surrendered it, or from whom it was seized, is leaving the court building, or

(b) the end of the permitted period,

whichever is later.

(3) "The permitted period" means such period, not exceeding 24 hours from the time the article was surrendered or seized, as will enable the court security officer to draw the article to the attention of a constable.

VALID FROM 06/04/2010

[F54 55A Retention of knives surrendered or seized **E+W**

(1) This section applies where a knife is surrendered to a court security officer in response to a request under section 54(1) or seized by a court security officer under section 54(2).

(2) Section 55 does not apply.

(3) The knife must be retained in accordance with regulations under subsection (5), unless returned or disposed of in accordance with those regulations or regulations made under section 56.

(4) If a court security officer reasonably believes that a retained knife may be evidence of, or in relation to, an offence, nothing in subsection (3) prevents the officer retaining the knife for so long as necessary to enable the court security officer to draw it to the attention of a constable.

(5) Without prejudice to the generality of section 56, the Lord Chancellor must by regulations make provision as to—

(a) the procedure to be followed when a knife is retained under this section;

(b) the making of requests by eligible persons for the return of knives so retained;

(c) the procedure to be followed when returning a knife pursuant to a request made in accordance with the regulations.

(6) For the purposes of this section—

" eligible person ", in relation to a knife retained under this section, means —

(a) the person who has surrendered the knife under section 54(1) or from whom the knife has been seized under section 54(2), or

(b) any other person specified in regulations made under subsection (5);

" knife " includes—

(a) a knife-blade, and

(b) any other article which—

(i) has a blade or is sharply pointed, and

(ii) is made or adapted for use for causing injury to the person.**]**

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Textual Amendments

F54 S. 55A inserted (6.4.2010) by Coroners and Justice Act 2009 (c. 25), **ss. 146(3)**, 182 (with s. 180, Sch. 22 para. 44); S.I. 2010/816, art. 2, Sch. para. 9

56 Regulations about retention of articles E+W

(1) The Lord Chancellor may by regulations make provision as to—

(a) the provision to persons—

(i) by whom articles have been surrendered in response to a request under section 54(1), or

(ii) from whom articles have been seized under section 54(2),

of written information about the powers of retention of court security officers,

(b) the keeping of records about articles which have been so surrendered or seized,

(c) the period for which unclaimed articles have to be kept, and

(d) the disposal of unclaimed articles at the end of that period.

(2) "Unclaimed article" means an article—

(a) which has been retained under section 55,

(b) which a person is entitled to have returned to him,

(c) which has not been returned, and

(d) whose return has not been requested by a person entitled to it.

57 Assaulting and obstructing court security officers E+W

(1) Any person who assaults a court security officer acting in the execution of his duty commits an offence.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to—

(a) a fine not exceeding level 5 on the standard scale, or

(b) imprisonment for a term not exceeding 6 months,

or to both.

(3) A person who resists or wilfully obstructs a court security officer acting in the execution of his duty commits an offence.

(4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PART 5 U.K.

INSPECTORS OF COURT ADMINISTRATION

58 Inspectors of court administration etc. E+W

(1) The Lord Chancellor may appoint such number of inspectors of court administration as he considers appropriate.

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(2) They are to be known collectively as "Her Majesty's Inspectorate of Court Administration".

(3) The Lord Chancellor must appoint one of the persons so appointed to be Her Majesty's Chief Inspector of Court Administration.

(4) In this Part that person is referred to as "the Chief Inspector".

(5) The Lord Chancellor may make to or in respect of inspectors of court administration such payments by way of remuneration, allowances or otherwise as he may determine.

(6) In this Act—

(a) "CAFCASS" means the Children and Family Court Advisory and Support Service, and

(b) "CAFCASS functions" means the functions of CAFCASS and its officers.

59 Functions of inspectors U.K.

(1) It is the duty of inspectors of court administration to—

(a) inspect and report to the Lord Chancellor on the system that supports the carrying on of the business of the courts listed in subsection (2) and the services provided for those courts;

(b) inspect and report to the **[**F55Secretary of State**]** on the performance of CAFCASS functions;

(c) discharge any other particular functions which may be

[F56(i) specified in connection with the courts listed in subsection (2) in a direction given by the Lord Chancellor, or

(ii) specified in connection with CAFCASS functions or related functions of any other person in a direction given by the Secretary of State.**]**

(2) The courts are—

(a) the Crown Court,

(b) county courts, and

(c) magistrates' courts.

(3) The Lord Chancellor may by order—

(a) add to the list in subsection (2) any court having jurisdiction in the United Kingdom, other than one having jurisdiction only in relation to Scotland or Northern Ireland, and

(b) remove any court from the list.

[F57(4) The Lord Chancellor, before giving any direction under subsection (1)(c)(i), and the Secretary of State, before giving any direction under subsection (1)(c)(ii), must consult the Chief Inspector.**]**

(5) Nothing in this section is to be read as enabling inspectors to inspect persons—

(a) making judicial decisions, or

(b) exercising any judicial discretion.

Status: *Point in time view as at 03/04/2006. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F55 Words in s. 59(1)(b) substituted (1.4.2005) by The Transfer of Functions (Children, Young People and Families) Order 2005 (S.I. 2005/252), **art. 4(2)**

F56 Words in s. 59(1)(c) substituted (1.4.2005) by The Transfer of Functions (Children, Young People and Families) Order 2005 (S.I. 2005/252), **art. 4(3)**

F57 S. 59(4) substituted (1.4.2005) by The Transfer of Functions (Children, Young People and Families) Order 2005 (S.I. 2005/252), **art. 4(4)**

Modifications etc. (not altering text)

C3 S. 59(1)(b): functions transferred (1.4.2005) by The Transfer of Functions (Children, Young People and Families) Order 2005 (S.I. 2005/252), **art. 2(a)**

C4 S. 59(1)(c): functions transferred (1.4.2005) by The Transfer of Functions (Children, Young People and Families) Order (S.I. 2005/252), {art. 2(b)}

C5 S. 59(4): functions transferred (1.4.2005) by The Transfer of Functions (Children, Young People and Families) Order (S.I. 2005/252), {art. 2(b)}

C6 S. 59(5) applied (1.9.2005) (E.) by The Children Act 2004 (Joint Area Reviews) Regulations 2005 (S.I. 2005/1973), reg. 2, **Sch. para. 9(2)**

60 Functions of Chief Inspector E+W

(1) The Chief Inspector must make an annual report to the Lord Chancellor as to the discharge of the functions of Her Majesty's Inspectorate of Court Administration.

(2) The Lord Chancellor may give directions as to—

(a) the information to be included in the report,

(b) the form of the report, and

(c) the time by which the report is to be made.

(3) The Lord Chancellor must, within one month of receiving the annual report, lay a copy of it before both Houses of Parliament.

[F58(4) The Chief Inspector must—

(a) report to the Lord Chancellor on any matter which the Lord Chancellor refers to him and which is connected with the courts listed in section 59(2);

(b) report to the Secretary of State on any matter which the Secretary of State refers to him and which is connected with CAFCASS functions or related functions of any other person.**]**

(5) The Chief Inspector may designate an inspector of court administration to discharge his functions during any period when he is absent or unable to act.

Textual Amendments

F58 S. 60(4) substituted (1.4.2005) by The Transfer of Functions (Children, Young People and Families) Order 2005 (S.I. 2005/252), **art. 5**

Modifications etc. (not altering text)

C7 S. 60(4): functions transferred (1.4.2005) by The Transfer of Functions (Children, Young People and Families) Order 2005 (S.I. 2005/252), **art. 2(c)**

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61 Rights of entry and inspection E+W

(1) An inspector exercising functions under section 59 may enter—

(a) any place of work occupied by persons provided under a contract made by the Lord Chancellor by virtue of section 2(4);

(b) any premises occupied by CAFCASS.

(2) An inspector exercising functions under section 59 may inspect and take copies of —

(a) any records kept by persons provided under a contract made by the Lord Chancellor by virtue of section 2(4), or

(b) any records kept by CAFCASS or other documents containing information relating to the performance of CAFCASS functions,

which he considers relevant to the discharge of his functions.

(3) Subsection (1) does not entitle an inspector—

(a) to be present when a court listed in section 59(2) is hearing proceedings in private, or

(b) to attend any private deliberations of persons having jurisdiction to hear or determine any proceedings.

(4) The records referred to in subsection (2) include records kept by means of a computer.

(5) An inspector exercising the power under subsection (2) to inspect records—

(a) is entitled to have access to, and inspect and check the operation of, any computer and associated apparatus or material which is or has been in use in connection with the records in question, and

(b) may require—

(i) the person by whom or on whose behalf the computer is or has been used, or

(ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,

to afford him such reasonable assistance as he may require.

(6) The powers conferred by subsections (1), (2) and (5) may be exercised at reasonable times only.

Modifications etc. (not altering text)

C8 S. 61 applied (1.9.2005) (E.) by The Children Act 2004 (Joint Area Reviews) Regulations 2005 (S.I. 2005/1973), reg. 2, **Sch. para. 9(2)**

VALID FROM 01/04/2007

[F59 61A Further provision about the inspectorate U.K.

Schedule 3A (further provision about the inspectorate) has effect.]

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Textual Amendments

F59 S. 61A inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), **ss. 32(1)**, 53(1)(a) (with s. 33); S.I. 2007/709, **art. 3(m)** (subject to arts. 6, 7)

PART 6 E+W

JUDGES

Offices, titles, styles etc.

62 [F60Head and Deputy Head of Civil Justice] E+W

[F61(1) There is to be a Head of Civil Justice.

(2) The Head of Civil Justice is—

(a) the Master of the Rolls, or

(b) if the Lord Chief Justice appoints another person, that person.

(3) The Lord Chief Justice may appoint a person to be Deputy Head of Civil Justice.

(4) The Lord Chief Justice must not appoint a person under subsection (2)(b) or (3) unless these conditions are met—

(a) the Lord Chief Justice has consulted the Lord Chancellor;

(b) the person to be appointed is one of the following—

(i) the Chancellor of the High Court;

(ii) an ordinary judge of the Court of Appeal.

(5) A person appointed under subsection (2)(b) or (3) holds the office to which he is appointed in accordance with the terms of his appointment.

(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

Textual Amendments

F60 S. 62 inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 14, **Sch. 4 para. 330**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F61 S. 62 substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 14, **Sch. 4 para. 330**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

63 Ordinary judges of the Court of Appeal E+W

(1) In section 2 of the 1981 Act (the Court of Appeal), for subsection (3) substitute—

"(3) An ordinary judge of the Court of Appeal (including the vice-president, if any, of either division) shall be styled "Lord Justice of Appeal" or "Lady Justice of Appeal"."

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(2) "The 1981 Act" means the Supreme Court Act 1981 (c. 54).

64 Power to alter judicial titles E+W

(1) The Lord Chancellor may by order—

(a) alter the name of an office listed in subsection (2);

(b) provide for or alter the way in which the holders of any of those offices are to be styled.

(2) The offices are—

Admiralty Registrar
Assistant Recorder
[[F62]Chancellor of the High Court**]**
Circuit judge
Deputy Circuit judge
Deputy district judge appointed under section 102 of the 1981 Act
Deputy district judge for a county court district
[[F63]Deputy Head of Civil Justice**]**
[[F64]Deputy Head of Family Justice**]**
Deputy judge of the High Court
District judge for a county court district
District judge of the High Court
District judge of the principal registry of the Family Division
District probate registrar
[[F65]Head of Civil Justice**]**
[[F66]Head of Family Justice**]**
Lord Chief Justice
Master of the Chancery Division
Master of the Court of Protection
Master of the Queen's Bench Division
Master of the Rolls
Ordinary judge of the Court of Appeal
[[F67]President of the Courts of England and Wales**]**
President of the Family Division
[[F68]President of the Queen's Bench Division**]**
Presiding Judge for a Circuit
Puisne judge of the High Court
Queen's Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals
Recorder
Registrar in Bankruptcy of the High Court
Senior Presiding Judge for England and Wales
Taxing Master of the Supreme Court
[F69] . . . . . .
Vice-president of the Court of Appeal
Vice-president of the Queen's Bench Division.

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(3) The Lord Chancellor may also by order provide for or alter the way in which deputies or temporary additional officers appointed under section 91(1)(a) of the 1981 Act are to be styled.

[F70(3A) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice.**]**

(4) Before making an order under this section the Lord Chancellor must consult—

(a) F71. . . . . .

(b) the Master of the Rolls,

[F72(ba) the President of the Queen's Bench Division,

(c) the President of the Family Division, and

(d) the Chancellor of the High Court.**]**

(5) An order under this section may make such provision as the Lord Chancellor considers necessary in consequence of any provision made under subsection (1) or (3).

(6) The provision that may be made under subsection (5) includes provision amending, repealing or revoking any enactment.

[F73(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

Textual Amendments

F62 Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(i)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)

F63 Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(ii)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)

F64 Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(iv)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)

F65 Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(v)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)

F66 Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(vii)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)

F67 Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(viii)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)

F68 Words in s. 64(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(2)(b)(ix)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)

F69 Words in s. 64(2) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, Sch. 4 para. 331(2)(a) {Sch. 18 Pt. 2}; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

F70 S. 64(3A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)

F71 S. 64(4)(a) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, Sch. 4 para. 331(4)(b)(i), **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z), 30(b)

F72 S. 64(4)(ba)-(d) substituted (3.4.2006) for s. 64(4)(c)(d) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(4)(b)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)

F73 S. 64(7) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 331(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(z)

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Flexibility in deployment of judicial resources

65 District Judges (Magistrates' Courts) as Crown Court judges etc. E+W

(1) In section 8(1) of the 1981 Act (persons who are judges of the Crown Court), in paragraph (b) for "or Recorder" substitute " , Recorder or District Judge (Magistrates' Courts) ".

(2) Schedule 4 contains amendments conferring functions on District Judges (Magistrates' Courts).

(3) References in any enactment, instrument or other document to a district judge or deputy district judge do not include—

(a) a District Judge (Magistrates' Courts), or

(b) a Deputy District Judge (Magistrates' Courts).

66 Judges having powers of District Judges (Magistrates' Courts) E+W

(1) Every holder of a judicial office specified in subsection (2) has the powers of a justice of the peace who is a District Judge (Magistrates' Courts) in relation to—

(a) criminal causes and matters, and

(b) family proceedings as defined by section 65 of the 1980 Act.

(2) The offices are—

(a) judge of the High Court;

(b) deputy judge of the High Court;

(c) Circuit judge;

(d) deputy Circuit judge;

(e) recorder.

(3) For the purposes of section 45 of the 1933 Act, every holder of a judicial office specified in subsection (2) is qualified to sit as a member of a youth court.

(4) For the purposes of section 67 of the 1980 Act—

(a) a judge of the High Court or a deputy judge of the High Court is qualified to sit as a member of a family proceedings court to hear family proceedings of any description, and

(b) a Circuit judge, deputy Circuit judge or recorder is qualified to sit as a member of a family proceedings court to hear family proceedings of any description if he has been nominated to do so by the President of the Family Division.

Commencement Information

I3 S. 66 partly in force; s. 66 not in force at Royal Assent see s. 110(1)(2); s. 66(1)(a)(2)(3) in force at 26.1.2004 by S.I. 2003/3345, **art. 2(a)(iv)**

67 Removal of restriction on Circuit judges sitting on certain appeals E+W

Section 56A of the 1981 Act (Circuit judges not to sit on certain appeals) ceases to have effect.

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PART 7 E+W

PROCEDURE RULES AND PRACTICE DIRECTIONS

Modifications etc. (not altering text)

C9 Pt. 7 modified (6.4.2008) by Serious Crime Act 2007 (c. 27), **ss. 36(4)**, 94(1); S.I. 2008/755, **art. 15(1)(f)**

Criminal Procedure Rules and practice directions

68 Meaning of "criminal court" E+W

In this Part "criminal court" means—

(a) the criminal division of the Court of Appeal;

(b) when dealing with any criminal cause or matter—

(i) the Crown Court;

(ii) a magistrates' court.

69 Criminal Procedure Rules E+W

(1) There are to be rules of court (to be called "Criminal Procedure Rules") governing the practice and procedure to be followed in the criminal courts.

(2) Criminal Procedure Rules are to be made by a committee known as the Criminal Procedure Rule Committee.

(3) The power to make Criminal Procedure Rules includes power to make different provision for different cases or different areas, including different provision—

(a) for a specified court or description of courts, or

(b) for specified descriptions of proceedings or a specified jurisdiction.

(4) Any power to make [F74]. . . Criminal Procedure Rules is to be exercised with a view to securing that—

(a) the criminal justice system is accessible, fair and efficient, and

(b) the rules are both simple and simply expressed.

Textual Amendments

F74 Words in s. 69(4) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, Sch. 4 para. 332(2), **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa), 30(b)

Commencement Information

I4 S. 69 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(b)(i)** (subject to art. 3)

70 Criminal Procedure Rule Committee E+W

(1) The Criminal Procedure Rule Committee is to consist of—

(a) the Lord Chief Justice, and

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[F75(b) the persons currently appointed in accordance with subsections (1A) and (1B).**]**

[F76(1A) The Lord Chief Justice must appoint the persons falling within paragraphs (a) to (e) of subsection (2).

(1B) The Lord Chancellor must appoint the persons falling within paragraphs (f) to (k) of subsection (2).**]**

(2) **[**F77The persons to be appointed in accordance with subsections (1A) and (1B) are**]**—

(a) a person nominated by the Secretary of State,

(b) three persons each of whom is either a puisne judge of the High Court or an ordinary judge of the Court of Appeal,

(c) two Circuit judges with particular experience of sitting in criminal courts,

(d) one District Judge (Magistrates' Courts),

(e) one lay justice,

(f) one justices' clerk,

(g) the Director of Public Prosecutions or a person nominated by the Director,

(h) two persons who have a Supreme Court qualification and who have particular experience of practice in criminal courts,

(i) two persons who—

(i) have been granted by an authorised body, under Part 2 of the 1990 Act, the right to conduct litigation in relation to all proceedings in the Supreme Court, and

(ii) have particular experience of practice in criminal courts,

(j) one person who appears to represent the Association of Chief Police Officers, and

(k) two persons who appear to represent voluntary organisations with a direct interest in the work of criminal courts.

[F78(3) Before appointing a person in accordance with subsection (1A), the Lord Chief Justice must consult the Lord Chancellor.

(3A) Before appointing a person in accordance with subsection (1B), the Lord Chancellor must consult the Lord Chief Justice.**]**

(4) The Criminal Procedure Rule Committee is to be chaired by the Lord Chief Justice; and one of the judges appointed under subsection (2)(b) is to be his deputy.

(5) The Lord Chancellor may reimburse—

(a) the travelling and out-of-pocket expenses of the members of the Criminal Procedure Rule Committee, and

(b) authorised travelling and out-of-pocket expenses of persons invited to participate in the work of the Committee.

[F79(5A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

(6) "The 1990 Act" means the Courts and Legal Services Act 1990 (c. 41).

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Textual Amendments

F75 S. 70(1)(b) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 333(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F76 S. 70(1A)(1B) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 333(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F77 Words in s. 70(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 333(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F78 S. 70(3)(3A) substituted (3.4.2006) for s. 70(3) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 333(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F79 S. 70(5A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 333(6)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

71 Power to change certain requirements relating to Committee E+W

(1) The Lord Chancellor may by order—

[[F80](a) amend section 70(2) or (3A), and**]**

(b) make consequential amendments in any other provision of section 70.

[[F81](2) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice.

(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

Textual Amendments

F80 S. 71(1)(a) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 334(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F81 S. 71(2)(3) substituted (3.4.2006) for s. 71(2) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 334(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

72 Process for making Criminal Procedure Rules E+W

(1) The Criminal Procedure Rule Committee must, before making Criminal Procedure Rules—

(a) consult such persons as they consider appropriate, and

(b) meet (unless it is inexpedient to do so).

(2) Rules made by the Criminal Procedure Rule Committee must be—

(a) signed by a majority of the members of the Committee, and

(b) submitted to the Lord Chancellor.

[[F82](3) The Lord Chancellor may, with the concurrence of the Secretary of State, allow or disallow rules so made.

(4) If the Lord Chancellor disallows rules, he must give the Committee written reasons for doing so.**]**

(5) Rules so made **[**[F83]and allowed**]** by the Lord Chancellor—

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(a) come into force on such day as the Lord Chancellor directs, and

(b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 (c. 36) applies as if the instrument contained rules made by a Minister of the Crown.

(6) F84. . . a statutory instrument containing Criminal Procedure Rules is subject to annulment in pursuance of a resolution of either House of Parliament.

(7) F85. . . . . .

Textual Amendments

F82 S. 72(3)(4) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 335(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F83 Words in s. 72(5) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 335(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F84 Words in s. 72(6) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 146, **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 30(b)

F85 S. 72(7) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 146, **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 30(b)

Commencement Information

I5 S. 72 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(b)(ii)** (subject to art. 3)

[F86 72A Rules to be made if required by Lord Chancellor E+W

(1) This section applies if the Lord Chancellor gives the Criminal Procedure Rules Committee written notice that he thinks it is expedient for Criminal Procedure Rules to include provision that would achieve a purpose specified in the notice.

(2) The Committee must make such rules as it considers necessary to achieve the specified purpose.

(3) Those rules must be—

(a) made within a reasonable period after the Lord Chancellor gives notice to the Committee;

(b) made in accordance with section 72.

(4) The Lord Chancellor may not give notice under subsection (1) unless the Secretary of State agrees.**]**

Textual Amendments

F86 S. 72A inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 336**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

73 Power to amend legislation in connection with the rules E+W

F87(1) The Lord Chancellor may, with the concurrence of the Secretary of State **[**F88and after consulting the Lord Chief Justice**]** , by order amend, repeal or revoke any enactment to the extent that he considers necessary or desirable—

(a) in order to facilitate the making of Criminal Procedure Rules, or

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(b) in consequence of section 69 or 72 or Criminal Procedure Rules.

[F89(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

Textual Amendments

F87 S. 73 renumbered as s. 73(1) (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 337(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F88 Words in s. 73(1) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 337(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F89 S. 73(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 337(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

Commencement Information

I6 S. 73 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(b)(iii)** (subject to art. 3)

74 Practice directions as to practice and procedure of the criminal courts E+W

(1) **[**F90Directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005**]** as to the practice and procedure of the criminal courts.

(2) Directions as to the practice and procedure of the criminal courts **[**F91 given otherwise than under subsection (1) may not be given without the approval of—

(a) the Lord Chancellor, and

(b) the Lord Chief Justice.**]**

(3) The power to give directions under subsection (1) includes power—

(a) to vary or revoke directions as to the practice and procedure of the criminal courts (or any of them), whether given **[**F92under subsection (1) or otherwise**]** ,

(b) to give directions containing different provision for different cases (including different areas), and

(c) to give directions containing provision for a specific court, for specific proceedings or for a specific jurisdiction.

[F93(4) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following—

(a) the application or interpretation of the law;

(b) the making of judicial decisions.

(5) Subsection (2)(a) does not apply to directions to the extent that they consist of criteria for determining which judges may be allocated to hear particular categories of case; but the directions may, to that extent, be given only—

(a) after consulting the Lord Chancellor, and

(b) with the approval of the Lord Chief Justice.**]**

Status: *Point in time view as at 03/04/2006. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Courts Act 2003 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F90 Words in s. 74(1) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 13, **Sch. 2 para. 8(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 7

F91 Words in s. 74(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 13, **Sch. 2 para. 8(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 7

F92 Words in s. 74(3)(a) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 13, **Sch. 2 para. 8(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 7

F93 S. 74(4)(5) substituted (3.4.2006) for s. 74(4) by Constitutional Reform Act 2005 (c. 4), s. 13, **Sch. 2 para. 8(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 7

Family Procedure Rules and practice directions

75 Family Procedure Rules E+W

(1) There are to be rules of court (to be called "Family Procedure Rules") governing the practice and procedure to be followed in family proceedings in—

(a) the High Court,

(b) county courts, and

(c) magistrates' courts.

(2) Family Procedure Rules are to be made by a committee known as the Family Procedure Rule Committee.

(3) "Family proceedings", in relation to a court, means proceedings in that court which are family proceedings as defined by either—

(a) section 65 of the 1980 Act, or

(b) section 32 of the Matrimonial and Family Proceedings Act 1984 (c. 42).

(4) The power to make Family Procedure Rules includes power to make different provision for different areas, including different provision—

(a) for a specified court or description of courts, or

(b) for specified descriptions of proceedings or a specified jurisdiction.

(5) Any power to make [F94]. . . Family Procedure Rules is to be exercised with a view to securing that—

(a) the family justice system is accessible, fair and efficient, and

(b) the rules are both simple and simply expressed.

Textual Amendments

F94 Words in s. 75(5) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, Sch. 4 para. 338, **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 11(aa), 30(b)

Commencement Information

I7 S. 75 partly in force; s. 75 not in force at Royal Assent see s. 110(1)(2); s. 75 in force for certain purposes at 7.10.2005 by S.I. 2005/2744, **art. 2(2)(a)** (with arts. 2(1), 3)

Status: *Point in time view as at 03/04/2006. This version of this Act contains provisions that are not valid for this point in time.*
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76 Further provision about scope of Family Procedure Rules E+W

(1) Family Procedure Rules may not be made in respect of matters which may be dealt with in probate rules made F95. . . under section 127 of the 1981 Act.

(2) Family Procedure Rules may —

(a) modify or exclude the application of any provision of the County Courts Act 1984 (c. 28), and

(b) provide for the enforcement in the High Court of orders made in a divorce county court.**[**F96 or civil partnership proceedings county court (within the meaning of Part 5 of the Matrimonial and Family Proceedings Act 1984)**]**

[F97(2A) Family Procedure Rules may, for the purposes of the law relating to contempt of court, authorise the publication in such circumstances as may be specified of information relating to family proceedings held in private.**]**

(3) Family Procedure Rules may modify the rules of evidence as they apply to family proceedings in any court within the scope of the rules.

(4) Family Procedure Rules may apply any rules of court (including in particular Civil Procedure Rules) which relate to—

(a) courts which are outside the scope of Family Procedure Rules, or

(b) proceedings other than family proceedings.

(5) Any rules of court, not made by the Family Procedure Rule Committee, which apply to proceedings of a particular kind in a court within the scope of Family Procedure Rules may be applied by Family Procedure Rules to family proceedings in such a court.

(6) In subsections (4) and (5) "rules of court" includes any provision governing the practice and procedure of a court which is made by or under an enactment.

(7) Where Family Procedure Rules may be made by applying other rules, the other rules may be applied—

(a) to any extent,

(b) with or without modification, and

(c) as amended from time to time.

(8) Family Procedure Rules may, instead of providing for any matter, refer to provision made or to be made about that matter by directions.

Textual Amendments

F95 Words in s. 76 omitted (3.4.2006) by virtue of Constitutional Reform Act 2005 (c. 4), s. 12, **Sch. 1 para. 29**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 7

F96 Words in s. 76(2)(b) inserted (15.4.2005) by Civil Partnership Act 2004 (c. 33), s. 261(1), **Sch. 27 para. 172**; S.I. 2005/1112, **art. 2**, Sch. 1

F97 S. 76(2A) inserted (12.4.2005) by Children Act 2004 (c. 31), **s. 62(7)**; S.I. 2005/847, **art. 2**

Commencement Information

I8 S. 76 partly in force; s. 76 not in force at Royal Assent see s. 110(1)(2); s. 76 in force for certain purposes at 7.10.2005 by S.I. 2005/2744, **art. 2(2)(b)** (with arts. 2(1), 3)

Status: *Point in time view as at 03/04/2006. This version of this Act contains provisions that are not valid for this point in time.*
***Changes to legislation:** Courts Act 2003 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

77 Family Procedure Rule Committee E+W

(1) The Family Procedure Rule Committee is to consist of—

(a) the President of the Family Division, and

[F98(b) the persons currently appointed in accordance with subsections (1A) and (1B).**]**

[F99(1A) The Lord Chief Justice must appoint the persons falling within paragraphs (a) to (f) of subsection (2).

(1B) The Lord Chancellor must appoint the persons falling within paragraphs (g) to (o) of subsection (2).**]**

(2) **[**F100The persons to be appointed in accordance with subsections (1A) and (1B) are**]**—

(a) two judges of the Supreme Court, at least one of whom must be a puisne judge attached to the Family Division,

(b) one Circuit judge,

(c) one district judge of the principal registry of the Family Division,

(d) one district judge appointed under section 6 of the County Courts Act 1984 (c. 28),

(e) one District Judge (Magistrates' Courts),

(f) one lay justice,

(g) one justices' clerk,

(h) one person who has—

(i) a Supreme Court qualification, and

(ii) particular experience of family practice in the High Court,

(i) one person who has—

(i) a Supreme Court qualification, and

(ii) particular experience of family practice in county courts,

(j) one person who has—

(i) a Supreme Court qualification, and

(ii) particular experience of family practice in magistrates' courts,

(k) one person who—

(i) has been granted by an authorised body, under Part 2 of the 1990 Act, the right to conduct litigation in relation to all proceedings in the Supreme Court, and

(ii) has particular experience of family practice in the High Court,

(l) one person who—

(i) has been so granted that right, and

(ii) has particular experience of family practice in county courts,

(m) one person who—

(i) has been so granted that right, and

(ii) has particular experience of family practice in magistrates' courts,

(n) one person nominated by CAFCASS, and

(o) one person with experience in and knowledge of the lay advice sector or the system of justice in relation to family proceedings.

(3) Before appointing a person **[**F101in accordance with subsection (1A), the Lord Chief Justice must consult the Lord Chancellor and**]** the President of the Family Division.

Status: *Point in time view as at 03/04/2006. This version of this Act contains provisions that are not valid for this point in time.*
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(4) F102 . . . . . .

(5) Before appointing a person **[**F103in accordance with subsection (1B), the Lord Chancellor must consult the Lord Chief Justice and, if the person falls within any of paragraphs (h) to (m) of subsection (2), must also consult**]** any body which—

(a) has members eligible for appointment under the provision in question, and

(b) is an authorised body for the purposes of section 27 or 28 of the 1990 Act.

(6) The Lord Chancellor may reimburse the members of the Family Procedure Rule Committee their travelling and out-of-pocket expenses.

[F104(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

Textual Amendments

F98 S. 77(1)(b) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 339(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F99 S. 77(1A)(1B) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 339(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F100 Words in s. 77(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 339(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F101 S. 77(3) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 339(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F102 S. 77(4) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, Sch. 4 para. 339(6), **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 11(aa), 30(b)

F103 Words in s. 77(5) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 339(7)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F104 S. 77(7) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 339(8)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

78 Power to change certain requirements relating to Committee E+W

(1) The Lord Chancellor may by order—

(a) amend section 77(2) (persons to be appointed to Committee by Lord Chancellor **[**F105or Lord Chief Justice**]**), and

(b) make consequential amendments in any other provision of section 77.

[F106(1A) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice.**]**

(2) Before making an order under this section the Lord Chancellor must consult the President of the Family Division.

[F107(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

Status: *Point in time view as at 03/04/2006. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F105 Words in s. 78(1)(a) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 340(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F106 S. 78(1A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 340(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F107 Words in s. 78(3) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 340(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

79 Process for making Family Procedure Rules E+W

(1) The Family Procedure Rule Committee must, before making Family Procedure Rules—

(a) consult such persons as they consider appropriate, and

(b) meet (unless it is inexpedient to do so).

(2) Rules made by the Family Procedure Rule Committee must be—

(a) signed by a majority of the members of the Committee, and

(b) submitted to the Lord Chancellor.

[F108(3) The Lord Chancellor may allow or disallow rules so made.

(4) If the Lord Chancellor disallows rules, he must give the Committee written reasons for doing so.**]**

(5) Rules so made, **[**F109and allowed**]** by the Lord Chancellor—

(a) come into force on such day as the Lord Chancellor directs, and

(b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 (c. 36) applies as if the instrument contained rules made by a Minister of the Crown.

(6) F110. . . a statutory instrument containing Family Procedure Rules is subject to annulment in pursuance of a resolution of either House of Parliament.

(7) F111. . . . . .

Textual Amendments

F108 S. 79(3)(4) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 341(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F109 Words in s. 79(5) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 341(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F110 Words in s. 79(6) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 146, **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 30(b)

F111 S. 79(7) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 146, **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 30(b)

Commencement Information

I9 S. 79 partly in force; s. 79 not in force at Royal Assent see s. 110(1)(2); s. 79 in force for certain purposes at 7.10.2005 by S.I. 2005/2744, **art. 2(2)(c)** (with arts. 2(1), 3)

Status: *Point in time view as at 03/04/2006. This version of this Act contains provisions that are not valid for this point in time.*
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[F112 79A Rules to be made if required by Lord Chancellor E+W

(1) This section applies if the Lord Chancellor gives the Family Procedure Rules Committee written notice that he thinks it is expedient for Family Procedure Rules to include provision that would achieve a purpose specified in the notice.

(2) The Committee must make such rules as it considers necessary to achieve the specified purpose.

(3) Those rules must be—

(a) made within a reasonable period after the Lord Chancellor gives notice to the Committee;

(b) made in accordance with section 79.**]**

Textual Amendments

F112 S. 79A inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 342**; S.I. 2006/1014, **art. 2(a)**, Sch. 4 para. 11(aa)

80 Power to amend legislation in connection with the rules E+W

F113(1) The Lord Chancellor may **[**F114, after consulting the Lord Chief Justice,**]** by order amend, repeal or revoke any enactment to the extent that he considers necessary or desirable—

(a) in order to facilitate the making of Family Procedure Rules, or

(b) in consequence of section 75, 76 or 79 or Family Procedure Rules.

[F115(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

Textual Amendments

F113 S. 80 renumbered as s. 80(1) (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 343(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F114 Words in s. 80(1)(a) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 343(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F115 S. 80(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 343(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

Commencement Information

I10 S. 80 partly in force; s. 80 not in force at Royal Assent see s. 110(1)(2); s. 80 in force for certain purposes at 7.10.2005 by S.I. 2005/2744, **art. 2(2)(d)** (with arts. 2(1), 3)

81 Practice directions relating to family proceedings E+W

(1) **[**F116Directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005**]** as to the practice and procedure of—

[F117(za) the civil division of the Court of Appeal,

(zb) the High Court,**]**

(a) county courts, and

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(b) magistrates' courts,

in family proceedings.

(2) Directions as to the practice and procedure of those courts in family proceedings **[**F118 given otherwise than under subsection (1) may not be given without the approval of—

(a) the Lord Chancellor, and

(b) the Lord Chief Justice.**]**

[F119(2A) Directions as to the practice and procedure of any relevant court in family proceedings (whether given under subsection (1) or otherwise) may provide for any matter which, by virtue of paragraph 3 of Schedule 1 to the Civil Procedure Act 1997, may be provided for by Civil Procedure Rules.**]**

(3) The power to give directions under subsection (1) includes power—

(a) to vary or revoke directions as to the practice and procedure of **[**F120any relevant court**]**(or any of them) in family proceedings, whether given **[**F121under subsection (1) or otherwise**]** ,

(b) to give directions containing different provision for different cases (including different areas), and

(c) to give directions containing provision for a specific court, for specific proceedings or for a specific jurisdiction.

[F122(4) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following—

(a) the application or interpretation of the law;

(b) the making of judicial decisions.

(5) Subsection (2)(a) does not apply to directions to the extent that they consist of criteria for determining which judges may be allocated to hear particular categories of case; but the directions may, to that extent, be given only—

(a) after consulting the Lord Chancellor, and

(b) with the approval of the Lord Chief Justice.**]**

[F123(5) In this section—

"Civil Procedure Rules" has the same meaning as in the Civil Procedure Act 1997;

"relevant court" means a court listed in subsection (1).**]**

Textual Amendments

F116 Words in s. 81(1) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 13, **Sch. 2 para. 9(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 7

F117 S. 81(1)(za)(zb) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 344(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F118 Words in s. 81(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 13, **Sch. 2 para. 9(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 7

F119 S. 81(2A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 344(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F120 Words in s. 81(3) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 344(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F121 Words in s. 81(3)(a) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 13, **Sch. 2 para. 9(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 7

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F122 S. 81(4)(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 13, **Sch. 2 para. 9(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 7

F123 S. 81(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 344(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

Civil Procedure Rules

PROSPECTIVE

82 Civil Procedure Rules E+W

(1) For section 1(3) of the 1997 Act (general objectives of Civil Procedure Rules) substitute—

"(3) Any power to make or alter Civil Procedure Rules is to be exercised with a view to securing that—

(a) the system of civil justice is accessible, fair and efficient, and

(b) the rules are both simple and simply expressed."

(2) "The 1997 Act" means the Civil Procedure Act 1997 (c. 12).

83 Civil Procedure Rule Committee E+W

(1) For section 2(1)(a) and (b) of the 1997 Act (ex officio members of the Committee) substitute—

"(aa) the Head of Civil Justice,

(ab) the Deputy Head of Civil Justice (if there is one),

(a) the Master of the Rolls (unless he holds an office mentioned in paragraph (aa) or (ab)), and".

(2) For section 2(2)(a) of the 1997 Act (one judge of the Supreme Court to be appointed to Committee) substitute—

"(a) either two or three judges of the Supreme Court,".

(3) For section 2(2)(g) and (h) of the 1997 Act (appointment of persons with experience etc. of lay advice sector and consumer affairs) substitute "and

(g) two persons with experience in and knowledge of the lay advice sector or consumer affairs."

84 Power to change certain requirements relating to Committee E+W

After section 2 of the 1997 Act insert—

"**2A Power to change certain requirements relating to Committee**

(1) The Lord Chancellor may by order—

(a) amend section 2(2) (persons to be appointed to Committee by Lord Chancellor), and

(b) make consequential amendments in any other provision of section 2.

Status: *Point in time view as at 03/04/2006. This version of this Act contains provisions that are not valid for this point in time.*
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(2) Before making an order under this section the Lord Chancellor must consult—

(a) the Head of Civil Justice,

(b) the Deputy Head of Civil Justice (if there is one), and

(c) the Master of the Rolls (unless he holds an office mentioned in paragraph (a) or (b)).

(3) The power to make an order under this section is exercisable by statutory instrument.

(4) A statutory instrument containing such an order is subject to annulment in pursuance of a resolution of either House of Parliament."

PROSPECTIVE

85 Process for making Civil Procedure Rules E+W

(1) Omit section 2(6) to (8) of the 1997 Act (process for making Civil Procedure Rules).

(2) For section 3 of the 1997 Act (section 2: supplementary) substitute—

"**3 Process for making Civil Procedure Rules**

(1) The Civil Procedure Rule Committee must, before making Civil Procedure Rules—

(a) consult such persons as they consider appropriate, and

(b) meet (unless it is inexpedient to do so).

(2) Rules made by the Civil Procedure Rule Committee must be—

(a) signed by a majority of the members of the Committee, and

(b) submitted to the Lord Chancellor.

(3) The Lord Chancellor may allow, disallow or alter rules so made.

(4) Before altering rules so made the Lord Chancellor must consult the Committee.

(5) Rules so made, as allowed or altered by the Lord Chancellor—

(a) come into force on such day as the Lord Chancellor directs, and

(b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 applies as if the instrument contained rules made by a Minister of the Crown.

(6) Subject to subsection (7), a statutory instrument containing Civil Procedure Rules is subject to annulment in pursuance of a resolution of either House of Parliament.

(7) A statutory instrument containing rules altered by the Lord Chancellor is of no effect unless approved by a resolution of each House of Parliament before the day referred to in subsection (5)(a)."

Status: *Point in time view as at 03/04/2006. This version of this Act contains provisions that are not valid for this point in time.*
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PART 8 U.K.

MISCELLANEOUS

Provisions relating to criminal procedure and appeals

86 Alteration of place fixed for Crown Court trial E+W

An application under section 76(3) of the 1981 Act (application for variation of place fixed for Crown Court trial) is no longer required to be heard in open court by a judge of the High Court; and accordingly section 76(4) of the 1981 Act ceases to have effect.

87 Appeals to Court of Appeal: procedural directions E+W

(1) In section 31 of the 1968 Act (powers of the Court of Appeal under Part 1 of that Act exercisable by single judge), in subsection (2), after paragraph (h) insert—

"(i) to make orders under section 23(1)(a)."

(2) In section 31A of the 1968 Act (powers of Court of Appeal under Part 1 of that Act exercisable by registrar), in subsection (2), after paragraph (c) insert—

"(d) to make orders under section 23(1)(a).", and at the end of paragraph (b), omit "and".

(3) After section 31A of the 1968 Act insert—

"**31B Procedural directions: powers of single judge and registrar**

(1) The power of the Court of Appeal to determine an application for procedural directions may be exercised by—

(a) a single judge, or

(b) the registrar.

(2) "Procedural directions" means directions for the efficient and effective preparation of—

(a) an application for leave to appeal, or

(b) an appeal,

to which this section applies.

(3) A single judge may give such procedural directions as he thinks fit—

(a) when acting under subsection (1);

(b) on a reference from the registrar;

(c) of his own motion, when he is exercising, or considering whether to exercise, any power of his in relation to the application or appeal.

(4) The registrar may give such procedural directions as he thinks fit—

(a) when acting under subsection (1);

(b) of his own motion.

(5) This section applies to an appeal, and an application to the Court of Appeal for leave to appeal, under—

(a) this Part,

Status: *Point in time view as at 03/04/2006. This version of this Act contains provisions that are not valid for this point in time.*
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(b) section 9 of the Criminal Justice Act 1987, or

(c) section 35 of the Criminal Procedure and Investigations Act 1996.

31C Appeals against procedural directions

(1) Subsection (2) applies if a single judge gives, or refuses to give, procedural directions.

(2) The Court of Appeal may, on an application to it under subsection (5)—

(a) confirm, set aside or vary any procedural directions given by the single judge, and

(b) give such procedural directions as it thinks fit.

(3) Subsection (4) applies if the registrar gives, or refuses to give, procedural directions.

(4) A single judge may, on an application to him under subsection (5)—

(a) confirm, set aside or vary any procedural directions given by the registrar, and

(b) give such procedural directions as he thinks fit.

(5) An application under this subsection may be made by—

(a) an appellant;

(b) a respondent, if the directions—

(i) relate to an application for leave to appeal and appear to need the respondent's assistance to give effect to them,

(ii) relate to an application for leave to appeal which is to be determined by the Court of Appeal, or

(iii) relate to an appeal.

(6) In this section—

"appellant" includes a person who has given notice of application for leave to appeal under any of the provisions mentioned in section 31B(5);

"respondent" includes a person who will be a respondent if leave to appeal is granted."

(4) Sections 31B to 31C of the 1968 Act apply to—

(a) applications for leave to appeal falling to be determined on or after the date on which this section comes into force, and

(b) appeals in relation to which—

(i) a certificate under Part 1 of the 1968 Act that the case is fit for appeal, or

(ii) leave to appeal,

is granted on or after that date.

(5) "The 1968 Act" means the Criminal Appeal Act 1968 (c. 19).

88 Extension of time for criminal appeals to House of Lords **E+W**

(1) Amend section 2 of the Administration of Justice Act 1960 (c. 65) (applications for leave to appeal to House of Lords) as follows.

Status: *Point in time view as at 03/04/2006. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Courts Act 2003 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In subsection (1)—

(a) for "fourteen" (in both places) substitute " 28 ", and

(b) for "date of the decision of that court" substitute " relevant date ".

(3) After subsection (1) insert—

"(1A) In subsection (1), "the relevant date" means—

(a) the date of the decision of the court below, or

(b) if later, the date on which that court gives reasons for its decision."

(4) Amend section 34 of the 1968 Act (applications for leave to appeal to the House of Lords) as follows.

(5) In subsection (1)—

(a) for "fourteen" (in both places) substitute " 28 ", and

(b) for "date of the decision of the Court" substitute " relevant date ".

(6) After subsection (1) insert—

"(1A) In subsection (1), "the relevant date" means—

(a) the date of the Court of Appeal's decision, or

(b) if later, the date on which the Court gives reasons for its decision."

89 Retirement age of Registrar of Criminal Appeals E+W

(1) In section 92 of the 1981 Act (tenure of offices in Supreme Court)—

(a) in subsection (2) (offices with retirement age of 70, but with possibility of extensions to not beyond 75), omit "except the office of Queen's Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals",

(b) omit subsections (2D) and (2E) (retirement age of 62 for that office), and

(c) in subsection (4) (offices to which subsection (1), (2A) or (2D) applies to be held during good behaviour), for "to which subsection (1), (2A) or (2D) applies" substitute " listed in column 1 of Part 1 or 2 of Schedule 2 ".

(2) In Schedule 5 to the Judicial Pensions and Retirement Act 1993 (c. 8) (retirement), after the entry relating to a Deputy or temporary Master, Queen's Bench Division, insert— " Queen's Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals ".

90 Appeals to Courts-Martial Appeal Court: procedural directions U.K.

(1) In section 36 of the Courts-Martial (Appeals) Act 1968 (c. 20) (powers of the Appeal Court under Part 2 of that Act exercisable by single judge), in subsection (1), after paragraph (g) insert—

"(h) to make orders under section 28(1)(a).", and at the end of paragraph (f), omit "and".

(2) In section 36A of that Act (powers of the Appeal Court under Part 2 of that Act exercisable by registrar), in subsection (1), at the end of paragraph (b) insert "and—

(c) to make orders under section 28(1)(a).", and at the end of paragraph (a), omit "and".

(3) After section 36A of that Act insert—

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"**36B Procedural directions: powers of single judge and registrar**

(1) The power of the Appeal Court to determine an application for procedural directions may be exercised by—

(a) a judge of the Appeal Court, or

(b) the registrar.

(2) "Procedural directions" means directions for the efficient and effective preparation of—

(a) an application for leave to appeal, or

(b) an appeal,

under this Part.

(3) A judge of the Appeal Court may give such procedural directions as he thinks fit—

(a) when acting under subsection (1);

(b) on a reference from the registrar;

(c) of his own motion, when he is exercising, or considering whether to exercise, any power of his in relation to the application or appeal.

(4) The registrar may give such procedural directions as he thinks fit—

(a) when acting under subsection (1);

(b) of his own motion.

36C Appeals against procedural directions

(1) Subsection (2) applies if a judge of the Appeal Court gives, or refuses to give, procedural directions.

(2) The Appeal Court may, on an application to it under subsection (5)—

(a) confirm, set aside or vary any procedural directions given by the judge, and

(b) give such procedural directions as it thinks fit.

(3) Subsection (4) applies if the registrar gives, or refuses to give, procedural directions.

(4) A judge of the Appeal Court may, on an application to him under subsection (5)—

(a) confirm, set aside or vary any procedural directions given by the registrar, and

(b) give such procedural directions as he thinks fit.

(5) An application under this subsection may be made by—

(a) an appellant;

(b) the Defence Council, if the directions—

(i) relate to an application for leave to appeal and appear to need the Defence Council's assistance to give effect to them,

(ii) relate to an application for leave to appeal which is to be determined by the Appeal Court, or

(iii) relate to an appeal."

Status: *Point in time view as at 03/04/2006. This version of this Act contains provisions that are not valid for this point in time.*
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(4) Sections 36B to 36C of that Act apply to—

(a) applications for leave to appeal falling to be determined on or after the date on which this section comes into force, and

(b) appeals in relation to which leave to appeal is granted on or after that date.

91 Extension of time for appeals from Courts-Martial Appeal Court U.K.

(1) Amend section 40 of the Courts-Martial (Appeals) Act 1968 (c. 20) (applications for leave to appeal to House of Lords) as follows.

(2) In subsection (1)—

(a) for "fourteen" (in both places) substitute " 28 ", and

(b) for "date of the decision of the Court" substitute " relevant date ".

(3) After subsection (1) insert—

"(1A) In subsection (1), "the relevant date" means—

(a) the date of the Appeal Court's decision, or

(b) if later, the date on which the Court gives reasons for its decision."

Fees and costs

92 Fees E+W

(1) The Lord Chancellor may with the consent of the Treasury by order prescribe fees payable in respect of anything dealt with by—

(a) the Supreme Court,

(b) county courts, and

(c) magistrates' courts.

(2) An order under this section may, in particular, contain provision as to—

(a) scales or rates of fees;

(b) exemptions from or reductions in fees;

(c) remission of fees in whole or in part.

(3) When including any provision in an order under this section, the Lord Chancellor must have regard to the principle that access to the courts must not be denied.

(4) The Lord Chancellor may not under this section prescribe fees which he or another authority has power to prescribe apart from this section.

(5) Before making an order under this section, the Lord Chancellor must consult—

(a) the Lord Chief Justice;

(b) the Master of the Rolls;

[F124(ba) the President of the Queen's Bench Division;

(c) the President of the Family Division;

(d) the Chancellor of the High Court;**]**

(e) the Head of Civil Justice;

(f) the Deputy Head of Civil Justice (if there is one).

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(6) Before making an order under this section in relation to civil proceedings, the Lord Chancellor must consult the Civil Justice Council.

(7) The Lord Chancellor must take such steps as are reasonably practicable to bring information about fees to the attention of persons likely to have to pay them.

(8) Fees payable under this section are recoverable summarily as a civil debt.

(9) Subsection (10) applies in relation to an authority which has power to prescribe fees payable in any of the courts referred to in subsection (1).

(10) Nothing in this section prevents the authority from applying to any extent provisions contained in an order made under this section; and an instrument made in exercise of the power is to be read (unless the contrary intention appears) as applying those provisions as amended from time to time.

Textual Amendments

F124 S. 92(5)(ba)-(d) substituted (1.10.2005) for s. 92(5)(c)(d) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 345**; S.I. 2005/2505, **art. 2(c)**

93 Award of costs against third parties E+W

After section 19A of the Prosecution of Offences Act 1985 (c. 23) insert—

"**19B Provision for award of costs against third parties**

(1) The Lord Chancellor may by regulations make provision empowering magistrates' courts, the Crown Court and the Court of Appeal to make a third party costs order if the condition in subsection (3) is satisfied.

(2) A "third party costs order" is an order as to the payment of costs incurred by a party to criminal proceedings by a person who is not a party to those proceedings ("the third party").

(3) The condition is that—

(a) there has been serious misconduct (whether or not constituting a contempt of court) by the third party, and

(b) the court considers it appropriate, having regard to that misconduct, to make a third party costs order against him.

(4) Regulations made under this section may, in particular—

(a) specify types of misconduct in respect of which a third party costs order may not be made;

(b) allow the making of a third party costs order at any time;

(c) make provision for any other order as to costs which has been made in respect of the proceedings to be varied on, or taken account of in, the making of a third party costs order;

(d) make provision for account to be taken of any third party costs order in the making of any other order as to costs in respect of the proceedings.

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(5) Regulations made under this section in relation to magistrates' courts must provide that the third party may appeal to the Crown Court against a third party costs order made by a magistrates' court.

(6) Regulations made under this section in relation to the Crown Court must provide that the third party may appeal to the Court of Appeal against a third party costs order made by the Crown Court."

94 Award of costs in appeals under Proceeds of Crime Act 2002 E+W

(1) Amend the Proceeds of Crime Act 2002 (c. 29) as follows.

(2) In section 89 (procedure on appeal to the Court of Appeal), after subsection (3) insert—

"(4) Subject to any rules made under section 91, the costs of and incidental to all proceedings on an appeal to the criminal division of the Court of Appeal under—

(a) section 43(1) or (2) (appeals against orders made in restraint proceedings), or

(b) section 65 (appeals against, or relating to, the making of receivership orders),

are in the discretion of the court.

(5) Such rules may in particular make provision for regulating matters relating to the costs of those proceedings, including prescribing scales of costs to be paid to legal or other representatives.

(6) The court shall have full power to determine by whom and to what extent the costs are to be paid.

(7) In any proceedings mentioned in subsection (4), the court may—

(a) disallow, or

(b) (as the case may be) order the legal or other representative concerned to meet,

the whole of any wasted costs or such part of them as may be determined in accordance with rules under section 91.

(8) In subsection (7) "wasted costs" means any costs incurred by a party—

(a) as a result of any improper, unreasonable or negligent act or omission on the part of any legal or other representative or any employee of such a representative, or

(b) which, in the light of any such act or omission occurring after they were incurred, the court considers it is unreasonable to expect that party to pay.

(9) "Legal or other representative", in relation to a party to proceedings means any person exercising a right of audience or right to conduct litigation on his behalf."

(3) Subsection (2) applies in relation to proceedings on appeals in respect of offences committed or alleged to have been committed on or after 24th March 2003.

Status: *Point in time view as at 03/04/2006. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Courts Act 2003 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) In section 91 (Crown Court Rules) after "Crown Court Rules" insert " or (as the case may be) Criminal Appeal Rules ".

Fines

95 Fixing of fines: failure to furnish statement of financial circumstances E+W

(1) Amend section 20A of the Criminal Justice Act 1991 (c. 53) (false statements as to financial circumstances) as follows.

(2) After subsection (1) insert—

"(1A) A person who is charged with an offence who fails to furnish a statement of his financial circumstances in response to an official request shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale."

(3) In subsection (2)(b), after "may impose" insert " and how it should be paid ".

(4) In section 128(5) of the 2000 Act (fixing of fines: power of court to make determination of financial circumstances where offender has failed to co-operate with court etc.), in paragraph (b) before sub-paragraph (i) insert—

"(zi) has failed to furnish a statement of his financial circumstances in response to a request which is an official request for the purposes of section 20A of the Criminal Justice Act 1991 (offence of making false statements as to financial circumstances),".

(5) "The 2000 Act" means the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).

96 Recovery of fines etc. by deductions from income support: failure to provide information E+W

(1) Amend section 24 of the Criminal Justice Act 1991 (power to make regulations about recovery of fines etc. by deductions from income support) as follows.

(2) In subsection (2), after paragraph (a) insert—

"(aa) provision that the court may require the offender to provide prescribed information in connection with an application;".

(3) After subsection (2) insert—

"(2A) An offender who fails to provide information required by the court by virtue of subsection (2)(aa) commits an offence.

(2B) An offender commits an offence if, in providing information required by the court by virtue of that subsection, he—

(a) makes a statement which he knows to be false in a material particular,

(b) recklessly provides a statement which is false in a material particular, or

(c) knowingly fails to disclose any material fact.

(2C) A person guilty of an offence under subsection (2A) or (2B) is liable on summary conviction to a fine not exceeding level 2 on the standard scale."

Status: *Point in time view as at 03/04/2006. This version of this Act contains provisions that are not valid for this point in time.*
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97 Collection of fines and discharge of fines by unpaid work E+W

(1) Schedule 5 contains provisions about the collection of fines.

(2) Schedule 6 contains provisions about the discharge of fines by means of unpaid work.

(3) Subsections (4) to (9) apply in relation to each of those Schedules.

(4) The Schedule is to have effect only in accordance with—

(a) subsections (5) and (6) (pilot schemes), or

(b) subsections (7) to (9) (power to make pilot schemes, or modified versions of pilot schemes, permanent after completion of pilots).

(5) The Lord Chancellor may by order provide that the Schedule is to have effect in relation to the local justice area or areas specified in the order for the period specified in the order.

(6) An order under subsection (5) may make provision modifying the Schedule, or any enactment in connection with the operation of the Schedule, in relation to the specified local justice area or areas and the specified period.

(7) The Lord Chancellor may, at the end of the relevant period, by order provide that the Schedule is to have effect—

(a) in all local justice areas, and

(b) indefinitely.

(8) "The relevant period" means—

(a) if one order has been made under subsection (5) in relation to the Schedule, the period specified in the order;

(b) if more than one order has been made under subsection (5) in relation to the Schedule, the period which, out of the periods so specified, ends at the latest date.

(9) An order under subsection (7) may make such amendments of—

(a) the Schedule, and

(b) any other enactments,

as appear to the Lord Chancellor appropriate in the light of the operation of the Schedule in accordance with the order made under subsection (5) (pilot schemes).

Commencement Information

I11 S. 97 wholly in force; s. 97 not in force at Royal Assent see s. 110(1)(2); s. 97 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; s. 97 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; s. 97 in force for certain further purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**; s. 97 in force for certain further purposes at 1.5.2004 by S.I. 2004/1104, **art. 3(c)**; s. 97 in force at 21.9.2004 insofar as not already in force by S.I. 2004/2195, **art. 2**

Register of judgments etc. and execution of writs

98 Register of judgments and orders etc. E+W

(1) A register is to be kept, in accordance with regulations, of—

(a) judgments entered in the High Court;

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(b) judgments entered in county courts;

(c) administration orders made under section 112 of the County Courts Act 1984 (c. 28) (power of county courts to make administration orders);

(d) orders restricting enforcement made under section 112A of that Act (power of county courts to restrict enforcement of debts in lieu of administration order);

(e) sums which are, for the purposes of the 1980 Act, sums adjudged to be paid by a conviction or order of a magistrates' court.

(2) "Regulations" means regulations made by the Lord Chancellor for the purposes of this section.

(3) The regulations may—

(a) provide for prescribed classes of judgments, orders or adjudged sums to be exempt from registration;

(b) prescribe circumstances in which judgments, orders or adjudged sums (or classes of them) are to be exempt from registration;

(c) prescribe circumstances in which an entry in the register is to be cancelled;

(d) in the case of sums adjudged to be paid by conviction of a magistrates' court, provide for sums to be registered only in prescribed circumstances or subject to prescribed conditions.

(4) The Lord Chancellor may fix charges to be made for—

(a) making information in an entry in the register available for inspection;

(b) carrying out an official search of the register;

(c) supplying a certified copy of information in an entry in the register.

(5) The proceeds of those charges are to be applied in paying the expenses incurred in maintaining the register; and any surplus is to be paid into the Consolidated Fund.

(6) If there is in force an agreement between the Lord Chancellor and a body corporate relating to the keeping by that body corporate of the register the register is to be kept by that body corporate.

(7) If, under subsection (6), the register is kept by a body corporate—

(a) the Lord Chancellor may recover from the body corporate any expenses incurred by the Lord Chancellor in connection with the supply of information to that body for the purposes of the register,

(b) subsection (4) applies as if it enabled the Lord Chancellor to fix the maximum charges to be made (instead of the charges to be made), and

(c) subsection (5) does not apply.

(8) If subsection (6) ceases to apply to a body corporate as a result of the termination (for any reason) of the agreement, the Lord Chancellor may require the information contained in the entries in the register to be transferred to such person as he may direct.

Commencement Information

I12 S. 98 partly in force at 6.4.2006; s. 98 not in force at Royal Assent see s. 110(1)(2); s. 98(1)(e)(2)(3)(c)(d)(4)-(8) in force at 26.1.2004 by S.I. 2003/3345, **art. 2(c)(i)**; s. 98(1)(a)-(c)(3)(a)(b) in force at 6.4.2006 by S.I. 2005/3518, **art. 3(a)**

Status: *Point in time view as at 03/04/2006. This version of this Act contains provisions that are not valid for this point in time.*
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99 High Court writs of execution E+W

(1) Schedule 7 contains provisions about High Court writs of execution.

(2) Any rule of law requiring a writ of execution issued from the High Court to be directed to a sheriff is abolished.

Commencement Information

I13 S. 99 wholly in force at 15.3.2004; s. 99 not in force at Royal Assent see s. 110(1)(2); s. 99 in force at 15.3.2004 by S.I. 2004/401, **art. 2(a)** (with art. 3)

Damages

100 Periodical payments U.K.

(1) For section 2 of the Damages Act 1996 (c. 48) (periodical payments by consent) substitute—

"**2 Periodical payments**

(1) A court awarding damages for future pecuniary loss in respect of personal injury—

(a) may order that the damages are wholly or partly to take the form of periodical payments, and

(b) shall consider whether to make that order.

(2) A court awarding other damages in respect of personal injury may, if the parties consent, order that the damages are wholly or partly to take the form of periodical payments.

(3) A court may not make an order for periodical payments unless satisfied that the continuity of payment under the order is reasonably secure.

(4) For the purpose of subsection (3) the continuity of payment under an order is reasonably secure if—

(a) it is protected by a guarantee given under section 6 of or the Schedule to this Act,

(b) it is protected by a scheme under section 213 of the Financial Services and Markets Act 2000 (compensation) (whether or not as modified by section 4 of this Act), or

(c) the source of payment is a government or health service body.

(5) An order for periodical payments may include provision—

(a) requiring the party responsible for the payments to use a method (selected or to be selected by him) under which the continuity of payment is reasonably secure by virtue of subsection (4);

(b) about how the payments are to be made, if not by a method under which the continuity of payment is reasonably secure by virtue of subsection (4);

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(c) requiring the party responsible for the payments to take specified action to secure continuity of payment, where continuity is not reasonably secure by virtue of subsection (4);

(d) enabling a party to apply for a variation of provision included under paragraph (a), (b) or (c).

(6) Where a person has a right to receive payments under an order for periodical payments, or where an arrangement is entered into in satisfaction of an order which gives a person a right to receive periodical payments, that person's right under the order or arrangement may not be assigned or charged without the approval of the court which made the order; and—

(a) a court shall not approve an assignment or charge unless satisfied that special circumstances make it necessary, and

(b) a purported assignment or charge, or agreement to assign or charge, is void unless approved by the court.

(7) Where an order is made for periodical payments, an alteration of the method by which the payments are made shall be treated as a breach of the order (whether or not the method was specified under subsection (5)(b)) unless—

(a) the court which made the order declares its satisfaction that the continuity of payment under the new method is reasonably secure,

(b) the new method is protected by a guarantee given under section 6 of or the Schedule to this Act,

(c) the new method is protected by a scheme under section 213 of the Financial Services and Markets Act 2000 (compensation) (whether or not as modified by section 4 of this Act), or

(d) the source of payment under the new method is a government or health service body.

(8) An order for periodical payments shall be treated as providing for the amount of payments to vary by reference to the retail prices index (within the meaning of section 833(2) of the Income and Corporation Taxes Act 1988) at such times, and in such a manner, as may be determined by or in accordance with Civil Procedure Rules.

(9) But an order for periodical payments may include provision—

(a) disapplying subsection (8), or

(b) modifying the effect of subsection (8).

2A Periodical payments: supplementary

(1) Civil Procedure Rules may require a court to take specified matters into account in considering—

(a) whether to order periodical payments;

(b) the security of the continuity of payment;

(c) whether to approve an assignment or charge.

(2) For the purposes of section 2(4)(c) and (7)(d) "government or health service body" means a body designated as a government body or a health service body by order made by the Lord Chancellor.

(3) An order under subsection (2)—

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(a) shall be made by statutory instrument, and

(b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Section 2(6) is without prejudice to a person's power to assign a right to the scheme manager established under section 212 of the Financial Services and Markets Act 2000.

(5) In section 2 "damages" includes an interim payment which a court orders a defendant to make to a claimant.

(6) In the application of this section to Northern Ireland—

(a) a reference to Civil Procedure Rules shall be taken as a reference to rules of court, and

(b) a reference to a claimant shall be taken as a reference to a plaintiff.

(7) Section 2 is without prejudice to any power exercisable apart from that section.

2B Variation of orders and settlements

(1) The Lord Chancellor may by order enable a court which has made an order for periodical payments to vary the order in specified circumstances (otherwise than in accordance with section 2(5)(d)).

(2) The Lord Chancellor may by order enable a court in specified circumstances to vary the terms on which a claim or action for damages for personal injury is settled by agreement between the parties if the agreement—

(a) provides for periodical payments, and

(b) expressly permits a party to apply to a court for variation in those circumstances.

(3) An order under this section may make provision—

(a) which operates wholly or partly by reference to a condition or other term of the court's order or of the agreement;

(b) about the nature of an order which may be made by a court on a variation;

(c) about the matters to be taken into account on considering variation;

(d) of a kind that could be made by Civil Procedure Rules or, in relation to Northern Ireland, rules of court (and which may be expressed to be with or without prejudice to the power to make those rules).

(4) An order under this section may apply (with or without modification) or amend an enactment about provisional or further damages.

(5) An order under this section shall be subject to any order under section 1 of the Courts and Legal Services Act 1990 (allocation between High Court and county courts).

(6) An order under this section—

(a) shall be made by statutory instrument,

(b) may not be made unless the Lord Chancellor has consulted such persons as he thinks appropriate,

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(c) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament, and

(d) may include transitional, consequential or incidental provision.

(7) In subsection (4)—

"provisional damages" means damages awarded by virtue of subsection (2)(a) of section 32A of the Supreme Court Act 1981 or section 51 of the County Courts Act 1984 (or, in relation to Northern Ireland, paragraph 10(2)(a) of Schedule 6 to the Administration of Justice Act 1982), and

"further damages" means damages awarded by virtue of subsection (2)(b) of either of those sections (or, in relation to Northern Ireland, paragraph 10(2)(b) of Schedule 6 to the Administration of Justice Act 1982)."

(2) F125 . . . . . .

(3) F125 . . . . . .

(4) In this section—

(a) subsection (1) shall extend only to England and Wales and Northern Ireland, and

(b) the remainder shall extend to the whole of the United Kingdom.

Textual Amendments

F125 S. 100(2)(3) repealed (6.4.2005 with effect as mentioned in s. 883(1) of the amending Act) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 884, **Sch. 3** (with Sch. 2)

101 Periodical payments: security U.K.

(1) For sections 4 and 5 of the Damages Act 1996 (c. 48) (enhanced protection for structured settlement annuitant) substitute—

"**4 Enhanced protection for periodical payments**

(1) Subsection (2) applies where—

(a) a person has a right to receive periodical payments, and

(b) his right is protected by a scheme under section 213 of the Financial Services and Markets Act 2000 (compensation), but only as to part of the payments.

(2) The protection provided by the scheme shall extend by virtue of this section to the whole of the payments.

(3) Subsection (4) applies where—

(a) one person ("the claimant") has a right to receive periodical payments from another person ("the defendant"),

(b) a third person ("the insurer") is required by or in pursuance of an arrangement entered into with the defendant (whether or not together with other persons and whether before or after the creation of the

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claimant's right) to make payments in satisfaction of the claimant's right or for the purpose of enabling it to be satisfied, and

(c) the claimant's right to receive the payments would be wholly or partly protected by a scheme under section 213 of the Financial Services and Markets Act 2000 if it arose from an arrangement of the same kind as that mentioned in paragraph (b) but made between the claimant and the insurer.

(4) For the purposes of the scheme under section 213 of that Act—

(a) the claimant shall be treated as having a right to receive the payments from the insurer under an arrangement of the same kind as that mentioned in subsection (3)(b),

(b) the protection under the scheme in respect of those payments shall extend by virtue of this section to the whole of the payments, and

(c) no person other than the claimant shall be entitled to protection under the scheme in respect of the payments.

(5) In this section "periodical payments" means periodical payments made pursuant to—

(a) an order of a court in so far as it is made in reliance on section 2 above (including an order as varied), or

(b) an agreement in so far as it settles a claim or action for damages in respect of personal injury (including an agreement as varied).

(6) In subsection (5)(b) the reference to an agreement in so far as it settles a claim or action for damages in respect of personal injury includes a reference to an undertaking given by the Motor Insurers' Bureau (being the company of that name incorporated on 14th June 1946 under the Companies Act 1929), or an Article 75 insurer under the Bureau's Articles of Association, in relation to a claim or action in respect of personal injury."

(2) In section 6(1) of the Damages Act 1996 (c. 48) (guarantee for public sector settlement) for the words "on terms corresponding to those of a structured settlement as defined in section 5 above except that the person to whom the payments are to be made is not to receive them as mentioned in subsection (1)(b) of that section" substitute " on terms whereby the damages are to consist wholly or partly of periodical payments ".

(3) In paragraph 1(a) of the Schedule to that Act (guarantee by Northern Ireland Department for public sector settlement) for the words "on terms corresponding to those of a structured settlement as defined in section 5 of this Act except that the person to whom the payments are to be made is not to receive them as mentioned in subsection (1)(b) of that section" substitute " on terms whereby the damages are to consist wholly or partly of periodical payments ".

(4) Where an individual who has a right to receive periodical payments becomes bankrupt—

(a) the payments shall be treated for the purposes of the bankruptcy as income of the bankrupt (but without prejudice to **[**[F126]section 731 of the Income Tax (Trading and Other Income) Act 2005**]**(c. 1)),

(b) neither the right to receive periodical payments, nor any property or arrangement designed to protect continuity of the periodical payments, shall form part of the bankrupt's estate for the purposes of the Insolvency Act 1986

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(c. 45) or the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)),

(c) an income payments order may not be made in respect of any part of the periodical payments identified (in the order or agreement under which the payments are made) as relating wholly to expenditure likely to be incurred by or for the individual as a result of the personal injury concerned,

(d) nothing in section 2 of the Damages Act 1996 (c. 48) shall prevent a court from making an income payments order (subject to paragraph (c)), and

(e) nothing in section 2 of that Act shall prevent entry into an income payments agreement.

(5) In subsection (4)—

"bankrupt" has the meaning given by section 381 of the Insolvency Act 1986 or Article 9 of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)),

"income payments agreement" means an agreement under section 310A of that Act or equivalent legislation for Northern Ireland,

"income payments order" means an order under section 310 of that Act or equivalent legislation for Northern Ireland, and

"periodical payments" means periodical payments awarded or agreed, or in so far as awarded or agreed, as damages for future pecuniary loss by—

(a) an order of a court made in reliance on section 2 of the Damages Act 1996 (including an order as varied), or

(b) an agreement settling a claim or action for damages in respect of personal injury (including an agreement as varied).

(6) In this section—

(a) subsections (1) to (3) shall extend to the whole of the United Kingdom, and

(b) subsections (4) and (5) shall extend only to England and Wales and Northern Ireland.

Textual Amendments

F126 Words in s. 101(4)(a) substituted (6.4.2005 with effect as mentioned in s. 883(1) of the amending Act) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 882(1), **Sch. 1 para. 627** (with Sch. 2)

Provisions relating to Northern Ireland

102 Power to alter judicial titles: Northern Ireland U.K.

(1) The Lord Chancellor may by order—

(a) alter the name of any of the offices of the Supreme Court of Judicature of Northern Ireland or of the county courts in Northern Ireland which are listed in subsection (2);

(b) provide for or alter the way in which the holders of any of those offices are to be styled.

(2) The offices are—

County court judge

Deputy judge of the county court

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District Judge
Judge of the Court of Appeal
Lord Chief Justice
Master (Bankruptcy)
Master (Care and Protection)
Master (Chancery)
Master (Enforcement of Judgments)
Master (High Court)
Master (Probate and Matrimonial)
Master (Queen's Bench and Appeals)
Master (Taxing Office)
Presiding judge for the county courts
Puisne judge of the High Court.

(3) The Lord Chancellor may also by order provide for or alter the way in which deputies or temporary additional officers appointed under section 74(1) of the 1978 Act are to be styled.

(4) F127 . . . . . .

(5) An order under this section may make such provision as the Lord Chancellor considers necessary in consequence of any provision made under subsection (1) or (3).

(6) The provision that may be made under subsection (5) includes provision amending, repealing or revoking any enactment.

[F128(6A) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice.

(6B) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (6A)—

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;

(b) a Lord Justice of Appeal (as defined in section 88 of that Act).**]**

(7) The power to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

(8) An order under this section is subject to annulment in pursuance of a resolution of either House of Parliament in the same manner as a statutory instrument; and section 5 of the Statutory Instruments Act 1946 (c. 36) applies accordingly.

(9) "The 1978 Act" means the Judicature (Northern Ireland) Act 1978 (c. 23).

Textual Amendments

F127 S. 102(4) omitted (3.4.2006) by virtue of Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 346(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(bb)

F128 S. 102(6A)(6B) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 346(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(bb)

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103 Official Solicitor of Northern Ireland U.K.

(1) In Schedule 3 to the 1978 Act (statutory offices) the entry relating to the Official Solicitor ceases to have effect.

(2) Amend section 75 of the 1978 Act (Official Solicitor) as follows.

(3) For subsection (1) substitute—

"(1) The Lord Chancellor, after consultation with the Lord Chief Justice, may appoint as Official Solicitor to the Supreme Court a person who is—

(a) a solicitor of the Supreme Court of at least 7 years' standing, or

(b) a member of the Bar of Northern Ireland of at least 7 years' standing."

(4) After subsection (5) insert—

"(6) The Official Solicitor shall hold and vacate office in accordance with the terms of his appointment (which may include provision about retirement, dismissal or resignation).

(7) The Lord Chancellor may pay to the Official Solicitor such remuneration and allowances as the Lord Chancellor may determine with the consent of the Treasury.

(8) Service as the Official Solicitor is employment in the civil service of the State for the purposes of section 1 of the Superannuation Act 1972 (Principal Civil Service Pension Scheme).

(9) While the office of Official Solicitor is vacant or the Official Solicitor is unable or unwilling to act, the Lord Chancellor may, after consultation with the Lord Chief Justice, appoint a person as temporary Official Solicitor; and the temporary Official Solicitor—

(a) may be appointed only if qualified for appointment as Official Solicitor,

(b) shall have all the powers and duties of the Official Solicitor, and

(c) may be paid remuneration and allowances by the Lord Chancellor with the consent of the Treasury."

(5) In section 68 of the 1978 Act (Supreme Court: departments)—

(a) in subsection (2)(b) for "statutory officer" substitute " officer ", and

(b) for subsection (4) substitute—

"(4) The officer supervising a department shall discharge his functions in accordance with directions given by the Lord Chancellor."

(6) In section 73 of the 1978 Act (restrictions on practice) subsection (2) (and the words "Subject to subsection (2),") cease to have effect.

(7) In section 76 of the 1978 Act (property) paragraph (c) (which referred to the Official Solicitor and which ceased to have effect by virtue of the Supreme Court (Departments and Officers) (Northern Ireland) Order 1982 (S.R. 1982/ 300)) shall again have effect.

(8) Nothing in this section has any effect in relation to the person who on the commencement of this section holds the office in Northern Ireland of Official Solicitor to the Supreme Court.

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104 Alteration of place fixed for Crown Court trial: Northern Ireland U.K.

An application under section 48(3) of the 1978 Act (application for variation of place fixed for Crown Court trial) is no longer required to be heard in open court; and accordingly section 48(4) of the 1978 Act ceases to have effect.

105 Extension of time for criminal appeals to House of Lords: Northern Ireland U.K.

(1) Amend paragraph 1 of Schedule 1 to the 1978 Act (applications for leave to appeal to House of Lords in certain criminal matters) as follows.

(2) In sub-paragraph (1)—

(a) for "fourteen" (in both places) substitute " 28 ", and

(b) for "date of the decision of that court" substitute " relevant date ".

(3) After sub-paragraph (1) insert—

"(1A) In sub-paragraph (1), "the relevant date" means—

(a) the date of the decision of the court below, or

(b) if later, the date on which that court gives reasons for its decision."

(4) Amend section 32 of the Criminal Appeal (Northern Ireland) Act 1980 (c. 47) (applications for leave to appeal to the House of Lords) as follows.

(5) In subsection (1)—

(a) for "fourteen" (in both places) substitute " 28 ", and

(b) for "date of the decision of the Court" substitute " relevant date ".

(6) After subsection (1) insert—

"(1A) In subsection (1), "the relevant date" means—

(a) the date of the Court of Appeal's decision, or

(b) if later, the date on which the Court gives reasons for its decision."

106 Fees: Northern Ireland U.K.

In section 116 of the 1978 Act (fees) after subsection (1) insert—

"(1A) Without prejudice to the generality of subsection (1), an order under that subsection may make provision for exemptions from fees and remission of fees (in whole or in part)."

PART 9 U.K.

FINAL PROVISIONS

107 Interpretation E+W

(1) In this Act—

"the 1933 Act" means the Children and Young Persons Act 1933 (c. 12);

"the 1968 Act" means the Criminal Appeal Act 1968 (c. 19);

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"the 1978 Act" means the Judicature (Northern Ireland) Act 1978 (c. 23);
"the 1980 Act" means the Magistrates' Courts Act 1980 (c. 43);
"the 1981 Act" means the Supreme Court Act 1981 (c. 54);
"the 1990 Act" means the Courts and Legal Services Act 1990 (c. 41);
"the 1997 Act" means the Civil Procedure Act 1997 (c. 12).

(2) In this Act the following have the meaning given by section 71 of the 1990 Act—
"5 year magistrates' court qualification";
"7 year general qualification";
"Supreme Court qualification".

(3) In this Act "criminal court" has the meaning given by section 68.

(4) In this Act ldquo;judge", except where the context otherwise requires, means a person holding an office listed in subsection (2) of section 64 (power to alter judicial titles).

(5) In this Act "lay justice" has the meaning given by section 9.

(6) In this Act "Magistrates' Courts Rule Committee" means the committee appointed [F129]. . . under section 144 of the 1980 Act.

(7) In this Act "Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975 (c. 26).

(8) In this Act "enactment" includes subordinate legislation and, except where otherwise provided, any reference to an enactment is to an enactment whenever passed or made; and "subordinate legislation" here has the same meaning as in the Interpretation Act 1978 (c. 30).

(9) In sections 102(6) and 109(5)(b) "enactment" also includes Northern Ireland legislation (whenever passed or made); and "Northern Ireland legislation" here has the same meaning as in the Interpretation Act 1978.

Textual Amendments

F129 Words in s. 107(6) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, Sch. 4 para. 347, **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 11(bb), 30(b)

108 Rules, regulations and orders E+W

(1) Any power of the Lord Chancellor **[**[F130]or Lord Chief Justice**]** to make rules, regulations or orders under this Act is exercisable by statutory instrument.

(2) None of the orders and regulations mentioned in subsection (3) may be made unless a draft of the statutory instrument containing the order or regulations has been laid before, and approved by a resolution of, each House of Parliament.

(3) The orders and regulations are—
(a) the first order to be made under section 4 (areas of courts boards);
(b) regulations under section 34(5) (costs in legal proceedings);
(c) an order under—
(i) section 73 or 80 (powers to amend enactments in connection with Criminal Procedure Rules and Family Procedure Rules), or

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(ii) section 109 (power to make consequential provision etc.),

which contains any provision (whether alone or with other provisions) amending or repealing any Act or provision of an Act;

(d) an order under section 97(7) to (9) (power to make permanent provision about collection of fines and discharge of fines by unpaid work);

(e) regulations under Schedule 1;

(f) regulations under Schedule 6 relating to the prescribed hourly sum.

(4) A statutory instrument containing—

(a) the first order to be made under section 8 (local justice areas), or

(b) regulations under section 40 (payments, accounting and banking by designated officers),

is to be laid before Parliament after being made.

(5) Any other statutory instrument, apart from one containing an order under section 110 (commencement), is subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Any power of the Lord Chancellor **[**[F130]or Lord Chief Justice**]** to make rules, regulations or orders under this Act includes power to make—

(a) any supplementary, incidental or consequential provision, and

(b) any transitory, transitional or saving provision,

which he considers necessary or expedient.

(7) Nothing in this section applies to—

(a) rules made under Part 7 (Criminal Procedure and Family Procedure Rules), or

(b) an order made under section 102 (power to alter judicial titles: Northern Ireland).

Textual Amendments

F130 Words in s. 108(1)(6) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 348**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(bb)

109 Minor and consequential amendments, repeals, etc. U.K.

(1) Schedule 8 contains minor and consequential amendments.

(2) Schedule 9 contains transitional provisions and savings.

(3) Schedule 10 contains repeals.

(4) The Lord Chancellor may by order make—

(a) any supplementary, incidental or consequential provision, and

(b) any transitory, transitional or saving provision,

which he considers necessary or expedient for the purposes of, in consequence of, or for giving full effect to any provision of this Act.

[[F131](4A) The following paragraphs apply to the making of provision that relates to England and Wales in an order under subsection (4)—

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(a) before deciding what provision it is necessary or expedient to make, the Lord Chancellor must consult the Lord Chief Justice of England and Wales;

(b) before making the order, the Lord Chancellor must consult the Lord Chief Justice of England and Wales.

(4B) The following paragraphs apply to the making of provision that relates to Northern Ireland in an order under subsection (4)—

(a) before deciding what provision it is necessary or expedient to make, the Lord Chancellor must consult the Lord Chief Justice of Northern Ireland;

(b) before making the order, the Lord Chancellor must consult the Lord Chief Justice of Northern Ireland.**]**

(5) An order under subsection (4) may, in particular—

(a) provide for any provision of this Act which comes into force before another such provision has come into force to have effect, until that other provision has come into force, with such modifications as are specified in the order, and

F132(b) amend, repeal or revoke any enactment other than one contained in an Act passed in a Session after that in which this Act is passed.

(6) The amendments that may be made under subsection (5)(b) are in addition to those made by or under any other provision of this Act.

[F133(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.

(8) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;

(b) a Lord Justice of Appeal (as defined in section 88 of that Act).**]**

Textual Amendments

F131 Words in s. 109(4A)(4B) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 349(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(bb)

F132 S. 109(5)(b) power extended (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 12, **Sch. 1 para. 25**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 7

F133 Words in s. 109(7)(8) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 349(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(bb)

Commencement Information

I14 S. 109 partly in force; s. 109(4)-(6) in force at Royal Assent see s. 110(1)(2); s. 109(3) in force for certain purposes at 26.1.2004 by S.I. 2003/3345, **art. 2(c)(iv)**; s. 109(1) in force for certain further purposes at 1.2.2004 by S.I. 2004/174, **art. 2(b)**; s. 109(2) in force for certain further purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; s. 109(2) in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; s. 109(2) in force for certain purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**; s. 109(1)(3) in force for certain further purposes at 15.3.2004 by S.I. 2004/401, **art. 2(d)**; s. 109(3) in force for certain further purposes at 1.5.2004 by S.I. 2004/1104, **art. 3(i)**; s. 109(1)(3) in force for certain further purposes at 1.9.2004 by S.I. 2004/2066, **art. 2(e)**; s. 109(1)(3) in force for certain further purposes at 4.1.2005 by S.I. 2004/3123, **art. 2(d)**; s. 109(1)-(3) in force for certain further purposes at 1.4.2005 by S.I. 2005/910, **art. 3(bb)**; s. 109(1)(3) in force for certain further purposes at

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10.1.2006 by S.I. 2005/3518, **art. 2(c)** (with art. 4); s. 109(2)(3) in force for certain further purposes at 6.4.2006 by S.I. 2005/3518, **art. 3(d)** (with art. 4)

110 Commencement E+W

(1) Subject to subsection (2), this Act comes into force in accordance with provision made by order by the Lord Chancellor.

(2) Subsection (1) does not apply to section 42, 94, 107, 108, 109(4) to (6), this section or section 111 or 112.

(3) An order under this section may appoint different days for different provisions and different purposes.

Subordinate Legislation Made

P1 S. 110(1)(2) power partly exercised: 26.1.2004 appointed for specified provisions by {S.I. 2003/3345}, art. 2; 1.2.2004, 23.2.2004, 29.3.2004, and 5.4.2004 appointed for specified provisions by {S.I. 2004/174}, arts. 2-4; 15.3.2004 appointed for specified provisions by {S.I. 2004/401}, art. 2 (with transitional provisions in art. 3); 1.5.2004 appointed for specified provisions by {S.I. 2004/1104}, art. 3; 1.6.2004 appointed for specified provisions by {S.I. 2004/798}, art. 2; 1.9.2004 appointed for specified provisions by {S.I. 2004/2066}, art. 2 (with savings in art. 3); 21.9.2004 appointed for specified provisions by {S.I. 2004/2195}, art. 2; 4.1.2005 appointed for specified provisions by {S.I. 2004/3123}, art. 2 (with savings in art. 3); 1.4.2005 appointed for specified provisions by {S.I. 2005/547}, art. 2 (with transitional provisions and savings in arts. 3-16) (which S.I. was revoked by S.I. 2005/910, **art. 2**); 1.4.2005 appointed for specified provisions by {S.I. 2005/910}, art. 3 (with transitional provisions in S.I. 2005/911, **arts. 2-14**); 7.10.2005 appointed for specified provisions by {S.I. 2005/2744}, art. 2 (with transitional provisions in art. 3); 10.1.2006 and 6.4.2006 appointed for specified provisions by {S.I. 2005/3518}, arts. 2, 3 (with transitional provisions in art. 4); 5.9.2007 appointed for s. 50(2)(3) by {S.I. 2007/2706}, art. 1

111 Extent E+W

(1) Subject to subsections (2) and (3), this Act extends only to England and Wales.

(2) Subsection (1) does not apply to section 59(3), 90, 91, 100, 101, 102, 103, 104, 105, 106 or 109.

(3) Subject to any provision made in Schedule 8, the amendments and repeals made by Schedules 4, 8 and 10 have the same extent as the enactments to which they relate.

112 Short title E+W

This Act may be cited as the Courts Act 2003.

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SCHEDULES

SCHEDULE 1 E+W

Section 4

CONSTITUTION AND PROCEDURE OF COURTS BOARDS

Constitution

1 **[**F134(1) The members of each courts board are to be appointed by the Lord Chancellor.

(2) The Lord Chancellor may appoint a member of a description mentioned in paragraph 2(a) only with the concurrence of the Lord Chief Justice.**]**

Textual Amendments

F134 Sch. 1 para. 1 substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 350(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(bb)

2 Each board must have—

(a) at least one member who is a judge,

(b) at least two members who are lay justices, each of whom is assigned to a local justice area the whole or a part of which is included in the board's area,

(c) at least two other members who are persons appearing to the Lord Chancellor to have appropriate knowledge or experience of the work of the courts in the area for which the board acts, and

(d) at least two more members who are persons appearing to the Lord Chancellor to be representative of people living in that area,

and may have such other members of a description mentioned in sub-paragraphs (a) to (d) as the Lord Chancellor considers appropriate.

3 Regulations may make provision in relation to the appointment of members of courts boards, including in particular provision about the procedures to be followed in connection with appointments.

Chairman

4 Regulations may make provision as to the selection of one of the members of each courts board to be its chairman.

Tenure of office

5 (1) Regulations may make provision as to—

(a) the term of office of chairmen and members of courts boards;

(b) their resignation, suspension or removal.

(2) Subject to the regulations, a person is to hold and vacate office as a member of a courts board in accordance with the terms of the instrument appointing him.

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Payments in respect of expenses, etc.

6 The Lord Chancellor may make such payments to or in respect of members of courts boards by way of reimbursement of expenses, allowances and remuneration as he may determine.

Procedure

7 Regulations may make provision about—

(a) the procedure of courts boards (including quorum);

(b) the validation of proceedings in the event of a vacancy among the members of a courts board or a defect in the appointment of a member.

Interpretation

8 In this Schedule "regulations" means regulations made by the Lord Chancellor**[**F135 after consulting the Lord Chief Justice.**]**

Textual Amendments

F135 Words in Sch. 1 para. 8 inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 350(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(bb)

[F136 9 The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this Schedule.**]**

Textual Amendments

F136 Sch. 1 para. 9 inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 350(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(bb)

SCHEDULE 2 E+W

Section 6

ABOLITION OF MAGISTRATES' COURTS COMMITTEES: TRANSFERS

PART 1 E+W

PROPERTY TRANSFER SCHEMES

Property transfer schemes: general

1 (1) The Lord Chancellor may make a scheme or schemes for the transfer to him or another Minister of the Crown of any property, rights or liabilities—

(a) to which magistrates' courts committees are entitled or subject immediately before the appointed day, or

(b) to which any of the persons specified in sub-paragraph (2) is entitled or subject immediately before the appointed day and which then subsist for

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the purposes of, or in connection with, or are otherwise attributable to, magistrates' courts.

(2) The persons are—

(a) an authority which is a responsible authority for the purposes of the Justices of the Peace Act 1997;

(b) the Receiver for the Metropolitan Police District;

(c) the council of an outer London borough;

(d) the Common Council of the City of London;

(e) a police authority established under section 3 of the Police Act 1996;

(f) a local probation board;

(g) any other body which acts under any enactment or instrument for public purposes and not for its own profit.

(3) Without prejudice to the generality of paragraph (b) of sub-paragraph (1), any property, rights or liabilities are to be treated as falling within that paragraph if the Lord Chancellor issues a certificate to that effect.

(4) In this Schedule "property transfer scheme" means a scheme under sub-paragraph (1).

(5) In this Part of this Schedule "the appointed day" means—

(a) in the case of the transfer of property, rights or liabilities to which magistrates' courts committees are entitled or subject, the day immediately before the abolition day;

(b) in any other case, the day specified in the scheme.

(6) On the day which is the appointed day in relation to property, rights or liabilities to which provisions of a property transfer scheme apply, the property, rights and liabilities are transferred and vest in accordance with those provisions.

(7) In this Schedule "the abolition day" means the day appointed under section 110(1) for the coming into force of section 6(1) (abolition of magistrates' courts committees).

Property transfer schemes and terminated contracts of employment

2 A property transfer scheme may not transfer rights or liabilities under a contract of employment, except where the rights or liabilities—

(a) are those to which a magistrates' courts committee is entitled or subject, and

(b) relate to a person whose contract of employment was terminated before the appointed day.

Property transfer schemes: supplementary

3 (1) A property transfer scheme may provide for the creation of rights, or the imposition of liabilities, in relation to property transferred by the scheme.

(2) A property transfer scheme may provide for the apportionment or division of any property, rights or liabilities.

(3) A property transfer scheme may—

(a) specify property, rights or liabilities to be transferred under or in accordance with the scheme, or

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(b) provide for property, rights or liabilities to be transferred to be determined in accordance with the scheme.

4 (1) A property transfer scheme has effect in relation to the property, rights and liabilities to which it applies despite any provision (of whatever nature) which would otherwise prevent, penalise or restrict the transfer of any of the property, rights and liabilities.

(2) A right of pre-emption, right of reverter or other similar right is not to operate or become exercisable as a result of a transfer under a property transfer scheme.

(3) In the case of such a transfer, any such right has effect as if the transferee were the same person in law as the transferor and as if the transfer had not taken place.

5 (1) Such compensation as is just is to be paid to a third party in respect of any right which would, apart from paragraph 4, have operated in favour of, or become exercisable by, him but which, in consequence of the operation of that paragraph, cannot subsequently operate in his favour or become exercisable by him.

(2) Any compensation payable by virtue of sub-paragraph (1) is to be paid by the transferor, by the transferee or by both.

(3) A property transfer scheme may provide for the determination of any disputes as to—

(a) whether, and (if so) how much, compensation is payable by virtue of sub-paragraph (1), and

(b) the person to whom or by whom it is to be paid.

(4) "Third party" means a person other than the transferor or the transferee.

6 Paragraphs 4 and 5 apply in relation to the creation of rights in relation to property as they apply in relation to a transfer of property; and references to the transferor and the transferee are to be read accordingly.

7 A certificate issued by the Lord Chancellor that any property, rights or liabilities have, or have not, been transferred under or in accordance with a property transfer scheme is conclusive evidence of the transfer, or of the fact that there has not been a transfer.

Stamp duty

8 (1) Stamp duty is not chargeable in respect of a transfer or grant effected under or in accordance with a property transfer scheme.

(2) No instrument made or executed for the purposes of such a transfer or grant is to be treated as duly stamped unless—

(a) it has, in accordance with section 12 of the Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with that duty or that it is duly stamped, or

(b) it is stamped with the duty to which it would be liable, apart from this paragraph.

Supplementary provisions in property transfer scheme

9 A property transfer scheme may make such supplemental, consequential or transitional provision for the purposes of, or in connection with, a transfer made by the scheme as the Lord Chancellor considers appropriate.

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PART 2 E+W

STAFF TRANSFERS

Interpretation

10 In this Part of this Schedule—

(a) "TUPE" means the Transfer of Undertakings (Protection of Employment) Regulations 1981 (S.I. 1981/1794),

(b) "the appointed day" means the day immediately before the abolition day,

(c) references to a responsible authority are to an authority which is a responsible authority under the Justices of the Peace Act 1997,

(d) references to a responsible authority's relevant functions are to its functions under that Act, and

(e) references to a transferred employee are to an employee transferred to the Lord Chancellor's employment by virtue of paragraph 11 or 12.

Application of TUPE

11 For the purposes of TUPE—

(a) the functions of each magistrates' courts committee are to be treated as transferred on the appointed day from the committee to the Lord Chancellor, and

(b) each such transfer is to be treated as the transfer of an undertaking.

12 (1) For the purposes of TUPE—

(a) the relevant functions of each responsible authority are to be treated as transferred on the appointed day from the authority to the Lord Chancellor,

(b) each such transfer is to be treated as the transfer of an undertaking, and

(c) each person falling within sub-paragraph (2) (but no other person) is to be treated as employed in the undertaking immediately before the appointed day.

(2) A person falls within this sub-paragraph if—

(a) immediately before the appointed day he is employed by the responsible authority under a contract of employment,

(b) he spends a substantial part of his time on duties connected with the relevant functions of the authority, and

(c) the Lord Chancellor certifies that in his opinion it is expedient that the person be transferred to the Lord Chancellor's employment.

(3) Where TUPE applies by virtue of this paragraph, it applies as if regulation 5(4B) were omitted.

13 A reference in any enactment to a person appointed under section 2(1) includes a transferred employee.

Restrictions on employment of aliens not to apply to transferred employees

14 Nothing in—

(a) section 3 of the Act of Settlement,

(b) section 6 of the Aliens Restriction (Amendment) Act 1919, or

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(c) any rules prescribing requirements as to nationality which must be satisfied in the case of persons employed in a civil capacity under the Crown,

applies to the employment of a transferred employee by the Lord Chancellor following his transfer by virtue of paragraph 11 or 12.

Compensation for responsible authorities

15 The Lord Chancellor may, to the extent he thinks fit, compensate a responsible authority in respect of costs incurred by the authority as a result of this Act in respect of a person who—

(a) immediately before the appointed day is employed by the authority under a contract of employment, and

(b) spends part of his time on duties connected with the relevant functions of the authority,

but who is not transferred to the Lord Chancellor's employment by virtue of paragraph 12.

PART 3 E+W

MISCELLANEOUS AND SUPPLEMENTARY

Continuing provision of court-houses, accommodation etc.

16 (1) The Lord Chancellor may by regulations provide that any petty sessional court-house or other accommodation specified in the regulations which immediately before the abolition day was being provided by—

(a) the council of an outer London borough, or

(b) the Common Council of the City of London,

pursuant to regulations made under paragraph 35 of Schedule 14 to the Access to Justice Act 1999 shall on and after that day be provided by that council to the Lord Chancellor for the performance of his functions under section 3.

(2) Regulations under sub-paragraph (1) may—

(a) prescribe terms and conditions, including conditions as to payment, on which any court-house or other accommodation is to be provided, and

(b) prohibit a council providing a court-house or other accommodation under sub-paragraph (1) from altering or extending it without the consent of the Lord Chancellor.

Assistance

17 It is the duty of each magistrates' courts committee, and each person falling within paragraph 1(2) to provide the Lord Chancellor with such information or assistance as he may reasonably require for the purposes of, or in connection with—

(a) the exercise of any powers exercisable by him in relation to a property transfer scheme, or

(b) Part 2 of this Schedule.

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SCHEDULE 3 E+W

Section 45

PRE-TRIAL HEARINGS IN MAGISTRATES' COURTS

After section 8 of the 1980 Act, insert—

"Pre-trial hearings

8A Power to make rulings at pre-trial hearing

(1) For the purposes of this section a hearing is a pre-trial hearing if—

(a) it relates to an information—

(i) which is to be tried summarily, and

(ii) to which the accused has pleaded not guilty, and

(b) it takes place before the start of the trial.

(2) For the purposes of subsection (1)(b), the start of a summary trial occurs when the court begins—

(a) to hear evidence from the prosecution at the trial, or

(b) to consider whether to exercise its power under section 37(3) of the Mental Health Act 1983 (power to make hospital order without convicting the accused).

(3) At a pre-trial hearing, a magistrates' court may make a ruling as to any matter mentioned in subsection (4) if—

(a) the condition in subsection (5) is met,

(b) the court has given the parties an opportunity to be heard, and

(c) it appears to the court that it is in the interests of justice to make the ruling.

(4) The matters are—

(a) any question as to the admissibility of evidence;

(b) any other question of law relating to the case.

(5) The condition is that, if the accused is not legally represented, the court must—

(a) ask whether he wishes to be granted a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service, and

(b) if he does, decide whether or not to grant him that right.

(6) A ruling may be made under this section—

(a) on an application by a party to the case, or

(b) of the court's own motion.

(7) For the purposes of this section and section 8B, references to the prosecutor are to any person acting as prosecutor, whether an individual or body.

8B Effect of rulings at pre-trial hearing

(1) Subject to subsections (3) and (6), a ruling under section 8A has binding effect from the time it is made until the case against the accused or, if there is more than one, against each of them, is disposed of.

(2) The case against an accused is disposed of if—

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(a) he is acquitted or convicted,
(b) the prosecutor decides not to proceed with the case against him, or
(c) the information is dismissed.

(3) A magistrates' court may discharge or vary (or further vary) a ruling under section 8A if—
(a) the condition in section 8A(5) is met,
(b) the court has given the parties an opportunity to be heard, and
(c) it appears to the court that it is in the interests of justice to do so.

(4) The court may act under subsection (3)—
(a) on an application by a party to the case, or
(b) of its own motion.

(5) No application may be made under subsection (4)(a) unless there has been a material change of circumstances since the ruling was made or, if a previous application has been made, since the application (or last application) was made.

(6) A ruling under section 8A is discharged in relation to an accused if—
(a) the magistrates' court commits or sends him to the Crown Court for trial for the offence charged in the information, or
(b) a count charging him with the offence is included in an indictment by virtue of section 40 of the Criminal Justice Act 1988.

8C Restrictions on reporting

(1) Except as provided by this section no report of matters falling within subsection (2) may be published in England and Wales.

(2) The following matters fall within this subsection—
(a) a ruling under section 8A;
(b) proceedings on an application for a ruling under section 8A;
(c) an order under section 8B that a ruling under section 8A be discharged, varied or further varied;
(d) proceedings on an application under section 8B for a ruling under section 8A to be discharged, varied or further varied.

(3) A magistrates' court dealing with any matter falling within subsection (2) may order that subsection (1) does not apply, or does not apply to a specified extent, to a report of the matter.

(4) Where there is only one accused and he objects to the making of an order under subsection (3)—
(a) the court may make the order if (and only if) satisfied after hearing the representations of the accused that it is in the interests of justice to do so, and
(b) if the order is made, it shall not apply to the extent that a report deals with any such objection or representations.

(5) Where there are two or more accused and one or more of them objects to the making of an order under subsection (3)—
(a) the court may make the order if (and only if) satisfied after hearing the representations of each of the accused that it is in the interests of justice to do so, and

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(b) if the order is made, it shall not apply to the extent that a report deals with any such objection or representations.

(6) Subsection (1) does not apply to the publication of a report of matters after the case against the accused or, if more than one, against each of them, is disposed of.

(7) Subsection (1) does not apply to a report which contains only one or more of the following matters—

(a) the identity of the court and the names of the justices;

(b) the names, ages, home addresses and occupations of the accused and witnesses;

(c) the offence or offences, or a summary of them, with which the accused or any of the accused are charged;

(d) the names of counsel and solicitors in the proceedings;

(e) where the proceedings are adjourned, the date and place to which they are adjourned;

(f) any arrangements as to bail;

(g) whether a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service was granted to the accused or any of the accused.

(8) The addresses that may be included in a report by virtue of subsection (7) are addresses—

(a) at any relevant time, and

(b) at the time of their inclusion in the publication.

(9) In subsection (8), "relevant time" means a time when events giving rise to the charges to which the proceedings relate are alleged to have occurred.

(10) Nothing in this section affects any prohibition or restriction imposed by virtue of any other enactment on the publication of a report of any matter.

(11) In this section and in section 8D—

(a) references to publication of a report of matters falling within subsection (2)—

(i) include references to inclusion of those matters in any speech, writing, relevant programme or other communication in whatever form which is addressed to the public at large or any section of the public (and for this purpose every relevant programme is to be taken to be so addressed), but

(ii) do not include references to inclusion of those matters in a document prepared for use in particular legal proceedings;

(b) "relevant programme" means a programme included in a programme service, within the meaning of the Broadcasting Act 1990.

8D Offences in connection with reporting

(1) If a report is published in contravention of section 8C each of the following persons is guilty of an offence—

(a) in the case of a publication of a report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;

(b) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme

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is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper;

(c) in the case of any other publication, any person publishing it.

(2) If an offence under this section committed by a body corporate is proved—

(a) to have been committed with the consent or connivance of, or

(b) to be attributable to any neglect on the part of,

an officer, the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(3) In subsection (2), "officer" means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

(4) If the affairs of a body corporate are managed by its members, "director"in subsection (3) means a member of that body.

(5) A person guilty of an offence under this section is liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.

(6) Proceedings for an offence under this section may not be instituted otherwise than by or with the consent of the Attorney General."

VALID FROM 01/04/2007

[F137SCHEDULE 3A E+W

Section 61A

FURTHER PROVISION ABOUT THE INSPECTORS OF COURT ADMINISTRATION

Textual Amendments

F137 Sch. 3A inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), **ss. 32(2)**, 53(1)(a); S.I. 2007/709, **art. 3(m)** (subject to arts. 6, 7)

Modifications etc. (not altering text)

C10 Sch. 3A modified (temp.) (1.10.2008) by The Health and Social Care Act 2008 (Consequential Amendments and Transitory Provisions) Order (S.I. 2008/2250), {art. 3(11)}

. . . . . .

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PROSPECTIVE

[X1]SCHEDULE 4 E+W

Section 65

FURTHER FUNCTIONS CONFERRED ON DISTRICT JUDGES (MAGISTRATES' COURTS)

Editorial Information

X1 Editorial note: In the absence of an express authority to bring into force Sch. 4 by The Courts Act 2003 (Commencement No. 10) Order 2005 (S.I. 2005/910), we have concluded that Sch. 4 is not yet in force (notwithstanding the commencement of s. 65 by art. 3(u) of said Order).

Criminal Justice Act 1967 (c. 80)

1 In section 9(5) (requirement for author of written statement to give evidence in person), for "by a puisne judge of the High Court, a Circuit judge or Recorder sitting alone" substitute "by any of the following sitting alone—

(a) a puisne judge of the High Court;
(b) a Circuit judge;
(c) a District Judge (Magistrates' Courts);
(d) a Recorder."

Taxes Management Act 1970 (c. 9)

2 In—

(a) section 20D(1)(a) (meaning of "the appropriate judicial authority" in relation to England and Wales), and
(b) paragraph 9(2)(a) of Schedule 1AA (sanction for failure to comply with order under section 20BA),

after "Circuit judge" insert " or a District Judge (Magistrates' Courts) ".

Juries Act 1974 (c. 23)

3 In section 9B, for subsection (3) (meaning of "the judge" for purposes of discharge of person incapable of acting effectively as juror) substitute—

"(3) In this section and section 10 "the judge" means—

(a) a judge of the High Court,
(b) a Circuit judge,
(c) a District Judge (Magistrates' Courts), or
(d) a Recorder."

4 In section 10 (discharge of summons in case of doubt as to capacity to act effectively as juror) omit "and for this purpose "the judge" means any judge of the High Court or any Circuit judge or Recorder".

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Police and Criminal Evidence Act 1984 (c. 60)

5 In section 9(2A) (application of enactments relating to execution of process in Scotland or Northern Ireland to processes issued by a Circuit judge under Schedule 1 to 1984 Act), for "circuit judge" substitute " judge ".

6 (1) In Schedule 1 (applications for access to excluded or special procedure material) for "circuit judge", in each place, substitute " judge ".

(2) After paragraph 16 insert—

"Interpretation

17 In this Schedule "judge" means a Circuit judge or a District Judge (Magistrates' Courts)."

Computer Misuse Act 1990 (c. 18)

F138 7 . . . . . .

Textual Amendments

F138 Sch. 4 para. 7 repealed (1.10.2008) by Police and Justice Act 2006 (c. 48), ss. 52, 53(1)(b), **Sch. 15 Pt. 4**; S.I. 2008/2503, **art. 2(d)(ii)**

Data Protection Act 1998 (c. 29)

8 In Schedule 9 (powers of entry and inspection) in paragraph 1(1) after "circuit judge" insert " or a District Judge (Magistrates' Courts) ".

Terrorism Act 2000 (c. 11)

9 In Schedule 5 (terrorist investigations: information)—

(a) in paragraphs 5(1) and (5), 6(1), 10(1), 11(1), 12(1) and (2) and 13(1), after "Circuit judge" insert " or a District Judge (Magistrates' Courts) ", and

(b) in paragraphs 5(4)(a) and 7(1)(b), after "Circuit judge" insert " or the District Judge (Magistrates' Courts) ".

10 In Schedule 6 (financial information), in paragraph 3(a), after "Circuit judge" insert " or a District Judge (Magistrates' Courts) ".

11 In Schedule 6A (account monitoring orders), in paragraph 1(2)(a), for "a Circuit judge," substitute " a Circuit judge or a District Judge (Magistrates' Courts), ".

Regulation of Investigatory Powers Act 2000 (c. 23)

12 In Schedule 2 (persons who have the appropriate permission), in paragraph 1(1)(a), after "Circuit judge" insert " or a District Judge (Magistrates' Courts) ".

Freedom of Information Act 2000 (c. 36)

13 In Schedule 3 (powers of entry and inspection), in paragraph 1(1), after "Circuit judge" insert " or a District Judge (Magistrates' Courts) ".

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International Criminal Court Act 2001 (c. 17)

14 In Schedule 5 (investigation of proceeds of ICC crime) in paragraphs 1(1) and 8 for "a Circuit judge or, in Northern Ireland, a county court judge" substitute

"(a) a Circuit judge or a District Judge (Magistrates' Courts), or

(b) in Northern Ireland, a county court judge,".

Armed Forces Act 2001 (c. 19)

15 In section 6(2)(a) (applications for access to excluded or special procedure material), for "circuit judges" substitute " judges ".

SCHEDULE 5 E+W

Section 97(1)

COLLECTION OF FINES

Modifications etc. (not altering text)

C11 Sch. 5 applied (with modifications) (temp. from 23.3.2004 for certain purposes, 29.3.2004 for certain further purposes, 5.4.2004 for all purposes to 31.3.2006) by S.I. 2004/175, **arts. 1-3**, Sch. (as amended by S.I. 2004/1406, arts. 3, 4; S.I. 2005/487, arts. 4-6; S.I. 2005/642, art. 2; S.I. 2005/2410, art. 2; S.I. 2005/3166, art. 2)

C12 Sch. 5 modified (temp. from 27.3.2006 to 2.7.2006) by The Collection of Fines (Pilot Scheme) and Discharge of Fines by Unpaid Work (Pilot Schemes) (Amendment) Order 2006 (S.I. 2006/502), arts. 1(1)(b)(2), **5** (with transitional provision in art. 4)

PART 1 E+W

INTRODUCTORY

Application of Schedule

1 (1) This Schedule applies if a person aged 18 or over ("P") is liable to pay a sum which—

(a) consists of or includes a fine, and

(b) is or is treated for the purposes of Part 3 of the 1980 Act as a sum adjudged to be paid by conviction of a magistrates' court.

(2) In sub-paragraph (1)(a) "fine" does not include any pecuniary forfeiture or pecuniary compensation payable on conviction.

Commencement Information

I15 Sch. 5 para. 1 wholly in force at 5.4.2004; Sch. 5 para. 1 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 1 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 1 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 1 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

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Meaning of "the sum due"

2 In this Schedule "the sum due" means the sum adjudged to be paid as mentioned in paragraph 1(1).

Commencement Information

I16 Sch. 5 para. 2 wholly in force at 5.4.2004; Sch. 5 para. 2 not in force at Royal Assent see s. 110(1)(2) ; Sch. 5 para. 2 in force for certain purposes at 23.2.2004 by S.I. 2004/174 , **art. 4(a)** ; Sch. 5 para. 2 in force for certain further purposes at 29.3.2004 by S.I. 2004/174 , **art. 4(b)** ; Sch. 5 para. 2 in force for all purposes at 5.4.2004 by S.I. 2004/174 , **art. 4(c)**

Meaning of "existing defaulter" etc.

3 (1) For the purposes of this Schedule, P is an existing defaulter if it is shown that—

(a) he was required to pay the sum due immediately but failed to do so,

(b) the sum due or any other sum is registered for enforcement against him as a fine under—

(i) section 71 of the Road Traffic Offenders Act 1988,

(ii) section 9 of the Criminal Justice and Police Act 2001, or

(iii) any other enactment specified in fines collection regulations,

(c) he is in default on a collection order in respect of another sum falling within paragraph 1(1), or

(d) he is in default in payment of another sum falling within paragraph 1(1) but in respect of which no collection order has been made.

(2) For the purposes of this Schedule, P's existing default can be disregarded only if he shows that there was an adequate reason for it.

(3) Sub-paragraph (2) is subject to sub-paragraph (4).

(4) Where a sum is registered for enforcement against P as mentioned in sub-paragraph (1)(b), P's existing default is not one which can be disregarded for the purposes of the following provisions of this Schedule.

(5) In sub-paragraph (1)(a) "immediately" means, where P is informed of his liability to pay the sum due in a notice, within the period specified in the notice.

(6) The period so specified must be a period which—

(a) is not longer than 10 working days, and

(b) begins with the date of the notice.

(7) "Collection order" means an order made under Part 4 of this Schedule.

Commencement Information

I17 Sch. 5 para. 3 wholly in force at 5.4.2004; Sch. 5 para. 3 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 3 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 3 in

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force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 3 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

PART 2 E+W

IMMEDIATE PAYMENT OF FINES: DISCOUNTS

Application of Part

4 This Part applies if the court which is imposing the liability to pay the sum due concludes—

(a) that P should be required to pay the sum due immediately, and

(b) that he is not an existing defaulter or, if he is, that his existing default (or defaults) can be disregarded.

Commencement Information

I18 Sch. 5 para. 4 wholly in force at 5.4.2004; Sch. 5 para. 4 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 4 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 4 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 4 in force for all purposes 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Court's duty in relation to discount

5 The court must make an order—

(a) stating its conclusions on the matters referred to in paragraph 4(b),

(b) stating the amount of the sum due, the amount of the fine and the amount of any other part of the sum due, and

(c) informing P of the effect of paragraph 6.

Commencement Information

I19 Sch. 5 para. 5 wholly in force at 5.4.2004; Sch. 5 para. 5 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 5 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 5 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 5 in force for all purposes 5.4.2004 by S.I. 2004/174, **art. 4(c)**

The discount

6 (1) P is allowed a discount on the fine if the sum due, less the amount of the discount, is paid in accordance with the terms of the order.

(2) The amount of the discount is to be determined in accordance with fines collection regulations, but must not be greater than 50% of the fine.

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(3) The discount is given effect by extinguishing P's liability to pay the part of the sum due that is equal to the amount of the discount.

Commencement Information

I20 Sch. 5 para. 6 wholly in force at 5.4.2004; Sch. 5 para. 6 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 6 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 6 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 6 in force for all purposes 5.4.2004 by S.I. 2004/174, **art. 4(c)**

PART 3 E+W

ATTACHMENT OF EARNINGS ORDERS AND APPLICATIONS FOR BENEFIT DEDUCTIONS

Application of Part

7 (1) This Part applies if—

(a) the court which is imposing the liability to pay the sum due concludes that P should not be required to pay the sum due immediately, or

(b) P was required to pay the sum due immediately but failed to do so.

(2) In the following provisions of this Part, "the relevant court" means—

(a) the court which is imposing the liability to pay the sum due, or

(b) if sub-paragraph (1)(b) applies, the magistrates' court responsible for enforcing payment of the sum due.

Commencement Information

I21 Sch. 5 para. 7 wholly in force at 5.4.2004; Sch. 5 para. 7 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 7 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 7 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 7 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

VALID FROM 03/07/2006

Attachment of earnings order or application for benefit deductions where P is liable to pay compensation

[F139 7A (1) This paragraph applies if the sum due consists of or includes a sum required to be paid by a compensation order.

(2) The relevant court must make an attachment of earnings order if it appears to the court—

(a) that P is in employment, and

(b) that it is not impracticable or inappropriate to make the order.

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(3) The relevant court must make an application for benefit deductions if it appears to the court—

(a) that P is entitled to a relevant benefit, and

(b) that it is not impracticable or inappropriate to make the application.

(4) If it appears to the court that (apart from this sub-paragraph) both sub-paragraph (2) and sub-paragraph (3) would apply, the court must make either an attachment of earnings order or an application for benefit deductions.**]**

Textual Amendments

F139 Sch. 5 para. 7A inserted (3.7.2006) by The Collection of Fines (Final Scheme) Order (S.I. 2006/1737), arts. 1, **11**

Attachment of earnings order or application for benefit deductions without P's consent

8 (1) This paragraph applies if the relevant court concludes that P is an existing defaulter and that his existing default (or defaults) cannot be disregarded.

(2) The court must make an attachment of earnings order if it appears to the court—

(a) that P is in employment, and

(b) that it is not impracticable or inappropriate to make the order.

(3) The court must make an application for benefit deductions if it appears to the court—

(a) that P is entitled to a relevant benefit, and

(b) that it is not impracticable or inappropriate to make the application.

(4) If it appears to the court that (apart from this sub-paragraph) both sub-paragraph (2) and sub-paragraph (3) would apply, the court must make either an attachment of earnings order or an application for benefit deductions.

Commencement Information

I22 Sch. 5 para. 8 wholly in force at 5.4.2004; Sch. 5 para. 8 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 8 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 8 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 8 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Attachment of earnings order or application for benefit deductions with P's consent

9 (1) This paragraph applies if the relevant court concludes that P is not an existing defaulter or, if he is, that his existing default (or defaults) can be disregarded.

(2) The court may make—

(a) an attachment of earnings order, or

(b) an application for benefit deductions,

if P consents.

Status: *Point in time view as at 03/04/2006. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information

I23 Sch. 5 para. 9 wholly in force at 5.4.2004; Sch. 5 para. 9 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 9 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 9 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 9 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

VALID FROM 03/11/2008

[F140 Disclosure of information in connection with application for benefit deductions

Textual Amendments

F140 Sch. 5 paras. 9A-9C and cross-headings inserted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), **ss. 41**, 153; S.I. 2008/2712, **art. 2**, Sch. para. 6 (subject to arts. 3, 4)

9A (1) The designated officer for a magistrates' court may make an information request to the Secretary of State for the purpose of facilitating the making of a decision by the court as to whether it is practicable or appropriate to make an application for benefit deductions in respect of P.

(2) An information request is a request for the disclosure of some or all of the following information—

(a) P's full name;
(b) P's address (or any of P's addresses);
(c) P's date of birth;
(d) P's national insurance number;
(e) P's benefit status.

(3) On receiving an information request, the Secretary of State may disclose the information requested to—

(a) the officer who made the request, or
(b) a justices' clerk specified in the request.

VALID FROM 03/11/2008

Restrictions on disclosure

9B (1) A person to whom information is disclosed under paragraph 9A(3), or this sub-paragraph, may disclose the information to any person to whom its disclosure is necessary or expedient in connection with facilitating the making of a decision by the court as to whether it is practicable or appropriate to make an application for benefit deductions in respect of P.

(2) A person to whom such information is disclosed commits an offence if the person—

(a) discloses or uses the information, and

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(b) the disclosure is not authorised by sub-paragraph (1) or (as the case may be) the use is not for the purpose of facilitating the making of such a decision as is mentioned in that sub-paragraph.

(3) But it is not an offence under sub-paragraph (2)—

(a) to disclose any information in accordance with any enactment or order of a court or for the purposes of any proceedings before a court; or

(b) to disclose any information which has previously been lawfully disclosed to the public.

(4) It is a defence for a person charged with an offence under sub-paragraph (2) to prove that the person reasonably believed that the disclosure or use was lawful.

(5) A person guilty of an offence under sub-paragraph (2) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

VALID FROM 03/11/2008

Paragraphs 9A and 9B: supplementary

9C (1) This paragraph applies for the purposes of paragraphs 9A and 9B.

(2) "Benefit status", in relation to P, means whether or not P is in receipt of any prescribed benefit or benefits and, if so (in the case of each benefit)—

(a) which benefit it is,

(b) where it is already subject to deductions under any enactment, the nature of the deductions concerned, and

(c) the amount received by P by way of the benefit, after allowing for any such deductions.

(3) "Information" means information held in any form.

(4) "Prescribed" means prescribed by regulations made by the Lord Chancellor.

(5) Nothing in paragraph 9A or 9B authorises the making of a disclosure which contravenes the Data Protection Act 1998.**]**

Meaning of "relevant benefit" and "application for benefit deductions"

10 In this Schedule—

(a) "relevant benefit" means a benefit from which the Secretary of State may make deductions by virtue of section 24 of the Criminal Justice Act 1991 (recovery of fines etc. by deductions from income support etc.), and

(b) "application for benefit deductions", in relation to a relevant benefit, means an application to the Secretary of State asking him to deduct sums from any amounts payable to P by way of the benefit.

Commencement Information

I24 Sch. 5 para. 10 wholly in force at 5.4.2004; Sch. 5 para. 10 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 10 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 10 in

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force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 10 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

PART 4 E+W

MAKING OF COLLECTION ORDERS

Application of Part

11 (1) This Part applies if—

(a) the court imposing the liability to pay the sum due concludes that P should not be required to pay the sum due immediately, or

(b) P was required to pay the sum due immediately but failed to do so;

(and it applies whether or not the relevant court has made an attachment of earnings order or application for benefit deductions under Part 3 of this Schedule).

(2) In this Part "the relevant court" has the same meaning as in Part 3 of this Schedule.

Commencement Information

I25 Sch. 5 para. 11 wholly in force at 5.4.2004; Sch. 5 para. 11 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 11 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 11 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 11 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Court's power to make a collection order

12 (1) The relevant court must make an order ("a collection order") relating to the payment of the sum due, unless it appears to the court that it is impracticable or inappropriate to make the order.

(2) If P is subject to a collection order, the powers of any court to deal with P's liability to pay the sum due are subject to the provisions of this Schedule and to fines collection regulations.

Commencement Information

I26 Sch. 5 para. 12 wholly in force at 5.4.2004; Sch. 5 para. 12 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 12 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 12 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 12 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Contents of collection orders: general

13 (1) The collection order must—

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(a) state the amount of the sum due, the amount of the fine and the amount of any other part of the sum due,

(b) state the court's conclusions as to whether P is an existing defaulter and if so whether the existing default (or defaults) can be disregarded,

(c) if the court has made an attachment of earnings order or an application for benefit deductions, state that fact,

(d) specify the fines office to which the order is allocated, and

(e) contain information about the effect of the order.

(2) In this Schedule "the fines officer", in relation to P, means any fines officer working at the fines office specified in the collection order.

Commencement Information

I27 Sch. 5 para. 13 wholly in force at 5.4.2004; Sch. 5 para. 13 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 13 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 13 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 13 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Contents of collection orders: no attachment of earnings order etc. made

14 (1) If the relevant court has not under Part 3 made an attachment of earnings order or an application for benefit deductions, the collection order must state the payment terms.

(2) "The payment terms" means—

(a) a term requiring P to pay the sum due within a specified period, or

(b) terms requiring P to pay the sum due by instalments of specified amounts on or before specified dates.

Commencement Information

I28 Sch. 5 para. 14 wholly in force at 5.4.2004; Sch. 5 para. 14 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 14 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 14 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 14 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Contents of collection orders: attachment of earnings order etc. made

15 (1) If the court has under Part 3 of this Schedule made an attachment of earnings order or an application for benefit deductions, the collection order must state the reserve terms.

(2) "The reserve terms" means terms of a description mentioned in paragraph 14(2) but which (subject to paragraphs 31, 32, 35, 36 and 39) are to have effect if the attachment of earnings order or application for benefit deductions fails.

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Commencement Information

I29 Sch. 5 para. 15 wholly in force at 5.4.2004; Sch. 5 para. 15 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 15 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 15 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 15 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

When an attachment of earnings order fails

16 For the purposes of this Schedule, an attachment of earnings order fails if—

(a) P's employer fails to comply with the order, or

(b) the order is discharged at a time when P remains liable to pay any part of the sum due.

Commencement Information

I30 Sch. 5 para. 16 wholly in force at 5.4.2004; Sch. 5 para. 16 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 16 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 16 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 16 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

When an application for benefit deductions fails

17 For the purposes of this Schedule, an application for benefit deductions fails if—

(a) the application is withdrawn,

(b) the Secretary of State decides not to make deductions,

(c) an appeal against a decision of the Secretary of State to make deductions succeeds, or

(d) the Secretary of State ceases to make deductions at a time when P remains liable to pay any part of the sum due.

Commencement Information

I31 Sch. 5 para. 17 wholly in force at 5.4.2004; Sch. 5 para. 17 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 17 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 17 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 17 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

PART 5 E+W

DISCOUNT WHERE COLLECTION ORDER MADE

Application of Part

18 This Part applies if—

(a) a collection order has been made in respect of the sum due, and

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(b) the order states that P is not an existing defaulter or, if he is, that his existing default (or defaults) can be disregarded.

Commencement Information

I32 Sch. 5 para. 18 wholly in force at 5.4.2004; Sch. 5 para. 18 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 18 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 18 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 18 in force for all purposes 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Discount on fine if the sum due is paid without default

19 (1) P is allowed a discount on the fine if the sum due, less the amount of the discount, is paid without P at any time having been in default on the order.

(2) The amount of the discount is to be determined in accordance with fines collection regulations but must not be greater than 50% of the fine.

(3) The discount is given effect by extinguishing P's liability to pay the part of the sum due that is equal to the amount of the discount.

Commencement Information

I33 Sch. 5 para. 19 wholly in force at 5.4.2004; Sch. 5 para. 19 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 19 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 19 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 19 in force for all purposes 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Meaning of "in default on a collection order"

20 For the purposes of this Schedule, P is in default on a collection order if he fails to pay any amount due under the payment terms (or, if they have effect, the reserve terms) on or before the date on which it is required to be paid.

Commencement Information

I34 Sch. 5 para. 20 wholly in force at 5.4.2004; Sch. 5 para. 20 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 20 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 20 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 20 in force for all purposes 5.4.2004 by S.I. 2004/174, **art. 4(c)**

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PART 6 E+W

VARIATION OF COLLECTION ORDERS CONTAINING PAYMENT TERMS

Application of Part

21 This Part applies if the court has made a collection order and the order contains payment terms.

Commencement Information

I35 Sch. 5 para. 21 wholly in force at 5.4.2004; Sch. 5 para. 21 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 21 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 21 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 21 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Application to fines officer for variation of order or attachment of earnings order etc.

22 (1) P may, at any time—

(a) after the collection order is made and before Part 7 applies, and

(b) when he is not in default on the order,

apply to the fines officer under this paragraph.

(2) P may apply for—

(a) the payment terms to be varied, or

(b) an attachment of earnings order or application for benefit deductions to be made.

(3) No application may be made under sub-paragraph (2)(a) unless—

(a) there has been a material change in P's circumstances since the collection order was made (or the payment terms were last varied under this paragraph), or

(b) P is making further information about his circumstances available.

(4) On an application under sub-paragraph (2)(a), the fines officer may decide—

(a) to vary the payment terms in P's favour, or

(b) not to vary them.

(5) On an application under sub-paragraph (2)(b), the fines officer may decide—

(a) to make an attachment of earnings order or application for benefit deductions, or

(b) not to do so.

(6) If he decides to make an order or application he must vary the collection order so that it states reserve terms.

(7) The reserve terms must not be less favourable to P than the payment terms.

(8) A decision of the fines officer under this paragraph must be in writing, dated and delivered to P.

(9) Subject to paragraph 23, the effect of—

(a) a decision under sub-paragraph (4)(a), and

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(b) a variation under sub-paragraph (6),

is that the collection order has effect as varied by the fines officer.

Commencement Information

I36 Sch. 5 para. 22 wholly in force at 5.4.2004; Sch. 5 para. 22 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 22 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 22 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 22 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Appeal against decision of fines officer

23 (1) P may, within 10 working days from the date of a decision under paragraph 22, appeal to the magistrates' court against the decision.

(2) On an appeal under this paragraph the magistrates' court may—

(a) confirm or vary the payment terms (or the reserve terms),

(b) if the appeal is against a decision on an application under paragraph 22(2)(b) or if P consents, make an attachment of earnings order or an application for benefit deductions, or

(c) discharge the collection order and exercise any of its standard powers in respect of persons liable to pay fines.

(3) If the court makes an attachment of earnings order or an application for benefit deductions, it must vary the collection order so that it states reserve terms.

Commencement Information

I37 Sch. 5 para. 23 wholly in force at 5.4.2004; Sch. 5 para. 23 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 23 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 23 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 23 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Nature of power to vary terms of collection order

24 (1) A power to vary the payment terms of a collection order includes power to—

(a) substitute terms requiring P to pay by specified instalments on or before specified dates for a term requiring P to pay within a specified period, or

(b) substitute a term requiring P to pay within a specified period for terms requiring P to pay the sum due by specified instalments on or before specified dates.

(2) Subject to sub-paragraph (1), a power to vary the payment terms of a collection order under which the sum due is required to be paid within a specified period is a power to vary the date on or before which the sum due is to be paid.

(3) Subject to sub-paragraph (1), a power to vary the payment terms of a collection order under which the sum due is required to be paid by specified instalments on or before specified dates is a power to vary—

(a) the number of instalments payable;

(b) the amount of any instalment;

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(c) the date on or before which any instalment is required to be paid.

(4) This paragraph applies in relation to the variation of the reserve terms as it applies in relation to the payment terms.

Commencement Information

I38 Sch. 5 para. 24 wholly in force at 5.4.2004; Sch. 5 para. 24 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 24 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 24 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 24 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

VALID FROM 03/07/2006

Meaning of "in default on a collection order"

[F141 24A For the purposes of this Schedule, P is in default on a collection order if he fails to pay any amount due under the payment terms (or, if they have effect, the reserve terms) on or before the date on which it is required to be paid.**]**

Textual Amendments

F141 Sch. 5 para. 24A inserted (3.7.2006) by The Collection of Fines (Final Scheme) Order (S.I. 2006/1737), arts. 1, **18**

PART 7 E+W

EFFECT OF FIRST DEFAULT ON COLLECTION ORDER CONTAINING PAYMENT TERMS

Application of Part

25 This Part applies on the first occasion on which P is in default on a collection order containing payment terms and none of the following is pending—

(a) an application under paragraph 22 (application to fines officer for variation of order or for attachment of earnings order etc.);

(b) an appeal under paragraph 23 (appeal against decision of fines officer);

(c) a reference under paragraph 42 (power of fines officer to refer case to magistrates' court).

Commencement Information

I39 Sch. 5 para. 25 wholly in force at 5.4.2004; Sch. 5 para. 25 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 25 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 25 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 25 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

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Attachment of earnings order or application for benefit deductions to be made

26 (1) The fines officer must make an attachment of earnings order if it appears to him—

(a) that P is in employment, and

(b) that it is not impracticable or inappropriate to make the order.

(2) The fines officer must make an application for benefit deductions if it appears to him—

(a) that P is entitled to a relevant benefit, and

(b) that it is not impracticable or inappropriate to make the application.

(3) If it appears to the fines officer that (apart from this sub-paragraph) both sub-paragraph (1) and sub-paragraph (2) would apply, he must make either an attachment of earnings order or an application for benefit deductions.

Commencement Information

I40 Sch. 5 para. 26 wholly in force at 5.4.2004; Sch. 5 para. 26 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 26 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 26 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 26 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Increase in fine

27 (1) This paragraph applies if—

(a) an attachment of earnings order, or

(b) an application for benefit deductions,

made under paragraph 26 fails.

(2) This paragraph also applies if the fines officer does not make—

(a) an attachment of earnings order, or

(b) an application for benefit deductions,

under paragraph 26.

(3) An increase is imposed on the fine which is the subject of the order.

(4) The amount of the increase is to be determined in accordance with fines collection regulations but must not be greater than 50% of the fine.

(5) The increase is given effect by treating it as part of the fine imposed on P on his conviction.

(6) But the liability to pay the part of the fine representing the increase—

(a) ranks after the liability to pay any other part of the sum due, and

(b) is subject to paragraphs 35(6) and 39(2) (liability to increase extinguished in cases of subsequent compliance).

Commencement Information

I41 Sch. 5 para. 27 wholly in force at 5.4.2004; Sch. 5 para. 27 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 27 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 27 in

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force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 27 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Notice of increase etc.

28 If an increase is imposed, the fines officer must deliver a notice to P (an "increase notice")—

(a) informing P of the increase, and

(b) requiring P, within 10 working days from the date of the notice, to contact the fines officer, in person or in writing, with a view to reviewing the position.

Commencement Information

I42 Sch. 5 para. 28 wholly in force at 5.4.2004; Sch. 5 para. 28 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 28 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 28 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 28 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

PART 8 E+W

OPERATION OF COLLECTION ORDERS CONTAINING RESERVE TERMS

Application of Part

29 This Part applies if—

(a) a collection order contains reserve terms, and

(b) the attachment of earnings order or application for benefit deductions made under Part 3 or 6 fails.

Commencement Information

I43 Sch. 5 para. 29 wholly in force at 5.4.2004; Sch. 5 para. 29 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 29 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 29 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 29 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Requirement to notify P on failure of an attachment of earnings order etc.

30 The fines officer must deliver to P a notice ("a payment notice") informing P—

(a) that the order or application has failed and the reserve terms have effect,

(b) what P has to do to comply with the reserve terms, and

(c) of his right to make applications under paragraph 31.

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Commencement Information

I44 Sch. 5 para. 30 wholly in force at 5.4.2004; Sch. 5 para. 30 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 30 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 30 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 30 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Application to fines officer for variation of reserve terms

31 (1) P may, at any time—

(a) after the date of a payment notice under paragraph 30 and before an increase is imposed under paragraph 33, and

(b) when he is not in default on the collection order,

apply to the fines officer for the reserve terms to be varied.

(2) No application may be made under sub-paragraph (1) unless—

(a) there has been a material change in P's circumstances since the reserve terms were set (or last varied under this paragraph), or

(b) P is making further information about his circumstances available.

(3) On such an application being made, the fines officer may decide—

(a) to vary the reserve terms in P's favour, or

(b) not to vary them.

(4) A decision of the fines officer under this paragraph must be in writing, dated and delivered to P.

(5) Subject to paragraph 32, the effect of a decision under sub-paragraph (3)(a) is that the collection order has effect with the reserve terms varied in the way decided by the fines officer.

Commencement Information

I45 Sch. 5 para. 31 wholly in force at 5.4.2004; Sch. 5 para. 31 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 31 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 31 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 31 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Appeal against decision of fines officer

32 (1) P may, within 10 working days from the date of a decision under paragraph 31(3), appeal to the magistrates' court against the decision.

(2) On an appeal under this paragraph the magistrates' court may—

(a) confirm or vary the reserve terms, or

(b) discharge the order and exercise any of its standard powers in respect of persons liable to pay fines.

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Commencement Information

I46 Sch. 5 para. 32 wholly in force at 5.4.2004; Sch. 5 para. 32 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 32 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 32 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 32 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Increase in fine on first default

33 (1) This paragraph applies on the first occasion on which P is in default on the collection order and none of the following is pending—

(a) an application under paragraph 31(1) (application to fines officer for variation of reserve terms);

(b) an appeal under paragraph 32(1) (appeal against decision of fines officer);

(c) a reference under paragraph 42 (power of fines officer to refer case to magistrates' court).

(2) An increase is imposed on the fine which is the subject of the order.

(3) The amount of the increase is to be determined in accordance with fines collection regulations but must not be greater than 50% of the fine.

(4) The increase is given effect by treating it as part of the fine imposed on P on his conviction.

(5) But the liability to pay the part of the fine representing the increase—

(a) ranks after the liability to pay any other part of the sum due, and

(b) is subject to paragraphs 35(6) and 39(2) (liability to increase extinguished in cases of subsequent compliance).

Commencement Information

I47 Sch. 5 para. 33 wholly in force at 5.4.2004; Sch. 5 para. 33 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 33 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 33 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 33 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Notice of increase etc.

34 If an increase is imposed the fines officer must deliver a notice to P (an "increase notice")—

(a) informing P of the increase, and

(b) requiring P, within 10 working days from the date of the notice, to contact the fines officer, in person or in writing, with a view to reviewing the position.

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Commencement Information

I48 Sch. 5 para. 34 wholly in force at 5.4.2004; Sch. 5 para. 34 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 34 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 34 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 34 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

PART 9 E+W

OPERATION OF COLLECTION ORDERS AFTER INCREASE IMPOSED

Effect of compliance with requirement to contact fines officer

35 (1) This paragraph applies if P contacts the fines officer as required by an increase notice under paragraph 28 or 34.

(2) The fines officer may decide—

(a) to vary the payment terms (or the reserve terms) in P's favour, or

(b) not to vary them.

(3) A decision of the fines officer under sub-paragraph (2) must be in writing, dated and delivered to P.

(4) P may, within 10 working days from the date of the decision under sub-paragraph (2), appeal to the magistrates' court against the decision.

(5) Subject to paragraph 39 (powers of court after increase), the effect of a decision under sub-paragraph (2)(a) is to vary the payment terms (or the reserve terms).

(6) If, after the payment terms (or the reserve terms) are varied under sub-paragraph (2)(a), all amounts due under the order, other than the part of the fine representing the increase, are paid without P being in further default on the order, P's liability to pay that part is extinguished.

Commencement Information

I49 Sch. 5 para. 35 wholly in force at 5.4.2004; Sch. 5 para. 35 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 35 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 35 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 35 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Application to fines officer after increase for variation of payment terms

36 (1) P may, at any time—

(a) after a relevant variation of the payment terms (or the reserve terms) and before paragraph 37 applies in relation to him, and

(b) when he is not in default on the collection order,

apply to the fines officer for those terms to be further varied.

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(2) "Relevant variation of the payment terms (or the reserve terms)" means—

(a) a variation under paragraph 35(2)(a) (variation in P's favour following increase), or

(b) a variation under paragraph 39(3)(a) (variation by court).

(3) No application may be made under sub-paragraph (1) unless—

(a) there has been a material change in P's circumstances since—

(i) the relevant variation, or

(ii) the last variation under this paragraph, or

(b) P is making further information about his circumstances available.

(4) On such an application being made, the fines officer may decide—

(a) to vary the payment terms (or the reserve terms) in P's favour, or

(b) not to vary them.

(5) A decision of the fines officer under this paragraph must be in writing, dated and delivered to P.

(6) P may, within 10 working days from the date of a decision under sub-paragraph (4), appeal to the magistrates' court against the decision.

(7) Subject to paragraph 39, the effect of a decision under sub-paragraph (4)(a) is to vary the payment terms (or the reserve terms).

Commencement Information

I50 Sch. 5 para. 36 wholly in force at 5.4.2004; Sch. 5 para. 36 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 36 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 36 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 36 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Functions of fines officer in relation to defaulters: referral or further steps notice

37 (1) This paragraph applies if P fails to contact the fines officer as required by an increase notice under paragraph 28 or 34.

(2) This paragraph also applies if—

(a) P contacts the fines officer as required by an increase notice under paragraph 28 or 34,

(b) the fines officer decides under paragraph 35(2) not to vary the payment terms (or the reserve terms), and

(c) no appeal under paragraph 35(4) (appeal against decision about variation following increase) is pending.

(3) This paragraph also applies if after the increase is imposed—

(a) there is a relevant variation of the payment terms (or the reserve terms),

(b) no relevant appeal is pending,

(c) no application under paragraph 36(1) (application for further variation in P's favour) is pending, and

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(d) no reference under paragraph 42 (power of fines officer to refer case to magistrates' court) is pending,

but P is again in default on the order.

(4) "Relevant variation of the payment terms (or the reserve terms)" has the same meaning as in paragraph 36.

(5) "Relevant appeal" means an appeal under—

(a) paragraph 35(4) (appeal against decision whether to vary following increase), or

(b) paragraph 36(6) (appeal against decision on application for further variation).

(6) The fines officer must—

(a) refer P's case to the magistrates' court, or

(b) deliver to P a notice (a "further steps notice") that he intends to take one or more of the steps listed in paragraph 38.

(7) Any steps that the fines officer intends to take must be specified in the notice.

(8) A further steps notice must be in writing and dated.

(9) P may, within 10 working days from the date of the further steps notice, appeal to the magistrates' court against it.

Commencement Information

I51 Sch. 5 para. 37 wholly in force at 5.4.2004; Sch. 5 para. 37 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 37 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 37 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 37 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

The range of further steps available against defaulters

38 (1) The steps referred to in paragraphs 37(6)(b) and 39(3) and (4) (powers to take further steps) are—

(a) issuing a warrant of distress for the purpose of levying the sum due;

(b) registering the sum in the register of judgments and orders required to be kept by section 98;

(c) making an attachment of earnings order or an application for benefit deductions;

(d) subject to sub-paragraph (3), making a clamping order;

(e) taking any other step permitted under provisions of fines collection regulations which apply any other enforcement power of a magistrates' court (with or without modifications).

(2) A clamping order is an order—

(a) that a motor vehicle be fitted with an immobilisation device ("clamped"), and

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(b) which complies with any requirements that are imposed by fines collection regulations under paragraph 46 with respect to the making of clamping orders.

(3) A clamping order must not be made except in relation to a vehicle which is registered under the Vehicle Excise and Registration Act 1994 in P's name.

Commencement Information

I52 Sch. 5 para. 38 wholly in force at 5.4.2004; Sch. 5 para. 38 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 38 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 38 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 38 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Powers of court after increase

39 (1) This paragraph applies if the magistrates' court is hearing P's case following—

(a) an appeal under paragraph 35(4) or 36(6) (appeals against decisions about variation following increase),

(b) a referral under paragraph 37(6)(a) (functions of fines officer in relation to defaulters), or

(c) an appeal under paragraph 37(9) (appeal against a further steps notice).

(2) If the magistrates' court is satisfied that the circumstances of P's case are exceptional, it may make an order that if, after the making of the order, all amounts due under the collection order, other than the part of the fine representing the increase, are paid without P being in further default on the order, P's liability to pay that part is extinguished.

(3) On an appeal or referral falling within sub-paragraph (1)(a) or (b), the court may—

(a) vary the payment terms (or the reserve terms);

(b) take any of the steps listed in paragraph 38;

(c) discharge the order and exercise any of its standard powers in respect of persons liable to pay fines.

(4) On an appeal against a further steps notice, the court may—

(a) confirm or quash the notice;

(b) vary the notice so as to specify any step listed in paragraph 38;

(c) vary the payment terms (or the reserve terms);

(d) discharge the order and exercise any of its standard powers in respect of persons liable to pay fines.

Commencement Information

I53 Sch. 5 para. 39 wholly in force at 5.4.2004; Sch. 5 para. 39 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 39 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 39 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 39 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

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Implementation of further steps notice

40 If—

(a) P does not appeal within 10 working days against a further steps notice, or

(b) he does so but the further steps notice is confirmed or varied,

any step specified in the notice (or the notice as varied) may be taken.

Commencement Information

I54 Sch. 5 para. 40 wholly in force at 5.4.2004; Sch. 5 para. 40 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 40 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 40 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 40 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Power to order sale of clamped vehicle

41 (1) This paragraph applies if—

(a) a motor vehicle has been clamped under a clamping order, and

(b) at the end of the period specified in fines collection regulations under paragraph 46 any part of the sum due is unpaid.

(2) The magistrates' court may order that—

(a) the vehicle is to be sold or otherwise disposed of in accordance with those regulations, and

(b) any proceeds are to be applied in accordance with those regulations in discharging P's liability in respect of the sum due.

Commencement Information

I55 Sch. 5 para. 41 wholly in force at 5.4.2004; Sch. 5 para. 41 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 41 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 41 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 41 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Power of fines officer to refer case to magistrates' court

42 (1) The fines officer may refer a case to the magistrates' court at any time during the period which—

(a) begins the day after the collection order is made, and

(b) ends with the date on which—

(i) the sum due (including any increase to which he remains liable) is paid, or

(ii) the order is discharged.

(2) On a referral under this paragraph, the court may—

(a) confirm or vary the payment terms (or the reserve terms),

(b) discharge the order and exercise any of its standard powers in respect of persons liable to pay fines, or

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(c) to the extent permitted by fines collection regulations, exercise a power it could exercise under any other paragraph.

(3) Fines collection regulations may provide for the fines officer to have the power to issue a summons for the purpose of ensuring that P attends a magistrates' court to whom P's case has been referred under this paragraph or paragraph 37.

Commencement Information

I56 Sch. 5 para. 42 wholly in force at 5.4.2004; Sch. 5 para. 42 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 42 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 42 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 42 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

VALID FROM 03/07/2006

Increase in fine by court

[F142 42A (1) This paragraph applies where—

(a) P is in default on a collection order,

(b) the sum due consists of or includes a fine, and

(c) the fines officer has referred P's case to the court—

(i) under paragraph 37(6)(a), or

(ii) after taking any of the steps listed in paragraph 38.

(2) Where the court is satisfied that the default is due to P's wilful refusal or culpable neglect, the court may increase the fine which is the subject of the order.

(3) But the court may not increase any other sum which is the subject of the order.

(4) The amount of the increase is to be determined in accordance with fines collection regulations but must not be greater than 50% of the fine.

(5) The increase is given effect by treating it as part of the fine imposed on P by his conviction.]

Textual Amendments

F142 Sch. 5 para. 42A inserted (3.7.2006) by The Collection of Fines (Final Scheme) Order (S.I. 2006/1737), arts. 1, **29**

PART 10 E+W

SUPPLEMENTARY PROVISIONS

Fines collection regulations

43 In this Schedule "fines collection regulations" means regulations made by the Lord Chancellor for the purpose of giving effect to this Schedule.

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Commencement Information

I57 Sch. 5 para. 43 wholly in force at 5.4.2004; Sch. 5 para. 43 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 43 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 43 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 43 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

44 (1) Fines collection regulations may, for the purpose of giving effect to this Schedule and section 97 so far as it relates to this Schedule, make provision modifying (or applying with modifications) any enactment which relates to fines or the enforcement of payment of sums falling within paragraph 1(1).

(2) The enactments which may be so modified (or applied with modifications) include enactments containing offences.

(3) Fines collection regulations may make different provision for different cases.

Commencement Information

I58 Sch. 5 para. 44 wholly in force at 5.4.2004; Sch. 5 para. 44 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 44 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 44 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 44 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

45 Fines collection regulations may, for the purpose of giving effect to the powers to make attachment of earnings orders, make provision as to the method for calculating the amounts which are to be deducted from P's earnings.

Commencement Information

I59 Sch. 5 para. 45 wholly in force at 5.4.2004; Sch. 5 para. 45 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 45 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 45 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 45 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

46 (1) Fines collection regulations may, for the purpose of giving effect to the powers to make clamping orders and to order the sale of clamped motor vehicles, make provision in connection with—

(a) the fitting of immobilisation devices;

(b) the fitting of immobilisation notices to motor vehicles to which immobilisation devices have been fitted;

(c) the removal and storage of motor vehicles;

(d) the release of motor vehicles from immobilisation devices or from storage (including the conditions to be met before the vehicle is released);

(e) the sale or other disposal of motor vehicles not released.

(2) Fines collection regulations must provide that an immobilisation device may not be fitted to a vehicle—

(a) which displays a current disabled person's badge **[**[F143];or a current recognised badge**]** , or

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(b) in relation to which there are reasonable grounds for believing that it is used for the carriage of a disabled person.

(3) In this Schedule—

"disabled person's badge" means a badge issued, or having effect as if issued, under regulations made under section 21 of the Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons);

"immobilisation device" has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984 (immobilisation of vehicles illegally parked);

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads, except that section 189 of the Road Traffic Act 1988 (exceptions for certain vehicles) applies for the purposes of this Schedule as it applies for the purposes of the Road Traffic Acts.

[[F144]"recognised badge" has the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970 (recognition of badges issued outside Great Britain).**]**

Textual Amendments

F143 Words in Sch. 5 para. 46(2)(a) inserted (30.6.2005 for E. and 30.3.2008 for W.) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)(6) {Sch 1 para. 47(1)(2)}; S.I. 2005/1676, **art. 3(c)**; S.I. 2007/3285, **art. 2(b)**

F144 Words in Sch. 5 para. 46(3) inserted (30.6.2005 for E. and 30.3.2008 for W.) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)(6), **Sch. 1 para. 47(1)(3)**; S.I. 2005/1676, **art. 3(c)**; S.I. 2007/3285, **art. 2(b)**

Commencement Information

I60 Sch. 5 para. 46 wholly in force at 5.4.2004; Sch. 5 para. 46 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 46 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 46 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 46 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

47 Fines collection regulations may make provision relating to cases where a person who is subject to a collection order changes his place of residence.

Commencement Information

I61 Sch. 5 para. 47 wholly in force at 5.4.2004; Sch. 5 para. 47 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 47 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 47 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 47 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Offences of providing false information, failing to disclose information etc.

48 (1) P commits an offence if, in providing a statement of his financial circumstances to a fines officer in response to a relevant request, he—

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(a) makes a statement which he knows to be false in a material particular,

(b) recklessly provides a statement which is false in a material particular, or

(c) knowingly fails to disclose any material fact.

(2) A person guilty of an offence under sub-paragraph (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) P commits an offence if he fails to provide a statement of his financial circumstances to a fines officer in response to a relevant request.

(4) A person guilty of an offence under sub-paragraph (3) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(5) A relevant request is a request for information about P's financial circumstances which—

(a) is made by a fines officer, and

(b) is expressed to be made for the purpose of determining whether or how the fines officer should vary the payment terms (or the reserve terms) of a collection order in P's favour.

(6) Proceedings in respect of an offence under this paragraph may be commenced at any time within—

(a) 2 years from the date of the commission of the offence, or

(b) 6 months from its first discovery by the prosecutor,

whichever ends first.

Commencement Information

I62 Sch. 5 para. 48 wholly in force at 5.4.2004; Sch. 5 para. 48 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 48 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 48 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 48 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Offence of meddling with vehicle clamp

49 (1) A person commits an offence if he removes or attempts to remove—

(a) an immobilisation device, or

(b) an immobilisation notice,

fitted or fixed to a motor vehicle in accordance with a clamping order made under a further steps notice or under paragraph 39(3)(b) (powers of court after increase).

(2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Commencement Information

I63 Sch. 5 para. 49 wholly in force at 5.4.2004; Sch. 5 para. 49 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 49 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 49 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 49 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

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Meaning of "standard powers in respect of persons liable to pay fines"

50 In this Schedule "standard powers in respect of persons liable to pay fines" means any power—

(a) that a magistrates' court would have had if P had not been subject to a collection order but had been liable to pay the sum due, and

(b) which fines collection regulations apply (with or without modifications) for the purposes of this Schedule.

Commencement Information

I64 Sch. 5 para. 50 wholly in force at 5.4.2004; Sch. 5 para. 50 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 50 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 50 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 50 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Meaning of references to pending appeals

51 For the purposes of this Schedule the period during which an appeal under this Schedule is pending is to be treated as including the period within which the appeal may be brought (regardless of whether it is in fact brought).

Commencement Information

I65 Sch. 5 para. 51 wholly in force at 5.4.2004; Sch. 5 para. 51 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 51 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 51 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 51 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

Meaning of "10 working days"

52 In this Schedule "10 working days" means any period of 10 days not including—

(a) Saturday or Sunday,

(b) Christmas Day or Good Friday, or

(c) any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.

Commencement Information

I66 Sch. 5 para. 52 wholly in force at 5.4.2004; Sch. 5 para. 52 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 52 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 52 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 52 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

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Meaning of "the magistrates' court"

53 In this Schedule "the magistrates' court", in relation to a collection order, means any magistrates' court acting in the local justice area in which the court which made the order was sitting.

Commencement Information

I67 Sch. 5 para. 53 wholly in force at 5.4.2004; Sch. 5 para. 53 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 53 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 53 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 53 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

SCHEDULE 6 E+W

Section 97(2)

DISCHARGE OF FINES BY UNPAID WORK

Modifications etc. (not altering text)

C13 Sch. 6 applied (1.10.2009) by Criminal Justice and Immigration Act 2008 (c. 4), **ss. 85(7)(b)**, 153; S.I. 2009/2606, **art. 2(f)**

C14 Sch. 6 restricted (prosp.) by Education and Skills Act 2008 (c. 25), **ss. 56-58**, 173(4)

Introductory

1 (1) This Schedule applies if a person aged 18 or over ("P") is liable to pay a sum which is or is treated for the purposes of Part 3 of the 1980 Act as a sum adjudged to be paid by conviction of a magistrates' court.

(2) In this Schedule—

"the prescribed hourly sum" means such sum as may be prescribed by regulations;

"regulations" means regulations made under this Schedule by the Lord Chancellor;

"the relevant court" means—

(a) the court imposing the liability to pay the relevant sum, or

(b) if that liability has previously been imposed, the magistrates' court responsible for enforcing payment of the relevant sum;

"the relevant sum" means the sum for which P is liable as mentioned in sub-paragraph (1), but excluding any pecuniary compensation, any pecuniary forfeiture or any sum due in respect of prosecution costs.

Commencement Information

I68 Sch. 6 para. 1 wholly in force at 21.9.2004; Sch. 6 para. 1 not in force at Royal Assent see s. 110(1)(2); Sch. 6 para. 1(2) in force for certain purposes at 1.5.2004 by S.I. 2004/1104, **art. 3(d)**; Sch. 6 para. 1 in force insofar as not already in force at 21.9.2004 by S.I. 2004/2195, **art. 2**

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Cases where work order may be made

2 (1) The relevant court may, on the application of a fines officer or of its own motion, make an order under this Schedule (a "work order") where—

(a) it appears to the court that in view of P's financial circumstances all the following methods of enforcing payment of the relevant sum are likely to be impracticable or inappropriate—

(i) a warrant of distress under section 76 of the 1980 Act,

(ii) an application to the High Court or county court for enforcement under section 87 of the 1980 Act,

(iii) an order under section 88 of the 1980 Act,

(iv) an attachment of earnings order,

(v) an application for deductions to be made by virtue of section 24 of the Criminal Justice Act 1991 (recovery of fines etc. by deductions from income support etc.), and

(vi) a collection order under Schedule 5,

(b) it appears to the court that P is a suitable person to perform unpaid work under this Schedule, and

(c) P consents to the making of the order.

(2) A court which is considering the making of a work order may issue a summons requiring P to appear before the court.

(3) A magistrates' court which is considering the making of a work order may order P to give to the court, within a specified period, such a statement of his means as the court may require.

(4) Subsections (2) to (4) of section 84 of the 1980 Act (offences in respect of statement of means) apply to an order made under sub-paragraph (3) as they apply to an order made under subsection (1) of that section.

Provisions of order

3 (1) A work order is an order requiring P to perform unpaid work for a specified number of hours, in accordance with instructions to be given by the fines officer, in order to discharge by virtue of this Schedule his liability for the relevant sum.

(2) The order must also—

(a) state the amount of the relevant sum,

(b) specify a fines office to which the order is allocated, and

(c) specify a person ("the supervisor") who is to act as supervisor in relation to P.

(3) The specified number of hours is to be determined by dividing the relevant sum by the prescribed hourly sum and, where the result is not a whole number, adjusting the result upwards to the next whole number.

(4) A work order must specify a date ("the specified date") not later than which the required hours of unpaid work must be performed.

(5) In the following provisions of this Schedule "the fines officer", in relation to P, means any fines officer working at the fines office specified in the work order.

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Effect of order on enforcement of payment

4 (1) Where a work order has been made in respect of the relevant sum, payment of that sum may not be enforced against P unless the order is revoked.

(2) On making a work order, the court must revoke any order relating to the enforcement of the payment of the relevant sum.

Appointment of, and duties of, supervisor

5 (1) A person may not be appointed as the supervisor without his consent.

(2) It is the duty of the supervisor—

(a) to monitor P's compliance with the requirements of the work order, and

(b) to provide the court with such information as the court may require relating to P's compliance with those requirements.

Obligations of person subject to work order, and effect of compliance

6 (1) Where a work order is in force, P must perform for the number of hours specified in the order such work, at such places and at such times as he may be instructed by the fines officer.

(2) The fines officer must ensure, as far as practicable, that any instructions given to P in pursuance of the work order are such as to avoid—

(a) any conflict with P's religious beliefs, and

(b) any interference with the times, if any, at which he normally works or attends school or any other educational establishment.

(3) If not later than the specified date P performs work in accordance with the instructions of the fines officer for the specified number of hours, his liability to pay the relevant sum is discharged.

Effect of payment

7 (1) Where a work order has been made in respect of any sum—

(a) on payment of the whole of the sum to any person authorised to receive it, the work order ceases to have effect, and

(b) on payment of part of the sum to any such person, the number of hours specified in the order is to be taken to be reduced by a proportion corresponding to that which the part paid bears to the whole of the relevant sum.

(2) In calculating any reduction required by sub-paragraph (1)(b), any fraction of an hour is to be disregarded.

Revocation or variation of order

8 (1) If, on the application of the fines officer, it appears to the relevant court that P is failing or has failed to comply with a work order without reasonable excuse, the court must revoke the order.

(2) If, on the application of the fines officer, it appears to the relevant court—

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(a) that P has failed to comply with a work order but has a reasonable excuse for the failure, or

(b) that, because of a change in circumstances since the order was made, P is unlikely to be able to comply with a work order,

the court may revoke the order or postpone the specified date.

(3) The relevant court may of its own motion revoke a work order if it appears to the court that, because of a change in circumstances since the order was made, P is unlikely to be able to comply with the order.

(4) A work order may be revoked under any of sub-paragraphs (1) to (3), or varied under sub-paragraph (2), before the specified date (as well as on or after that date).

(5) Regulations may provide for the fines officer to have the power to issue a summons for the purpose of ensuring that P attends the court to which an application has been made under sub-paragraph (1) or (2).

Allowing for work done

9 (1) If it appears to the court revoking a work order under paragraph 8(1), (2) or (3) that P has performed at least one hour of unpaid work in accordance with the instructions of the fines officer, the court must by order specify the number of hours of work that have been performed; and for this purpose any fraction of an hour is to be disregarded.

(2) Where the court has specified a number of hours under this paragraph, P's liability to pay the relevant sum is discharged to the extent of the prescribed hourly sum in respect of each hour.

Effect of revocation

10 (1) Where a work order is revoked under paragraph 8(1), (2) or (3), immediate payment of the relevant sum (subject to any reduction under paragraph 9(2)) may be enforced against P.

(2) Sub-paragraph (1) does not limit the court's power, on or after the revocation of the work order, to allow time for payment or to direct payment by instalments.

Order not directly enforceable

11 The obligations of P under a work order are not enforceable against him except by virtue of paragraph 10(1).

Evidence of supervisor

12 (1) This paragraph applies where—

(a) it falls to a court to determine whether P has performed unpaid work in accordance with a work order, and

(b) the court is satisfied—

(i) that the supervisor is likely to be able to give evidence that may assist the court in determining that matter, and

(ii) that the supervisor will not voluntarily attend as a witness.

(2) The court may issue a summons directed to that person requiring him to attend before the court at the time and place appointed in the summons to give evidence.

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Provision of information

13 Regulations may—

(a) require a work order to contain prescribed information,

(b) require the court making a work order to give a copy of the order to such persons as may be prescribed, and

(c) require the court revoking or varying a work order to give notice of the revocation or variation to such persons as may be prescribed.

SCHEDULE 7 E+W

Section 99

HIGH COURT WRITS OF EXECUTION

ENFORCEMENT OFFICERS: GENERAL

Districts for writs of execution enforced by enforcement officers

1 (1) England and Wales is to be divided into districts for the purposes of this Schedule.

(2) The districts are to be those specified in regulations made under paragraph 12.

Enforcement officers: authorisation and assignment to districts

2 (1) An enforcement officer is an individual who is authorised to act as such by the Lord Chancellor or a person acting on his behalf.

(2) The Lord Chancellor or a person acting on his behalf must assign at least one enforcement officer to each district.

(3) The Lord Chancellor or a person acting on his behalf may—

(a) assign an enforcement officer to more than one district, and

(b) change any assignment of an enforcement officer so that he is assigned to a different district or to different districts.

Direction of writs of execution to enforcement officers

3 (1) A writ of execution issued from the High Court may be directed—

(a) if only one enforcement officer is assigned to the district in which the writ is to be executed, to that officer,

(b) if two or more enforcement officers are assigned to that district, to those officers collectively, or

(c) to a named enforcement officer who, whether or not assigned to that district, has undertaken to execute the writ.

(2) In this paragraph "writ of execution" does not include—

(a) a writ of sequestration, or

(b) a writ relating to ecclesiastical property.

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VALID FROM 01/04/2008

[F145 Issue of certain warrants to enforcement officers

Textual Amendments

F145 Sch. 7 para. 3A and cross heading inserted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. {140(2)}, 148(5); S.I. 2007/2709, **art. 5(a)**

3A (1) Sub-paragraph (2) applies for the purpose of identifying the enforcement officer to whom a warrant may be issued under—

(a) section 91(1) of the Lands Clauses Consolidation Act 1845 (proceedings in case of refusal to deliver possession of lands), or

(b) section 13(1) of the Compulsory Purchase Act 1965 (refusal to give possession to acquiring authority).

(2) The enforcement officer, in relation to such a warrant, is—

(a) the enforcement officer assigned to a relevant district or, if two or more enforcement officers are assigned to that district, those officers collectively, or

(b) a named enforcement officer who, whether or not assigned to a relevant district, has undertaken to execute the warrant.

(3) In sub-paragraph (2), "a relevant district", in relation to a warrant, means—

(a) the district where the land in respect of which the warrant was issued is situated, or

(b) if that land (being land in one ownership) is not situated wholly in one district, a district where any part of that land is situated.**]**

Enforcement officers to have traditional powers etc. of sheriff

4 (1) This paragraph applies in relation to writs directed to one or more enforcement officers under paragraph 3.

(2) The relevant officer has, in relation to the writ, the duties, powers, rights, privileges and liabilities that a sheriff of a county would have had at common law if—

(a) the writ had been directed to him, and

(b) the district in which it is to be executed had been within his county.

(3) "The relevant officer" means—

(a) if the writ is directed to a single enforcement officer under paragraph 3(1)(a) or (c), that officer;

(b) if the writ is directed to two or more enforcement officers collectively under paragraph 3(1)(b), the officer to whom, in accordance with approved arrangements, the execution of the writ is allocated.

(4) Sub-paragraph (2) applies to a person acting under the authority of the relevant officer as it applies to the relevant officer.

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(5) In this Schedule "approved arrangements" means arrangements approved by the Lord Chancellor or a person acting on his behalf.

Constable's duty to assist enforcement officers

5 It is the duty of every constable, at the request of—

(a) an enforcement officer, or

(b) a person acting under the officer's authority,

to assist the officer or that person in the execution of a writ.

WRITS OF EXECUTION AGAINST GOODS

Application of paragraphs 7 to 11

6 Paragraphs 7 to 11 apply to any writ of execution against goods which is issued from the High Court.

Endorsement of writ with date and time of receipt

7 (1) If the writ is directed to a single enforcement officer under paragraph 3(1)(a) or (c), that officer must endorse it as soon as possible after receiving it.

(2) If the writ is directed to two or more enforcement officers collectively under paragraph 3(1)(b), the individual who, in accordance with approved arrangements, is responsible for allocating its execution to one of those officers, must endorse it as soon as possible after receiving it.

(3) If the writ is directed to a person who is not an enforcement officer but is under a duty to execute it, that person must endorse it as soon as possible after receiving it.

(4) For the purposes of this paragraph, a person endorses a writ by endorsing on the back of it the date and time when he received it.

(5) No fee may be charged for endorsing a writ under this paragraph.

Effect of writ

8 (1) Subject to sub-paragraph (2), the writ binds the property in the goods of the execution debtor from the time when the writ is received by the person who is under a duty to endorse it.

(2) The writ does not prejudice the title to any goods of the execution debtor acquired by a person in good faith and for valuable consideration.

(3) Sub-paragraph (2) does not apply if the person acquiring goods of the execution debtor had notice, at the time of the acquisition, that—

(a) the writ, or

(b) any other writ by virtue of which the goods of the execution debtor might be seized or attached,

had been received by the person who was under a duty to endorse it but had not been executed.

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(4) Sub-paragraph (2) does not apply if the person acquiring goods of the execution debtor had notice, at the time of the acquisition, that—

(a) an application for the issue of a warrant of execution against the goods of the execution debtor had been made to the district judge of a county court, and

(b) the warrant issued on the application—

(i) remained unexecuted in the hands of the district judge of the court from which it was issued, or

(ii) had been sent for execution to, and received by, the district judge of another county court and remained unexecuted in the hands of that district judge.

(5) In sub-paragraph (1) "property" means the general property in goods (and not merely a special property).

(6) For the purposes of sub-paragraph (2) a thing shall be treated as done in good faith if it is in fact done honestly (whether it is done negligently or not).

(7) Any reference in this paragraph to the goods of the execution debtor includes anything else of his that may lawfully be seized in execution.

Seizure of goods

9 (1) This paragraph applies where an enforcement officer or other person who is under a duty to execute the writ is executing it.

(2) The officer may, by virtue of the writ, seize—

(a) any goods of the execution debtor that are not exempt goods, and

(b) any money, banknotes, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to the execution debtor.

(3) "Exempt goods" means—

(a) such tools, books, vehicles and other items of equipment as are necessary to the execution debtor for use personally by him in his employment, business or vocation;

(b) such clothing, bedding, furniture, household equipment and provisions as are necessary for satisfying the basic domestic needs of the execution debtor and his family.

Sale of goods seized

10 (1) This paragraph applies if—

(a) a writ of execution has been issued from the High Court,

(b) goods are seized under the writ by an enforcement officer or other person under a duty to execute it, and

(c) the goods are to be sold for a sum which, including legal incidental expenses, exceeds £20.

(2) The sale must be—

(a) made by public auction, and not by bill of sale or private contract, unless the court otherwise orders, and

(b) publicly advertised on, and during the three days preceding, the day of sale.

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(3) If the person who seized the goods has notice of another execution or other executions, the court must not consider an application for leave to sell privately until the notice prescribed by Civil Procedure Rules has been given to the other execution creditor or creditors.

(4) An execution creditor given notice under sub-paragraph (3) is entitled—

(a) to appear before the court, and

(b) to be heard on the application for the order.

Protection of officers selling seized goods

11 (1) This paragraph applies if—

(a) a writ of execution has been issued from the High Court,

(b) goods in the possession of an execution debtor are seized by an enforcement officer or other person under a duty to execute the writ, and

(c) the goods are sold by that officer without any claims having been made to them.

(2) If this paragraph applies—

(a) the purchaser of the goods acquires a good title to them, and

(b) no person is entitled to recover against the officer or anyone acting under his authority—

(i) for any sale of the goods, or

(ii) for paying over the proceeds prior to the receipt of a claim to the goods,

unless it is proved that the person from whom recovery is sought had notice, or might by making reasonable enquiry have ascertained, that the goods were not the property of the execution debtor.

(3) Nothing in this paragraph affects the right of a lawful claimant to any remedy to which he is entitled against any person other than the enforcement officer or other officer charged with the execution of the writ.

(4) "Lawful claimant" means a person who proves that at the time of sale he had a title to any goods seized and sold.

(5) This paragraph is subject to sections 183, 184 and 346 of the Insolvency Act 1986.

SUPPLEMENTARY

Regulations

12 (1) The Lord Chancellor may make regulations for the purpose of giving effect to the provisions of this Schedule that relate to enforcement officers.

(2) The regulations may, in particular, make provision as to—

(a) conditions to be met by individuals seeking to be authorised to act as enforcement officers;

(b) the circumstances in which authorisations may be terminated;

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(c) the procedures to be followed in relation to the assignment of enforcement officers or changes in their assignments;

(d) the publication of—

(i) lists of enforcement officers assigned to each district, and

(ii) addresses to which writs of execution issued from the High Court to enforcement officers may be sent.

(3) Subject to paragraph 7(5) the regulations may make provision for the determination of fees that may be charged by enforcement officers.

(4) Before making any regulations under this paragraph, the Lord Chancellor must consult—

(a) the Lord Chief Justice,

(b) the Master of the Rolls,

[[F146](ba) the President of the Queen's Bench Division,

(c) the President of the Family Division,

(d) the Chancellor of the High Court, and**]**

(e) the Head of Civil Justice.

Textual Amendments

F146 Sch. 7 para. 12(4)(ba)-(d) substituted (1.10.2005) for Sch. 7 para. 12(4)(c)(d) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 351**; S.I. 2005/2505, **art. 2(c)**

SCHEDULE 8 U.K.

Section 109(1)

MINOR AND CONSEQUENTIAL AMENDMENTS

Parochial Libraries Act 1708 (c. 14)

1 In section 10 (warrant to search for lost books), omit "for the commission area".

Distress for Rent Act 1737 (c. 19)

2 In section 4 (application to justices where goods carried off or concealed), omit "of the same commission area".

3 In section 16 (possession of property deserted by tenant), omit "of the county, riding, division, or place".

Inclosure Act 1773 (c. 81)

4 In section 4 (issue of warrant for recovery of expenses by distress and sale), omit—

(a) "under the hand and seal", and

(b) "of the commission area wherein such common field lands shall lie".

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Sale of Farming Stock Act 1816 (c. 50)

5 In section 10 (indemnity to sheriff and others acting under the provisions of the Act), for "or under sheriff" substitute " , under sheriff or other officer ".

Burial Ground Act 1816 (c. 141)

6 In section 2 (verification of value of land), omit "for the commission area in which such land is situated".

Inclosure and Drainage (Rates) Act 1833 (c. 35)

7 In section 1 (recovery of rates or assessments), omit "acting for any commission area, in petty sessions assembled".

8 In section 2 (form of warrant or distress), omit "for the said (county, riding, or division, as the case may be)".

Judgments Act 1838 (c. 110)

9 In section 12 (sheriff may seize money, bank notes, etc.), after "poundage and expences" insert " or other officer's fees ".

Metropolitan Police Act 1839 (c. 47)

10 For section 75 (meaning of "magistrate"), substitute—

"**75 Meaning of "magistrate" in this Act**

In this Act "magistrate" means any two justices of the peace sitting together in public."

Ordnance Survey Act 1841 (c. 30)

11 In section 2 (dispute as to damage caused during survey)—

(a) for "by any two or more justices in petty sessions assembled of the place in which the lands, grounds, heritages, or trees may be situate" substitute " by a magistrates' court ", and

(b) for "the justices, may appeal" substitute " the magistrates' court, may appeal ".

Railway Regulation Act 1842 (c. 55)

12 **F147** . . . . . .

Textual Amendments

F147 Sch. 8 para. 12 repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 174(2), **Sch. 17 Pt. 2**; S.I. 2005/3495, **art. 2(1)(t)(u)(lv)** (subject to art. 2(2))

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Defence Act 1842 (c. 94)

13 (1) In section 24 (compensation for damage caused by temporary buildings), omit "of the county, riding, city, or place".

(2) This paragraph extends only to England and Wales.

London Hackney Carriages Act 1843 (c. 86)

14 (1) Amend section 24 (proceedings with respect to licences on quitting service) as follows.

(2) Re-number the existing provision subsection (1).

(3) In that subsection—

(a) for "any time not exceeding" substitute " a time which, excluding any day mentioned in subsection (2), does not exceed ",

(b) for "the magistrates' court for the petty sessions area in which the said proprietor shall dwell" substitute " a magistrates' court ",

(c) for "at the time of applying" substitute " when applying ",

(d) for "justices' chief executive for such" substitute " designated officer for the ",

(e) for "twenty-four hours, exclusive of Sunday or any day on which the magistrates' court shall not sit," substitute " that time ", and

(f) for "at the same magistrates' court" substitute " to a magistrates' court ".

(4) After that subsection insert—

"(2) The days are—

(a) Saturday or Sunday;

(b) Christmas Day or Good Friday;

(c) a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971."

Companies Clauses Consolidation Act 1845 (c. 16)

15 In section 3 (interpretation), omit the words from "The word "justice"" to "acting together in petty sessions".

16 In section 18 (transmission of shares by other means than transfer to be authenticated by a declaration), for the words from "before a justice" to "and such declaration" substitute " before a justice or a person authorised to administer oaths; and such declaration ".

17 In section 33 (evidence as to forfeiture of shares), for the words from "before any justice" to "that the call" substitute " before any justice or a person authorised to administer oaths, that the call ".

18 Paragraphs 15 to 17 extend only to England and Wales.

Lands Clauses Consolidation Act 1845 (c. 18)

19 (1) In section 3 (interpretation), omit the words from "The word "justices"" to "acting together".

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(2) This paragraph extends only to England and Wales.

Railway Clauses Consolidation Act 1845 (c. 20)

20 In section 3 (interpretation), omit the words from "The word "justice"" to "acting together:".

21 In section 11 (limiting deviation from datum line described on sections, etc.)—

(a) for "in petty sessions assembled for that purpose, and acting for the district" substitute " acting in the local justice area ", and

(b) for the words from "every petty sessions" to "holding of such petty sessions" substitute " every hearing before two or more justices to be held for the purpose of obtaining their consent as mentioned above shall, at least 14 days before the hearing ".

22 In section 46 (crossings of roads—level crossings), omit "in petty sessions".

23 In section 59 (proceedings on application to justices to consent to level crossings over highways other than public carriage roads)—

(a) for "fourteen days at least previous to the holding of the petty sessions at which such application is intended to be made" substitute " at least 14 days before the application is intended to be made ",

(b) for "acting for the district" substitute " acting in the local justice area ", and

(c) omit ", and assembled in petty sessions,".

24 Paragraphs 20 to 23 extend only to England and Wales.

Geological Survey Act 1845 (c. 63)

25 In section 1 (dispute as to damage caused during survey), for "by any two or more justices of the peace, in petty sessions assembled, of the place where the lands or trees may be situate" substitute " by a magistrates' court ".

26 In section 6 (interpretation), for "the word "justices" shall include all persons acting in the commission of the peace and" substitute " the words "magistrates' court" shall include ".

Markets and Fairs Clauses Act 1847 (c. 14)

27 (1) In section 3 (interpretation), omit the words from "The word "justice"" to "acting together:".

(2) This paragraph does not extend to Northern Ireland.

Harbours, Docks and Piers Clauses Act 1847 (c. 27)

28 (1) In section 3 (interpretation), omit the words from "The word "justice"" to "acting together:".

(2) This paragraph does not extend to Northern Ireland.

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Towns Improvement Clauses Act 1847 (c. 34)

29 (1) In section 3 (interpretation), omit the words from "The word "justice"" to "acting together:".

(2) This paragraph does not extend to Northern Ireland.

Cemeteries Clauses Act 1847 (c. 65)

30 (1) In section 3 (interpretation), omit the words from "The word "justice"" to "acting together:".

(2) This paragraph does not extend to Northern Ireland.

Town Police Clauses Act 1847 (c. 89)

31 (1) In section 3 (interpretation), omit the words from "The word "justice"" to "acting together:".

(2) This paragraph does not extend to Northern Ireland.

Hares Act 1848 (c. 29)

32 In section 2 (registration of authorisation)—

(a) for "clerk of the magistrates acting for the petty sessions area" substitute " designated officer for the local justice area ", and

(b) for "clerk of the magistrates as" substitute " designated officer as ".

Indictable Offences Act 1848 (c. 42)

33 In section 13 (English warrants may be backed in the Isles of Man, Guernsey, Jersey, Alderney or Sark, and vice versa)—

(a) omit "any county, riding, division, liberty, city, borough, or place in" (in both places),

(b) for "and for the county or place into which such person shall escape or go, or where he shall reside or be, or be supposed or suspected to be," substitute " England and Wales ",

(c) for "indorsing the same has jurisdiction" substitute " indorsing the same is acting or has jurisdiction ",

(d) for "issued such warrant or process shall have jurisdiction" substitute " issued such warrant or process is acting or has jurisdiction ", and

(e) for "had been apprehended within his jurisdiction" substitute " had been apprehended in England or Wales or (as the case may be) within his jurisdiction ".

Evidence Act 1851 (c. 99)

34 In section 13(2)(a) (proof of conviction of defendant by copy of certified record), for "justices' chief executive" substitute " designated officer ".

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Inclosure Act 1859 (c. 43)

35 In section 4 (how damage to be assessed), for "for the county or riding or other division or place within which" substitute " acting in the local justice area in which ".

36 In section 6 (justices' warrant for distress), for "of such county or riding, or other district or place as aforesaid, shall, by warrant under their hands and seals," substitute " acting in the local justice area shall by warrant ".

Ecclesiastical Courts Jurisdiction Act 1860 (c. 32)

37 In section 2 (offence of making a disturbance in churches, chapels, churchyards etc.)—

(a) for "before two justices of the peace" substitute " by a magistrates' court ",

(b) for "a penalty of not more than" substitute " a fine not exceeding ", and

(c) for "for every such offence, or may, if the justices before whom he shall be convicted think fit, instead of being subjected to any pecuniary penalty, be committed to prison for any time" substitute " or to imprisonment for a term ".

38 In section 3 (power to arrest offenders and take them before a justice of the peace), for "justice of the peace of the county or place where the said offence shall have been so committed," substitute " magistrates' court ".

39 Paragraphs 37 and 38 do not extend to Northern Ireland.

Defence Act 1860 (c. 112)

40 (1) In section 47 (interpretation), omit the words from "The word "justices"" to "acting together:".

(2) This paragraph extends only to England and Wales.

Offences Against the Person Act 1861 (c. 100)

41 In section 44 (if magistrates dismiss case of assault or battery, they must make out certificate to that effect), omit"under their hands".

42 In section 65 (justices may issue search warrants for explosive substances)—

(a) for "Any justice of the peace of any county or place in which" substitute " Where ",

(b) after "in this Act mentioned," insert " a justice of the peace, ", and

(c) omit "under his hand and seal".

43 Paragraphs 41 and 42 do not extend to Northern Ireland.

Poaching Prevention Act 1862 (c. 114)

44 (1) In section 1 (interpretation), omit from "; and the words "justice" and "justices"" onwards.

(2) This paragraph does not extend to Northern Ireland.

45 In section 2 (summons to appear before justice of the peace)—

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(a) after "citing such person to appear before" insert " , in England and Wales, a magistrates' court or ",

(b) omit "England and", and

(c) for "forfeit and pay any sum" substitute " be liable to a fine ".

46 In section 3 (recovery of penalties), omit "in England in the same manner as penalties under the Game Act 1831 and".

Criminal Procedure Act 1865 (c. 18)

47 In section 6(2)(a) (proof of conviction of witness by signed certificate), for "justices' chief executive" substitute " designated officer ".

Dockyard Ports Regulation Act 1865 (c. 125)

48 (1) In section 2 (interpretation), omit the words from "The term "justice"" to "arises:".

(2) This paragraph does not extend to Northern Ireland.

49 In section 22 (jurisdiction of justice of the peace), for "Where any district" substitute—

"(1) For the purposes of this Act, where a local justice area in England and Wales abuts on the shore of the sea or other navigable water, any magistrates' court in England and Wales has jurisdiction over—

(a) any vessel which is near or passes near the shore, and

(b) every person on board the vessel or belonging to it,

as if the vessel or person were in England and Wales.

(2) Where any other district."

Newspapers, Printers and Reading Rooms Repeal Act 1869 (c. 24)

50 In Schedule 2 (which sets out enactments continued in force under section 1)—

(a) in section 29 of the Unlawful Societies Act 1799 (penalty for neglecting or refusing to produce copy), for "forfeit and lose the sum" substitute " be liable on summary conviction to a fine ",

(b) in section 34 of the 1799 Act (prosecutions to be commenced within 3 months), omit "or sued" and ", or such action shall be brought,",

(c) omit section 35 of the 1799 Act (recovery of penalties),

(d) omit section 36 of the 1799 Act (application of penalties), and

(e) in section 2 of the Printers and Publishers Act 1839 (penalty upon printers for not printing their name, etc.), for "forfeit a sum not more than" substitute " be liable on summary conviction to a fine not exceeding ".

Promissory Oaths Act 1871 (c. 48)

51 In section 2 (persons before whom oaths to be taken), for the paragraph beginning "In England" substitute—

"In England and Wales—

(a) before the Lord Chancellor, or

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(b) in open court before one or more judges of the High Court or before one or more Circuit judges."

Prevention of Crimes Act 1871 (c. 112)

52 In paragraph (a) of the last sentence of section 18 (proof of conviction by certificate or copy of conviction), for "justices' chief executive" substitute " designated officer ".

Fairs Act 1873 (c. 37)

53 The amendments of section 6 (alteration of fair day on representation of local authority) made by—

(a) paragraph 10 of Schedule 10 to the Access to Justice Act 1999, and

(b) paragraph 5 of Schedule 13 to that Act,

shall be treated as if they had never had effect.

Commons Act 1876 (c. 56)

54 In section 20 (prohibition of gravel digging on certain commons without authority of justices), for "in petty sessions assembled, and acting in and for the petty sessions area in which such common is situate," substitute " of the peace ".

Municipal Corporations Act 1882 (c. 50)

55 In section 153(3) (issue of warrant following failure by borough to pay sum due to county), omit "for a commission area consisting of or including the whole or part of the county".

Explosive Substances Act 1883 (c. 3)

56 (1) In section 6(1) (inquiry into offences)—

(a) omit "for the county, borough, or place in which the crime was committed or is suspected to have been committed,",

(b) omit "sit at a petty sessional or occasional court-house, or police station in the said county, borough or place, and", and

(c) for "the next petty sessions, or" substitute " a magistrates' court ".

(2) This paragraph does not extend to Northern Ireland.

57 In section 9(2) (application of Act to Scotland), for " "petty sessional court house"" substitute " "magistrates' court" ".

Sheriffs Act 1887 (c. 55)

58 In section 7(1) (declaration of office), for the words from "effect before" onwards substitute "effect—

(a) before one of the judges of Her Majesty's High Court; or

(b) in the county of which he is sheriff before a justice of the peace."

59 In section 17 (disqualification from acting as justice of the peace), for "peace for" substitute " peace in any local justice area consisting of or including the whole or a part of ".

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60 In section 23(3) (declaration of office by under-sheriff), for the words from "effect before" onwards substitute "effect—

(a) before one of the judges of Her Majesty's High Court; or

(b) in the county for which such under-sheriff is appointed before a justice of the peace."

61 (1) Amend section 26 (declaration by bailiffs, etc.) as follows.

(2) Re-number the existing provision subsection (1).

(3) In that subsection, for the words from "effect before" onwards substitute "effect—

(a) before any judge of the High Court; or

(b) in the county in which he exercises his authority before a justice of the peace."

(4) After that subsection insert—

"(2) Subsection (1) does not apply to any enforcement officer or any person acting under the authority of an enforcement officer."

Commencement Information

I69 Sch. 8 para. 61 wholly in force; Sch. 8 para. 61 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 61(1)(2)(4) in force at 15.3.2004 by S.I. 2004/401, **art. 2(b)(iii)** (with art. 3); Sch. 8 para 61(3) in force at 1.4.2005 insofar as not already in force by S.I. 2005/910, **art. 3(y)**

62 In section 29 (punishment for misconduct), after subsection (2) insert—

"(2A) Subsection (2) does not apply to any enforcement officer or any person acting under the authority of an enforcement officer."

63 In section 38 (definitions), after the definition of "county" insert—

""enforcement officer" means an individual who is authorised to act as an enforcement officer under the Courts Act 2003;", and omit from "Any reference" to the end of the section.

Commencement Information

I70 Sch. 8 para. 63 partly in force; Sch. 8 para. 63 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 63 in force for certain purposes at 15.3.2004 by S.I. 2004/401, **art. 2(b)(iii)** (with art. 3); Sch. 8 para. 63 in force 1.4.2005 insofar as not already in force by S.I. 2005/910, **art. 3(y)**

Local Government Act 1888 (c. 41)

64 In section 28(2) (power of county council to delegate to justices functions relating to contagious diseases of animals), for "for a commission" substitute " acting in a local justice ".

Behring Sea Award Act 1894 (c. 2)

65 The Behring Sea Award Act 1894 shall have effect in relation to England and Wales as if in Schedule 2 for section 521 of the Merchant Shipping Act 1854 (which under

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section 1(5) of the 1894 Act is applied to any offence or forfeiture under that Act) there were substituted—

"**521 Jurisdiction over ships lying off the coasts**

Courts in England and Wales (including magistrates' courts) have jurisdiction—

(a) over any ship or boat which—

(i) is on or is lying or passing off the coast of England and Wales, or

(ii) is in or near any bay, channel, lake, river or other navigable water on which any part of England and Wales abuts or into which any part of England and Wales projects, and

(b) over all persons on board the ship or boat or for the time being belonging to it,

as if the ship, boat or persons were in England and Wales."

Public Health Acts Amendment Act 1907 (c. 53)

66 In section 94(7) (licensing of pleasure boats: appeals to magistrates' court), for "justices' chief executive for the court" substitute " designated officer for the court ".

Indictments Act 1915 (c. 90)

67 In section 2(2) (powers of rule committee), for the words preceding "shall have power" substitute " The Criminal Procedure Rule Committee ".

Commencement Information

I71 Sch. 8 para. 67 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(i)** (subject to art. 3)

Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)

68 In section 3(4) (return of order to original court for further evidence to be taken), omit "appointed for the same commission area".

69 (1) Amend section 4 (power of court of summary jurisdiction to confirm maintenance orders made in certain Commonwealth countries) as follows.

(2) In subsection (5B), for "a justices' chief executive" (in both places) substitute " the designated officer for the court or for any other magistrates' court ".

(3) In subsection (6A)—

(a) in paragraph (b), in the paragraph to be regarded as substituted for subsection (4)(b) of section 60 of the 1980 Act, for "a justices' chief executive" substitute " the designated officer for the court or for any other magistrates' court ", and

(b) in paragraph (c), in the words to be regarded as replaced in section 60(5) of the 1980 Act, for "justices' chief executive for the court"" substitute " designated officer for the court "".

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(4) Nothing in this paragraph is to be read as amending section 4 as modified in relation to Northern Ireland by section 11.

70 (1) In section 7(2) (power to make rules about proceedings under the Act), for the words from "Without prejudice" to "such rules" substitute " For the purpose of giving effect to this Act rules of court ".

(2) Sub-paragraph (1) does not extend to Northern Ireland.

Criminal Justice Act 1925 (c. 86)

71 In section 33(4) (rules about service of documents on a corporation), omit ", except in so far as such provision may be made by rules under section 144 of the Magistrates' Courts Act 1980".

Commencement Information

I72 Sch. 8 para. 71 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(ii)** (subject to art. 3)

Children and Young Persons Act 1933 (c. 12)

72 In section 7(2) (offence of selling tobacco to persons under 16: complaint to court of summary jurisdiction), for "court of summary jurisdiction" substitute " magistrates' court ".

73 (1) Amend section 25 (restrictions on persons under 18 going abroad to perform for profit) as follows.

(2) In subsection (6), for "court of summary jurisdiction" substitute " relevant court ".

(3) After subsection (10), insert—

"(11) In this section "the relevant court"—

(a) in relation to England and Wales, means a magistrates' court;

(b) in relation to Scotland, means a sheriff court;

(c) in relation to Northern Ireland, means a court of summary jurisdiction."

74 (1) Amend section 46 (assignment of certain matters to youth courts) as follows.

(2) In subsection (1), for "court of summary jurisdiction" (in each place) substitute " magistrates' court ".

(3) In subsection (1A), for "justices' chief executive for" substitute " designated officer for ".

75 In section 48(3) (remand of child or young person by youth court), for "for the same petty sessions area or place" substitute " in the same local justice area ".

76 Omit section 101 (application of Summary Jurisdiction Acts).

77 In section 102(1) (appeals to Crown Court), for "court of summary jurisdiction" substitute " magistrates' court ".

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Foreign Judgments (Reciprocal Enforcement) Act 1933 (c. 13)

78 (1) In section 3(1) (power to make rules of court for purposes of Act), for "rules of court under section 84 of the Supreme Court Act 1981" substitute " Civil Procedure Rules ".

(2) Sub-paragraph (1) extends only to England and Wales.

Public Offices (Site) Act 1947 (c. 45)

79 Omit section 7 (correction of errors in deposited plan and book of reference).

The National Assistance Act 1948 (c. 29)

80 In section 43(4) (interpretation of section 43), for the words from "a court" onwards substitute

"(a) in England and Wales, a magistrates' court acting in the local justice area where the assistance was given or applied for;

(b) in Scotland, the sheriff having jurisdiction in the place where the assistance was given or applied for."

81 (1) Amend section 47 (removal to suitable premises of persons in need of care and attention) as follows.

(2) In subsection (2), for "a court of summary jurisdiction having jurisdiction in the place where the premises are situated" substitute " the court ".

(3) After subsection (12) insert—

"(12A) In this section, "the court"—

(a) in England and Wales, means a magistrates' court acting in the local justice area where the premises are situated;

(b) in Scotland, means the sheriff having jurisdiction in the place where the premises are situated."

82 Omit section 65(c) (in application of Act to Scotland, references to court of summary jurisdiction to be read as references to sheriff).

Criminal Justice Act 1948 (c. 58)

83 For section 37(4) (recommittal following appeal etc.) substitute—

"(4) Criminal Procedure Rules may be made for authorising the recommittal, in such cases and by such courts or justices as may be prescribed by the rules, of persons released from custody under this section."

Commencement Information

I73 Sch. 8 para. 83 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(iii)** (subject to art. 3)

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Prevention of Damage by Pests Act 1949 (c. 55)

84 (1) Amend section 15 (appeal against directions) as follows.

(2) In subsection (1), omit "for the petty sessions area or place in which the works are required to be carried out or, as the case may be, in which the food or container is for the time being situated".

(3) In subsection (5), for "from "to a court" to the end of the subsection" substitute " "to a court of summary jurisdiction" ".

Marriage Act 1949 (c. 76)

85 In section 3(5) (meaning of "the court"), for "appointed for the commission area" substitute " acting in the local justice area ".

National Parks and Access to the Countryside Act 1949 (c. 97)

86 In section 68(3) (complaint to court about access requirement), omit "for the petty sessions area or place within which the land to which the notice relates is situated".

Maintenance Orders Act 1950 (c. 37)

87 In section 17(1)(a) (registration of maintenance orders in England), for "for the same place" substitute " acting in the same local justice area ".

88 (1) Amend section 18 (enforcement of registered orders) as follows.

(2) In subsection (2ZA), in the subsection to be regarded as substituted for section 76(5) of the 1980 Act, for "a justices' chief executive" (in both places) substitute " the designated officer for the court or for any other magistrates' court ".

(3) In subsection (2B)(a), for "justices' chief executive" substitute " designated officer ".

89 (1) Amend section 22 (discharge and variation of registered orders) as follows.

(2) In subsection (1B), for "a justices' chief executive" (in both places) substitute " the designated officer for the court or for any other magistrates' court in England and Wales ".

(3) In subsection (1E)—

(a) in paragraph (a), in the paragraph to be regarded as substituted for section 60(4)(b) of the 1980 Act, for "a justices' chief executive" substitute " the designated officer for the court or for any other magistrates' court ", and

(b) in paragraph (b), in the words to be regarded as replaced in section 60(5) of the 1980 Act, for "justices' chief executive for the court"" substitute " designated officer for the court "".

90 In section 24(5A)(b) (cessation of order requiring payment), for "a justices' chief executive" substitute " the designated officer for a magistrates' court in England and Wales ".

91 (1) Amend section 25 (rules as to procedure of magistrates' courts) as follows.

(2) Omit subsection (1).

(3) In subsection (3)—

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(a) after "Rules" insert " of court ", and

(b) in paragraph (a), for the words from "by means of" onwards, substitute " in accordance with the rules ".

(4) Sub-paragraph (3) does not extend to Northern Ireland.

Commencement Information

I74 Sch. 8 para. 91 partly in force; Sch. 8 para. 91 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para 91(1)(3)(4) in force at 1.4.2005 by S.I. 2005/910, **art. 3(y)**

92 (1) Amend section 28(1) (interpretation) as follows.

(2) In the definition of "collecting officer", after "officer"," insert " in relation to a court of summary jurisdiction in England, means the designated officer for the court, and ".

(3) In the definition of "prescribed", omit—

(a) "England or",

(b) "by rules made under section fifteen of the Justices of the Peace Act 1949, or", and

(c) "as the case may be,".

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

93 (1) In Schedule 2 (paying authorities under Part 5), omit Part 2.

(2) Nothing in sub-paragraph (1) is to be read as amending Schedule 2 as it extends to Northern Ireland.

Prison Act 1952 (c. 52)

94 (1) Amend section 19 (right of justice to visit prison) as follows.

(2) In subsection (1), for "for any commission area" substitute " assigned to any local justice area ".

(3) In subsection (2), omit "or to visit any prisoner under sentence of death".

Army Act 1955 (3 & 4 Eliz. 2 c. 18)

95 In—

(a) section 189(3A)(a) (fee for certificate on delivery into military custody of person dealt with by court of summary jurisdiction as illegally absent), and

(b) section 199(4)(a) (certificate as proof of outcome of civil trial),

for "justices' chief executive" substitute " designated officer ".

Air Force Act 1955 (3 & 4 Eliz. 2 c. 19)

96 In—

(a) section 189(3A)(a) (fee for certificate on delivery into air force custody of person dealt with by court of summary jurisdiction as illegally absent), and

(b) section 199(4)(a) (certificate as proof of outcome of civil trial),

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for "justices' chief executive" substitute " designated officer ".

Naval Discipline Act 1957 (c. 53)

97 In—

(a) section 110(2A)(a) (fee for certificate on delivery into naval custody of person dealt with by court of summary jurisdiction as illegally absent), and

(b) section 129B(4)(a) (certificate as proof of outcome of civil trial),

for "justices' chief executive" substitute " designated officer ".

Maintenance Orders Act 1958 (c. 39)

98 (1) Amend section 2 (registration of orders) as follows.

(2) In subsection (2)(b), for "justices' chief executive for the magistrates' court acting for the petty sessions area" substitute " designated officer for the magistrates' court acting in the local justice area ".

(3) In subsection (5), for "of, or justices' chief executive for," substitute " of, or for, ".

(4) In subsection (6), for "a justices' chief executive" (in both places) substitute " the designated officer for a magistrates' court ".

(5) In subsection (6ZA), for "a justices' chief executive" substitute " the designated officer for the court or for any other magistrates' court ".

(6) In subsection (6ZC), for "a justices' chief executive" substitute " the designated officer for a magistrates' court ".

99 In section 3(3A) (requirement of person liable under order to notify change of address), for "justices' chief executive for" substitute " designated officer for ".

100 In section 4(5B) (variation of orders registered in magistrates' courts)—

(a) in paragraph (a), in the paragraph to be regarded as substituted for section 60(4)(b) of the 1980 Act, for "a justices' chief executive" substitute " the designated officer for the court or for any other magistrates' court ",

(b) in paragraph (b), in the words to be regarded as replaced in section 60(5) of the 1980 Act, for "justices' chief executive for the court"" substitute " designated officer for the court "", and

(c) in paragraph (e), in the subsection (9) to be regarded as substituted for sections 60(9) and (10) of the 1980 Act, for "a justices' chief executive" (in both places) substitute " the designated officer for the court or for any other magistrates' court ".

101 (1) Amend section 5 (cancellation of registration) as follows.

(2) In subsection (5), for "a justices' chief executive" (in both places) substitute " the designated officer for a magistrates' court ".

(3) In subsection (6)(b), for "justices' chief executive for" substitute " designated officer for ".

102 (1) Amend section 18 (powers of magistrates to renew committals) as follows.

(2) For "justices' chief executive for" (in each place) substitute " designated officer for ".

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(3) In subsections (2) and (4), for "acting for the same petty sessions area" substitute " acting in the same local justice area ".

103 In section 20(1) (registration of order at request of person entitled to receive payments)—

(a) for "a justices' chief executive who" substitute " the designated officer for a magistrates' court who ", and

(b) for "a justices' chief executive is" substitute " the designated officer is ".

104 In section 21(1) (interpretation), omit the definition of "rules of court".

Manoeuvres Act 1958 (7 & 8 Eliz. 2 c. 7)

105 (1) Amend section 3 (power to close highways) as follows.

(2) In subsection (1), omit "sitting in petty sessions in the petty sessions area within which that highway or part of a highway is situated".

(3) In subsection (2), omit ", being a highway or part within the jurisdiction of those justices".

(4) For subsection (5)(c) substitute—

"(c) the references to justices of the peace shall be construed as references to the district court for the area in which the highway or part of a highway is situated."

Obscene Publications Act 1959 (c. 66)

106 (1) Amend section 3 (powers of search, seizure and forfeiture) as follows.

(2) In subsection (1), omit "in the petty sessions area for which he acts," and "in that area".

(3) In subsection (3)—

(a) for "for the same petty sessions area as the justice who issued the warrant, and the justice before whom the articles are brought" substitute " in the local justice area in which the articles were seized, who ";

(b) for "for that petty sessions area" substitute " acting in that local justice area ".

Road Traffic Act 1960 (c. 16)

107 In section 243(a) (proof in summary proceedings of identity of driver), for "rules made under section fifteen of the Justices of the Peace Act 1949" substitute " Criminal Procedure Rules ".

Commencement Information

I75 Sch. 8 para. 107 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(iv)** (subject to art. 3)

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Caravan Sites and Control of Development Act 1960 (c. 62)

108 In section 7(1) (appeal to magistrates' court against conditions attached to site licence), omit "acting for the petty sessions area in which the land is situated".

109 In section 8(2) (appeal to magistrates' court against alteration to site licence conditions), omit "acting for the petty sessions area in which the land to which the site licence relates is situated".

110 In section 32(1)(c) (application to Scotland), omit "acting for the petty sessions area in which the land is situated".

Administration of Justice Act 1960 (c. 65)

111 In section 2(3) (power to extend time for applying for leave to appeal to House of Lords), omit "Except in a case involving sentence of death,".

112 Omit section 3 (special provision as to capital cases).

Betting, Gaming and Lotteries Act 1963 (c. 2)

113 In section 10A(5) (notification of cancellation of betting office licence), in paragraph (a) of the definition of "the proper officer of the court", for "justices' chief executive" substitute " designated officer ".

114 In section 11 (notification of cancellation of bookmaker's or betting agency permit) —

(a) renumber the subsection inserted by paragraph 34(3) of Schedule 13 to the Access to Justice Act 1999 as subsection (5A), and

(b) in that subsection, in paragraph (a) of the definition of "the proper officer of the court", for "justices' chief executive" substitute " designated officer ".

115 (1) Amend Schedule 1 (bookmaker's permits, betting agency permits and betting office licences) as follows.

(2) In paragraph 1(a)—

(a) for "petty sessions" substitute " local justice ", and

(b) for "acting for" substitute " acting in ".

(3) In paragraph 2—

(a) in the definition of "appropriate authority", for "petty sessions" substitute " local justice ", and

(b) in paragraph (a) of the definition of "the proper officer of the appropriate authority", for "chief executive to" substitute " designated officer for ".

(4) In paragraph 20A(5), for the words from "for a petty" onwards substitute " in a local justice area, is a justices' clerk designated by the Lord Chancellor in relation to the committee ".

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Offices, Shops and Railway Premises Act 1963 (c. 41)

116 In section 46(11) (appeals relating to exemptions from Act), omit "acting for the petty sessions area in which they are situate".

Administration of Justice Act 1964 (c. 42)

117 For section 19(4)(a) (application of Sheriffs Act 1887 to Greater London) substitute—

"(a) in sections 7(1), 17, 23(3) and 26(1) any reference to a county shall be construed as a reference to Greater London;".

118 In section 26 (Inner and Middle Temples), omit "commissions of the peace,".

Backing of Warrants (Republic of Ireland) Act 1965 (c. 45)

119 In section 1(1) (endorsement of warrants issued in Republic of Ireland)—

(a) in paragraph (b), after "within the area" insert " in or ", and

(b) for "comprising the area for" substitute " which consists of or includes the area in or for ".

120 In section 4(1) (issue of provisional warrant), in paragraph (c), after "within the area" insert " in or ".

121 In section 6(2) (discharge of persons where police of Republic no longer require his delivery into their custody), after "justice of the peace acting" insert " in or ".

122 In section 8(1) (rules of court), for paragraph (a) substitute—

"(a) in England and Wales, Criminal Procedure Rules;".

Commencement Information

I76 Sch. 8 para. 122 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(v)** (subject to art. 3)

123 (1) Amend the Schedule (supplementary provisions as to proceedings under section 2) as follows.

(2) For paragraphs 2 and 2A substitute—

"2 The court shall sit in open court and shall consist of—

(a) at least two justices, or

(b) a District Judge (Magistrates' Courts)."

(3) In paragraph 3, for "paragraphs 2 and 2A" substitute " paragraph 2 ".

Compulsory Purchase Act 1965 (c. 56)

124 Omit section 1(5) (jurisdiction of justices of the peace).

Public Works Loans Act 1965 (c. 63)

125 In section 2(1)(a) (loan to relevant authority)—

(a) in sub-paragraph (iii), after "applies;" insert " and ", and

(b) omit sub-paragraph (v) and "and" before it.

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Criminal Procedure (Attendance of Witnesses) Act 1965 (c. 69)

126 In each of the following provisions, for "Crown Court rules", in each place it occurs, substitute " Criminal Procedure Rules "

(a) section 2(7), (8) and (9) (issue of witness summons on application to Crown Court),

(b) section 2B(2) and (3) (summons no longer needed),

(c) section 2C(2), (3), (5), (6) and (7) (application to make section 2 summons ineffective), and

(d) section 2E(3) and (4) (application to make section 2D summons ineffective).

Commencement Information

I77 Sch. 8 para. 126 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(vi)** (subject to art. 3)

National Loans Act 1968 (c. 18)

127 In Schedule 4 (local loans), in paragraph 1, in paragraph (a) of the definition of "local authority"—

(a) in sub-paragraph (iii), after "applies;" insert " and ", and

(b) omit sub-paragraph (v) and "and" before it.

Criminal Appeal Act 1968 (c. 19)

128 In section 45 (construction of references to single judge), for "31, 31A" substitute " 31 to 31C ".

129 Omit section 48 (appeal in capital cases).

130 Omit Schedule 4 (procedural and other modifications for capital cases).

Courts-Martial (Appeals) Act 1968 (c. 20)

131 Omit—

(a) section 55 (modification of provisions of Parts 2 and 3 for capital cases), and

(b) Schedule 2 (procedural and other modifications for capital cases).

Gaming Act 1968 (c. 65)

132 (1) Amend Schedule 2 (court order cancelling licence) as follows.

(2) In paragraph 1(1)(a), for "petty sessions" substitute " local justice ".

(3) In paragraph 2(1), for "petty sessions" substitute " local justice ".

(4) In paragraph 48(5), for "justices' chief executive" substitute " designated officer ".

133 (1) Amend Schedule 3 (registration of members' clubs in England and Wales) as follows.

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(2) In—

(a) paragraph 12(1) (in both places),
(b) paragraph 13(1),
(c) paragraph 15(1) (in both places),
(d) paragraph 16(1),
(e) paragraph 17(3) (in both places),
(f) paragraph 23, and
(g) paragraph 24(1) and (2),

for "chief executive to" substitute " designated officer for ".

(3) In paragraph 17(4), for "justices' chief executive" substitute " designated officer ".

134 In Schedule 7 (registration for gaming by means of machines), in—

(a) paragraphs 3(1) and 4(1),
(b) paragraph 11(1) (in both places),
(c) paragraph 11(2),
(d) paragraphs 13(1) and 14,
(e) paragraph 20(1) (in both places), and
(f) paragraphs 24 and 25(1) and (2),

for "chief executive to" substitute " designated officer for ".

Children and Young Persons Act 1969 (c. 54)

135 In section 23AA (electronic monitoring of conditions of remand), in each of subsections (4)(a) and (9), for "petty sessions area" substitute " local justice area ".

136 In section 23A(2)(a) (court appearance of person arrested for breaking remand conditions), omit "for the petty sessions area in which he was arrested".

Taxes Management Act 1970 (c. 9)

137 In section 4(7) (power to appoint officers and staff for carrying out the administrative work of the Special Commissioners), for "section 27 of the Courts Act 1971" substitute " section 2(1) of the Courts Act 2003 ".

Administration of Justice Act 1970 (c. 31)

138 In section 41(5) (enforcement of orders for payment of costs and compensation made before the appointed day), for "the magistrates' court for the petty sessions area" substitute " a magistrates' court acting in the local justice area ".

Courts Act 1971 (c. 23)

139 Omit—

(a) section 27 (administrative and other court staff),
(b) section 28 (provision of accommodation), and
(c) Schedule 3 (premises formerly used for business of abolished courts).

140 In section 52(3) (award of costs where information or complaint is not proceeded with)—

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(a) in paragraph (b), for "acting for any area" substitute " acting in any local justice area ", and

(b) for "for that area" substitute " acting in that area ".

Attachment of Earnings Act 1971 (c. 32)

141 In section 3(1)(c) (persons who may apply for an attachment of earnings order), for "a justices' chief executive, that justices' chief executive" substitute " the designated officer for a magistrates' court, that officer ".

142 In section 6(7)(c) (collecting officer in case of order made by magistrates' court), for "justices' chief executive for that court or for" substitute " designated officer for that court or for ".

143 (1) Amend section 18 (collecting officer in case of order made by magistrates' court not to apply for certain orders etc.) as follows.

(2) In subsection (1), for "A justices' chief executive" substitute " A designated officer for a magistrates' court ".

(3) In subsections (2) and (3), for "a justices' chief executive" substitute " the designated officer for a magistrates' court ".

144 In section 21(2)(a)(ii) (costs to be sum due), for "justices' chief executive for the" substitute " designated officer for the magistrates' ".

145 In section 25(1) (interpretation), omit the definition of "rules of court" and "and" before it.

Commencement Information

I78 Sch. 8 para. 145 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(vii)** (subject to art. 3)

Fire Precautions Act 1971 (c. 40)

146 In section 43(1) (interpretation), in the definition of "the court", omit "acting for the petty sessions area in which they are situated".

Immigration Act 1971 (c. 77)

147 In section 25D(6)(a) (court to which application may be made following detention of ships, aircraft and vehicles), for sub-paragraphs (i) and (ii) substitute—

"(ia) if the arrested person has not been charged, or he has been charged but proceedings for the offence have not begun to be heard, a magistrates' court;".

148 (1) Amend section 28K (execution of search warrants issued to immigration officers) as follows.

(2) For subsection (9)(a), substitute—

"(a) if issued by a justice of the peace in England and Wales, to the designated officer for the local justice area in which the justice was acting when he issued the warrant;".

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(3) In subsection (10), for "justices' chief executive" substitute " designated officer ".

149 (1) Amend Schedule 2 (administrative provisions about control on entry) as follows.

(2) In paragraphs 23(1A)(a) and 31(3A)(a), for "justices' chief executive" substitute " designated officer ".

(3) In paragraphs 23(3) and 31(4), for "purposes of the Justices of the Peace Act 1997 and, in particular section 60 of that Act, as being" substitute " purposes of section 38 of the Courts Act 2003 (application of receipts of designated officers) as being ".

(4) In paragraphs 24(2)(a) and 33(2)(a), after "hours, before" insert " in England and Wales, a justice of the peace, in Northern Ireland, ".

150 (1) Amend Schedule 3 (supplementary provisions about deportation) as follows.

(2) After paragraph 6(2) insert—

"(2A) Where the Crown Court directed release, the appropriate court is that court or a magistrates' court."

(3) In paragraph 6(3), omit "the Crown Court or" and "commission area or".

(4) In paragraph 8(1)—

(a) for "England or Wales or" substitute " England or Wales in pursuance of paragraph 7 above shall be brought as soon as practicable and in any event within twenty-four hours after his arrest before a justice of the peace in England or Wales, and a person arrested in ";

(b) omit "area or".

Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)

151 In section 7(5B) (power of magistrates' court on confirming provisional order made in reciprocating country), for "a justices' chief executive" (in both places) substitute " the designated officer for the court or for any other magistrates' court in England and Wales ".

152 (1) Amend section 8 (enforcement of maintenance order registered in United Kingdom court) as follows.

(2) In subsection (3A), for "justices' chief executive" substitute " designated officer ".

(3) In subsection (4A), in the subsection to be regarded as substituted for section 76(5) of the 1980 Act, for "a justices' chief executive" (in both places) substitute " the designated officer for the court or for any other magistrates' court ".

153 In section 9(1ZA) (variation and revocation of maintenance order registered in UK court)—

(a) in paragraph (a), in the subsection (3A) to be regarded as inserted in section 60 of the 1980 Act, for "a justices' chief executive" (in both places) substitute " the designated officer for the court or for any other magistrates' court ",

(b) in paragraph (b), in the paragraph to be regarded as substituted for section 60(4)(b) of the 1980 Act, for "a justices' chief executive" substitute " the designated officer for the court or for any other magistrates' court ", and

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(c) in paragraph (c), in the words to be regarded as replaced in section 60(5) of the 1980 Act, for "justices' chief executive for the court"" substitute " designated officer for the court "".

154 In section 17(4) (proceedings in magistrates' courts)—

(a) for "for the same petty sessions area" substitute " in the same local justice area ", and

(b) after "Northern Ireland," insert " acting for the same ".

155 (1) Amend section 18 (provision that may be made by magistrates' courts rules) as follows.

(2) In subsection (1)—

(a) for the words preceding paragraph (a) substitute " Rules of court may make provision with respect to— ";

(b) in paragraph (a), for "for a particular petty sessions area" substitute " in a particular local justice area ", and for "for such other petty sessions area" substitute " in such other local justice area ".

(3) In subsection (1A), for "rules made under section 144 of the Magistrates' Courts Act 1980" substitute " rules of court ".

156 In section 21(1) (interpretation of Part 1), in the definition of "prescribed", omit—

(a) "in England and Wales or",

(b) "by rules made under section 144 of the Magistrates' Courts Act 1980 or", and

(c) "as the case may be,".

157 In section 23(6) (maintenance orders registered in High Court under Maintenance Orders (Facilities for Enforcement) Act 1920), for "justices' chief executive" substitute " designated officer ".

158 In section 26(6) (application for recovery of maintenance in convention country)—

(a) in paragraph (a), for "justices' chief executive for the petty sessions area" substitute " designated officer for the local justice area in which the applicant is residing ", and

(b) in paragraph (b), after "district" insert " in which the applicant is residing ".

159 (1) Amend section 27B (sending application to appropriate magistrates' court) as follows.

(2) In subsection (1), for "justices' chief executive for a magistrates' court acting for the petty sessions" substitute " designated officer for a magistrates' court which is acting in the local justice ".

(3) In subsection (2), for "justices' chief executive for" substitute " designated officer for ".

(4) For subsection (4) substitute—

"(4) If the designated officer for a court to whom the application is sent under this section is satisfied that the respondent is residing within another local justice area, he shall send the application and accompanying documents to the designated officer for a magistrates' court acting in that other area and shall inform the Lord Chancellor that he has done so."

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(5) In subsection (5), for "justices' chief executive for" substitute " designated officer for ".

160 (1) Amend section 27C (application for recovery of maintenance in England and Wales) as follows.

(2) In subsection (4), for "a justices' chief executive" (in both places) substitute " the designated officer for the court or for any other magistrates' court in England and Wales ".

(3) In subsection (7), for "justices' chief executive for" substitute " designated officer for ".

161 In section 32(2A) (transfer of orders), for "justices' chief executive" substitute " designated officer ".

162 In section 34(3)(a) (application from abroad to vary registered order), for "justices' chief executive" substitute " designated officer ".

163 (1) Amend section 34A (variation of orders by magistrates' courts) as follows.

(2) In subsection (3), for "a justices' chief executive" (in both places) substitute " the designated officer for the court or for any other magistrates' court in England and Wales ".

(3) In subsection (4)—

(a) for "a justices' chief executive" substitute " the designated officer for the court or for any other magistrates' court in England and Wales ", and

(b) omit "the clerk of".

(4) In subsection (5), for "the clerk" substitute " a justices' clerk ".

164 In section 47(3) (construction of references to the jurisdiction of a court), for the words from "construed in relation" onwards substitute "construed—

(a) in relation to a magistrates' court in England and Wales as a reference to the local justice area in which the court acts, and

(b) in relation to a magistrates' court in Northern Ireland as a reference to the petty sessions district for which the court acts."

Civil Evidence Act 1972 (c. 30)

165 Omit section 2(8) (power to make rules of court under section 2 is without prejudice to other such powers).

Criminal Justice Act 1972 (c. 71)

166 In section 51(4) (execution of process between England and Wales and Scotland), for "by virtue of section 45(1) of the Justices of the Peace Act 1997, as it has" substitute " by virtue of section 28(1) of the Courts Act 2003, as it has ".

Administration of Justice Act 1973 (c. 15)

167 In section 5 (consequential) omit "Paragraph 7 of".

168 In Schedule 1 (justices of the peace: consequential re-enactments and amendments), omit paragraphs 7 to 7B and 10(1).

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Matrimonial Causes Act 1973 (c. 18)

169 In section 35(3) (jurisdiction to hear application for alteration of maintenance agreement), for "at least one of the parties is resident within the commission area for which the court is appointed" substitute " the court acts in, or is authorised by the Lord Chancellor to act for, a local justice area in which at least one of the parties is resident ".

170 (1) Amend section 38 (orders for repayment of sums paid after cessation of periodical payments order by reason of remarriage) as follows.

(2) In subsection (6)—

(a) for "A justices' chief executive" substitute " The designated officer for a magistrates' court ", and

(b) for "the justices' chief executive" substitute " the designated officer ".

(3) In subsection (7), for "a justices' chief executive" substitute " the designated officer for a magistrates' court ".

Breeding of Dogs Act 1973 (c. 60)

171 In section 3(9) (application to terminate disqualification), for "for the same petty sessions" substitute " in the same local justice ".

Juries Act 1974 (c. 23)

172 In—

(a) section 9(3) (appeal against refusal to excuse from jury service), and

(b) section 9A(3) (appeal against refusal to defer jury service),

for "Crown Court rules" substitute " Criminal Procedure Rules ".

Commencement Information

I79 Sch. 8 para. 172 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(viii)** (subject to art. 3)

173 In section 14 (views by jurors), for "Crown Court rules, and rules of court for civil cases," substitute " Criminal Procedure Rules and Civil Procedure Rules ".

Commencement Information

I80 Sch. 8 para. 173 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(viii)** (subject to art. 3)

174 In Schedule 1 (jury service: ineligibility, disqualification and excusal), in Group B, omit "Justices' chief executives,".

Friendly Societies Act 1974 (c. 46)

175 For section 102 (jurisdiction of magistrates' courts) substitute—

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"**102 Jurisdiction of magistrates' courts in Northern Ireland**

(1) In Northern Ireland, a registered society or branch or any officer thereof may be prosecuted for any summary offence under this Act before a magistrates' court acting for the county court division in which the registered office of the society or branch is situated.

(2) Subsection (1) is without prejudice to the provisions of the Magistrates' Courts (Northern Ireland) Order 1981 as to the jurisdiction of a magistrates' court."

Solicitors Act 1974 (c. 47)

176 (1) Amend section 38 (circumstances in which solicitor who is justice of the peace may not act as solicitor) as follows.

(2) In subsection (1), for "for any area, or for any partner of his, to act in connection with proceedings before any of those justices" substitute " assigned to any local justice area, or for any partner of his, to act in connection with proceedings before any justice of the peace acting in that area ".

(3) Omit subsections (2) and (3).

(4) In subsection (3A)—

(a) for "for any petty sessions" substitute " in any local justice ", and

(b) for "acting for" substitute " acting in ".

Evidence (Proceedings in Other Jurisdictions) Act 1975 (c. 34)

177 In section 7 (rules of court)—

(a) for the words from "The power" to "1981 or" substitute " Civil Procedure Rules or rules of court under ", and

(b) for "shall include power to make rules of court under" substitute " may make provision ".

Salmon and Freshwater Fisheries Act 1975 (c. 51)

178 In paragraph 14 of Schedule 4 (offences: delivery of licences and certificates of conviction), for "justices' chief executive" substitute " designated officer ".

Safety of Sports Grounds Act 1975 (c. 52)

179 In section 17(1) (interpretation), in the definition of "the court", omit "acting for the petty sessions area in which they are situated".

Bail Act 1976 (c. 63)

180 In section 2 (definitions), omit the definitions of "Crown Court rules", "magistrates' courts rules" and "Supreme Court rules".

181 In section 3AA (electronic monitoring of compliance with bail conditions), in each of subsections (4)(a) and (12), for "petty sessions area" substitute " local justice area ".

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182 In section 5(10) (meaning of "prescribed" in section 5), for "Supreme Court rules, Courts-Martial Appeal rules, Crown Court rules or magistrates' courts rules" substitute " Civil Procedure Rules, Courts-Martial Appeal rules or Criminal Procedure Rules ".

Commencement Information

I81 Sch. 8 para. 182 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(ix)** (subject to art. 3)

183 (1) Amend section 5B (reconsideration of decisions granting bail) as follows.

(2) In subsection (8), omit "for the petty sessions area in which he was arrested".

(3) In subsection (9), for "Magistrates' court rules" substitute " Criminal Procedure Rules ".

Commencement Information

I82 Sch. 8 para. 183 wholly in force at 1.4.2005; Sch. 8 para. 183 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 183(1)(3) in force at 1.9.2004 by S.I. 2004/2066, **art. 2(c)(ix)** (subject to art. 3); Sch. 8 para. 183(2) in force at 1.4.2005 by S.I. 2005/910, **art. 3(y)**

184 In section 6(9)(c)(i) (certification of copy of record), for "justices' chief executive" substitute " designated officer for the court ".

185 In section 7(4)(a) (appearance before justice following arrest for absconding or breaking bail conditions), omit "for the petty sessions area in which he was arrested".

186 (1) Amend section 8 (bail with sureties) as follows.

(2) In subsection (4)—

(a) in paragraph (a), for "magistrates' courts rules" substitute " Criminal Procedure Rules ",

(b) in paragraph (b), for "Crown Court rules" substitute " Criminal Procedure Rules ",

(c) in paragraph (c), for "Supreme Court rules" substitute " Civil Procedure Rules or Criminal Procedure Rules ", and

(d) for "Supreme Court rules, Crown Court rules, Courts-Martial Appeal rules or magistrates' courts rules" substitute " Civil Procedure Rules, Criminal Procedure Rules or Courts-Martial Appeal rules ".

(3) In subsection (5)(b), omit "for the petty sessions area in which he resides".

Commencement Information

I83 Sch. 8 para. 186 wholly in force; Sch. 8 para. 186 not in force at Royal Assent see s. 110(1)(2); Sch 8 para. 186(1)(2) in force at 1.9.2004 by S.I. 2004/2066, **art. 2(c)(ix)** (with art. 3); Sch. 8 para. 186(3) in force at 1.4.2005 by S.I. 2005/910, **art. 3(y)**

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Race Relations Act 1976 (c. 74)

187 (1) Amend Schedule 1A (bodies subject to general statutory duty) as follows.

(2) In Part 1, omit paragraph 45.

(3) In Part 2, under the heading "Regulatory, audit and inspection"—

(a) insert in the appropriate place " Her Majesty's Inspectorate of Court Administration ", and

(b) omit "Her Majesty's Magistrates' Courts Service Inspectorate".

Administration of Justice Act 1977 (c. 38)

188 Omit section 22 (membership of rule committees).

Criminal Law Act 1977 (c. 45)

189 (1) Amend section 10 (obstruction of court officers executing process for possession against unauthorised occupiers) as follows.

(2) Before subsection (1) insert—

"(A1) A person is guilty of an offence if he resists or intentionally obstructs any person who—

(a) is an enforcement officer, or is acting under the authority of an enforcement officer; and

(b) is engaged in executing a writ issued from the High Court."

(3) In subsection (3), for "an officer of a court" substitute " an enforcement officer, a person acting under the authority of an enforcement officer or an officer of a court (as the case may be) ".

(4) In subsection (5), after "uniform" insert " , an enforcement officer ".

(5) For subsection (6), substitute—

"(6) In this section—

"enforcement officer" means an individual who is authorised to act as an enforcement officer under the Courts Act 2003;

"officer of a court" means—

(a) any sheriff, under sheriff, deputy sheriff, bailiff or officer of a sheriff; and

(b) any bailiff or other person who is an officer of a county court within the meaning of the County Courts Act 1984."

(6) In the section heading, for "court officers executing process for possession against unauthorised occupiers" substitute " enforcement officers and court officers executing High Court or county court process ".

190 In section 48(1) (power to make rules as to furnishing of information by prosecutor in criminal proceedings), for the words from "The power" to "include power to" substitute " Criminal Procedure Rules may ".

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Commencement Information

I84 Sch. 8 para. 190 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(x)** (subject to art. 3)

Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)

191 In section 6(9) (restrictions on power to make order where respondent not present at hearing), for "rules" substitute " rules of court ".

192 (1) Amend section 20ZA (variation of orders for periodical payments) as follows.

(2) In subsection (2), for "clerk to the justices for the petty sessions area for which the court is acting" substitute " court ".

(3) In subsection (3)—

(a) for "the clerk" substitute " a justices' clerk ", and

(b) for "to the justices' chief executive for the court" substitute " to the designated officer for the court ".

(4) In subsection (10), for "the clerk to the justices" substitute " a justices' clerk ".

193 In section 27 (refusal of order in case more suitable for High Court), for "for the same petty sessions" substitute " in the same local justice ".

194 In section 30(1) (jurisdiction to hear application for order under Part 1 of the Act)—

(a) for "a magistrates' courts committee" substitute " the Lord Chancellor ", and

(b) for the words from "at the" onwards substitute " it acts in, or is authorised by the Lord Chancellor to act for, a local justice area in which either the applicant or the respondent ordinarily resides at the date of the making of the application ".

195 (1) Amend section 32 (enforcement of orders for payment of money) as follows.

(2) In subsection (2), for "a justices' chief executive" substitute " the designated officer for a magistrates' court ".

(3) In subsection (6), for "rules" substitute " rules of court ".

196 (1) Amend section 35 (orders for repayment of sums paid after cessation of order by reason of marriage) as follows.

(2) In subsection (7)—

(a) for "A justices' chief executive" substitute " The designated officer for a magistrates' court ", and

(b) for "the justices' chief executive" substitute " the designated officer ".

(3) In subsection (8), for ", the officer designated by the Lord Chancellor or the justices' chief executive" substitute " or the officer designated by the Lord Chancellor ".

197 (1) Amend section 88 (interpretation) as follows.

(2) In subsection (1), omit the definition of "rules".

(3) In subsection (4), for "for the same petty sessions" substitute " in the same local justice ".

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Judicature (Northern Ireland) Act 1978 (c. 23)

198 (1) Amend Schedule 1 (appeals to House of Lords in certain criminal matters) as follows.

(2) In paragraph 1(2), omit "Except in a case involving sentence of death,".

(3) Omit paragraph 2.

Protection of Children Act 1978 (c. 37)

199 (1) Amend section 4 (entry, search and seizure) as follows.

(2) In subsection (1), omit "in the petty sessions area for which he acts".

(3) In subsection (3), for "for the same petty sessions area as the justice who issued the warrant" substitute " in the local justice area in which the articles were seized ".

200 In section 5(1) (forfeiture of seized articles), for "for that petty sessions area" substitute " acting in that local justice area ".

Licensed Premises (Exclusion of Certain Persons) Act 1980 (c. 32)

In section 4 (supplemental), in subsection (4)(a), for "justices' chief executive" substitute " designated officer ".

Magistrates' Courts Act 1980 (c. 43)

201 Omit section 3 (offences committed on boundaries etc.).

202 In section 6(5) (display of details of committal proceedings), for "justices' chief executive for" substitute " designated officer for ".

203 In section 12 (non-appearance of accused), in—

(a) subsection (1)(b),

(b) subsection (4) (in both places), and

(c) subsection (6) (in both places),

for "justices' chief executive for" substitute " designated officer for ".

204 (1) Amend section 12A (application of section 12 where accused appears) as follows.

(2) In subsection (1), for "clerk of" substitute " designated officer for ".

(3) In subsection (2)—

(a) for "clerk of" substitute " designated officer for ", and

(b) for "clerk" substitute " designated officer ".

205 (1) Amend section 14 (proceedings invalid where accused did not know of them) as follows.

(2) In subsection (1), for "justices' chief executive for the court" substitute " designated officer for the court ".

(3) In subsection (2), for "justices' chief executive" substitute " designated officer ".

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206 In section 43(2) (enforcement of recognizance of a surety for person granted bail), for "for the petty sessions" substitute " acting in the local justice ".

207 In section 47 (service of summons out of time after failure to prove service by post) for "the rules" (in the first place where it occurs) substitute " rules of court ".

Commencement Information

I85 Sch. 8 para. 207 partly in force at 1.9.2004; Sch. 8 para. 207 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 207 in force for certain purposes at 1.9.2004 by S.I. 2004/2066, **art. 2(c)(xi)**

208 (1) Amend section 59 (orders for periodical payment: means of payment) as follows.

(2) In subsection (3)(b), for "a justices' chief executive" substitute " the designated officer for the court or for any other magistrates' court ".

(3) In subsection (8), for "a justices' chief executive" substitute " the designated officer for a magistrates' court ".

209 (1) Amend section 59A (orders for periodical payment: proceedings by justices' chief executive) as follows.

(2) In subsection (1)—

(a) for "a justices' chief executive" substitute " the designated officer for a magistrates' court ",

(b) for "the relevant justices' chief executive" substitute " the relevant designated officer ", and

(c) for "to that justices' chief executive" substitute " to that designated officer ".

(3) In subsection (2)—

(a) for "a justices' chief executive" substitute " the designated officer for a magistrates' court ", and

(b) for "the relevant justices' chief executive for him" substitute " the relevant designated officer for him ".

(4) In subsection (3), for "the relevant justices' chief executive, he" substitute " the relevant designated officer, he ".

(5) In subsection (4)—

(a) for "a justices' chief executive" substitute " the relevant designated officer ",

(b) for "justices' chief executive cancelling" substitute " relevant designated officer cancelling ", and

(c) for "justices' chief executive shall" substitute " relevant designated officer shall ".

(6) In subsection (7), for the definition of "the relevant justices' chief executive" substitute—

""the relevant designated officer", in relation to an order, means—

(a) in a case where payments under the order are required to be made to or through the designated officer for a magistrates' court, the designated officer for that magistrates' court;

(b) in a case where such payments are required to be made by any method of payment falling within section 59(6) and the order

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was made by a magistrates' court, the designated officer for that magistrates' court; and

(c) in a case where such payments are required to be made by any method of payment falling within section 59(6) and the order was not made by a magistrates' court, the designated officer for the magistrates' court in which the order is registered;".

(7) In the section heading, for "justices' chief executive" substitute " designated officer ".

210 (1) Amend section 59B(5) (interpretation of provisions relating to penalty for failing to comply with maintenance order) as follows.

(2) For the definition of "the relevant court" substitute—

""the relevant court", in relation to an order, means—

(a) in a case where payments under the order are required to be made to or through the designated officer for a magistrates' court, that magistrates' court;

(b) in a case where such payments are required to be made by any method of payment falling within section 59(6) and the order was made by a magistrates' court, that magistrates' court; and

(c) in a case where such payments are required to be made by any method of payment falling within section 59(6) and the order was not made by a magistrates' court, the magistrates' court in which the order is registered;".

(3) In the definition of "relevant justice", for "for the petty sessions area for" substitute " acting in the local justice area in ".

211 (1) Amend section 60 (revocation, variation, etc. of orders for periodical payment) as follows.

(2) In subsection (4), omit "the clerk of".

(3) In subsection (5)—

(a) for "the clerk" substitute " a justices' clerk ", and

(b) for "to the justices' chief executive for the court" substitute " to the designated officer for the court ".

(4) In subsection (10), for "the clerk of the court" substitute " a justices' clerk ".

212 (1) In section 61(1) (periodical payments payable by one person under more than one order), for "The power to make rules conferred by section 144 below shall, without prejudice to the generality of subsection (1) of that section, include power to" substitute " Rules of court may ".

(2) In paragraph (b) of section 61(1)—

(a) for "a justices' chief executive" substitute " the designated officer for a magistrates' court ", and

(b) for "that justices' chief executive" substitute " that designated officer ".

213 In section 62(1)(ii) (proceedings for sums payable to child), for "justices' chief executive for" substitute " designated officer for ".

214 (1) Amend section 65(1) (proceedings which are family proceedings for purposes of Act) as follows.

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(2) After the paragraph (n) inserted by paragraph 8(a) of Schedule 11 to the Children Act 1989, insert—

"(na) section 30 of the Human Fertilisation and Embryology Act 1990;".

(3) Renumber the paragraph (n) inserted by paragraph 60 of Schedule 2 to the Social Security (Consequential Provisions) Act 1992 as paragraph (nb).

215 In section 66(3) (composition of family proceedings courts), for the words from "and section 67" onwards substitute " "lay justice" has the same meaning as in the Courts Act 2003 ".

216 (1) Amend section 70 (jurisdiction of magistrates' courts in inner London for family proceedings) as follows.

(2) In subsection (1)—

(a) for "for an inner London petty sessions" substitute " acting in an inner London local justice ",

(b) for "for that" substitute " acting in that ",

(c) for "for any" substitute " acting in any ", and

(d) for "magistrates' courts committee whose area consists of or includes that petty sessions area" substitute " Lord Chancellor ".

(3) In subsection (2)—

(a) for "for an inner London petty sessions" substitute " acting in an inner London local justice ", and

(b) for "magistrates' courts committee whose area consists of or includes that petty sessions area so determine" substitute " Lord Chancellor so determines ".

(4) In subsection (3), in the definition of "inner London petty sessions area", for " "inner London petty sessions area" means any petty sessions" substitute " "inner London local justice area" means any local justice ".

217 In section 74(1) (reasons for decisions in family proceedings), for "The power to make rules conferred by section 144 below shall, without prejudice to the generality of subsection (1) of that section, include power to" substitute " Rules of court may ".

218 (1) Amend section 77 (postponement of issue of warrant) as follows.

(2) In subsection (5), for "for the petty sessions" substitute " in the local justice ".

(3) For subsection (6), substitute—

"(6) Where such an application is referred to the court—

(a) the clerk of the court shall fix a time and place for the application to be heard; and

(b) the designated officer for the court shall give the applicant notice of that time and place."

219 In—

(a) section 78(4) (offence of removing impounded goods marked in accordance with rules), and

(b) section 79(2) (reduction of period of detention on payment being made in accordance with rules),

for "the rules" substitute " rules of court ".

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Commencement Information

I86 Sch. 8 para. 219 partly in force at 1.9.2004; Sch. 8 para. 219 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 219 in force for certain purposes at 1.9.2004 by S.I. 2004/2066, **art. 2(c)(xi)**

220 (1) Amend section 82 (restriction on power to impose imprisonment for default) as follows.

(2) After subsection (4A) insert—

"(4B) The cases in which the offender's default may be regarded for the purposes of subsection (4)(b)(i) as being attributable to his wilful refusal or culpable neglect include any case in which—

(a) he has refused, otherwise than on reasonable grounds, to consent to a work order proposed to be made under Schedule 6 to the Courts Act 2003 (discharge of fines by unpaid work), or

(b) he has without reasonable excuse failed to comply with such an order."

(3) In subsection (5A), for "justices' chief executive for" substitute " designated officer for ".

221 In section 84(1) (power to require statement of means) for "for the same petty sessions" substitute " in the same local justice ".

222 (1) Amend section 85 (power to remit fine) as follows.

(2) After subsection (2A) insert—

"(2B) Where the court remits the whole or part of the fine after a work order has been made under Schedule 6 to the Courts Act 2003 (discharge of fines by unpaid work), it shall also reduce the number of hours specified in the order by a number which bears the same proportion as the amount remitted bears to the whole sum or, as the case may be, shall revoke the order."

(3) In subsection (3), for "or (2A)" substitute " , (2A) or (2B) ".

223 (1) Amend section 87 (enforcement of payment of fines by High Court and county court) as follows.

(2) In subsection (1), for "justices' chief executive for" substitute " designated officer for ".

(3) In subsection (3), for "justices' chief executive" substitute " designated officer for the magistrates' court ".

(4) Omit subsection (4).

224 (1) Amend section 87A (fines imposed on companies) as follows.

(2) In subsection (1), for "justices' chief executive for" substitute " designated officer for ".

(3) Omit subsection (2).

225 (1) Amend section 89 (transfer of fine order) as follows.

(2) In subsection (1)—

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(a) after "Where a magistrates' court" insert " in a local justice area ",

(b) for "in any petty sessions area other than that for which the court acted" substitute " in England and Wales ", and

(c) for "the petty sessions area in which it appears to the court that he is residing;" substitute " another local justice area ".

(3) In subsection (2)—

(a) for "justices' chief executive for" (in both places) substitute " designated officer for ", and

(b) for "for the petty sessions area" substitute " in the local justice area ".

(4) For subsection (3) substitute—

"(3) A court by which functions in relation to any sum are for the time being exercisable by virtue of a transfer of fine order may make a further transfer of fine order with respect to that sum."

226 In section 90(3) (transfer of fines to Scotland or Northern Ireland), for "justices' chief executive for" substitute " designated officer for ".

227 (1) Amend section 91 (transfer of fines from Scotland and Northern Ireland) as follows.

(2) In subsection (1)—

(a) for "in a specified petty sessions area in England and Wales, a magistrates' court acting for that area," substitute " by a magistrates' court in England and Wales, a magistrates' court acting in the area in which the person subject to the order resides, ", and

(b) for "justices' chief executive for" substitute " designated officer for ".

(3) In subsection (3)—

(a) for "in a petty sessions area" substitute " by a magistrates' court ", and

(b) for "acting for that area" substitute " acting in the area in which the person subject to the order resides ".

228 In section 93(5) (issue of warrant to arrest person defaulting on maintenance order) for "for the same petty sessions" substitute " in the same local justice ".

229 In section 95(3) (instalments in case of non-English maintenance order), for "a justices' chief executive" (in both places) substitute " the designated officer for the court or for any other magistrates' court ".

230 In section 97(1), omit—

(a) "for any commission area", and

(b) "for that commission area".

231 (1) Amend section 97A (summons or warrant as to committal proceedings) as follows.

(2) In subsection (1)—

(a) omit "for any commission area",

(b) at the end of paragraph (a) insert " and ", and

(c) omit paragraph (c) and "and" before it.

(3) In subsections (9), (10) and (11), for "chief executive to" substitute " designated officer for ".

232 In section 99 (proof of non-payment of sum adjudged)—

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(a) for "a justices' chief executive" substitute " the designated officer for a magistrates' court ", and

(b) for "the justices' chief executive" (in both places) substitute " the designated officer ".

233 In section 107 (false statements in declaration proving service), for "the rules" substitute " rules of court ".

Commencement Information

I87 Sch. 8 para. 233 partly in force at 1.9.2004; Sch. 8 para. 233 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 233 in force for certain purposes at 1.9.2004 by S.I. 2004/2066, **art. 2(c)(xi)**

234 In section 109(2) (notice to abandon an appeal), for "Crown Court rules" substitute " rules of court ".

Commencement Information

I88 Sch. 8 para. 234 partly in force at 1.9.2004; Sch. 8 para. 234 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 234 in force for certain purposes at 1.9.2004 by S.I. 2004/2066, **art. 2(c)(xi)**

235 In section 114 (payment of recognisances and fees on case stated)—

(a) for "the clerk of a magistrates' court" substitute " a justices' clerk ", and

(b) for "justices' chief executive" substitute " designated officer ".

236 (1) Amend section 116 (discharge of recognizance to keep the peace or be of good behaviour etc.) as follows.

(2) In subsection (1), omit "for any area to which this section applies", the words from ", if the complaint" to "for that area," and "for that area" (in the second place where it occurs).

(3) Omit subsection (3).

237 (1) Amend section 121 (constitution and place of sitting of court) as follows.

(2) Omit subsection (3).

(3) For subsection (4), substitute—

"(4) Subject to the provisions of any enactment to the contrary, a magistrates' court must sit in open court if it is—

(a) trying summarily an information for an indictable offence,

(b) trying an information for a summary offence,

(c) imposing imprisonment,

(d) hearing a complaint, or

(e) holding an inquiry into the means of an offender for the purposes of section 82."

(4) In subsection (5), omit ", or sitting in an occasional court-house".

238 In section 125(1) (warrants) for "the rules" substitute " rules of court ".

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Commencement Information

I89 Sch. 8 para. 238 partly in force at 1.9.2004; Sch. 8 para. 238 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 238 in force for certain purposes at 1.9.2004 by S.I. 2004/2066, **art. 2(c)(xi)**

239 (1) Amend section 125B (execution of warrants by approved enforcement agency) as follows.

(2) In subsection (2), for the words from "under" onwards substitute " by the Lord Chancellor ".

(3) After subsection (2), insert—

"(2A) The Lord Chancellor must maintain a register containing the names of all persons and bodies approved by him under subsection (2) and must make such arrangements as he considers appropriate for making the register available for inspection."

(4) Omit subsection (3).

(5) In subsection (5)(d), for the words from "under" onwards substitute " by the Lord Chancellor under subsection (2A) ".

(6) After subsection (5), insert—

"(6) A decision by the Lord Chancellor to revoke the approval of a person or body under subsection (2) does not have effect to revoke the approval until the Lord Chancellor has informed the person or body of the decision."

240 (1) Amend section 125C (disclosure of information for enforcing warrants) as follows.

(2) In subsection (1)—

(a) for "a justices' chief executive" substitute " the designated officer for a magistrates' court ", and

(b) omit "appointed by, or member of the staff of, his magistrates' courts committee".

(3) In subsection (2), in the definition of "a section 125A warrant" omit the words from "and" onwards.

(4) In subsection (3), for paragraph (c) substitute—

"(c) any justices' clerk or other person appointed under section 2(1) of the Courts Act 2003."

241 In section 126 (execution of certain warrants outside England and Wales)—

(a) for "Sections 12 to 14" substitute " Section 13(1) and (2) ", and

(b) in paragraph (a), for "those referred to in the said sections 12 to 14" substitute " indictable offences ".

242 Omit sections 137 and 138 (fees and remission of fees).

Commencement Information

I90 Sch. 8 para. 242 wholly in force at 10.1.2006, see s. 110(1)(2) and S.I. 2005/3518, **art. 2(a)** (subject to art. 3)

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243 In section 139 (disposal of sums adjudged to be paid by conviction)—

(a) for "A justices' chief executive" substitute " The designated officer for a magistrates' court ", and

(b) for "section 60 of the Justices of the Peace Act 1997" substitute " section 38 of the Courts Act 2003 ".

244 Omit section 141 (clerks to justices).

245 (1) Amend section 144 (rule committee) as follows.

(2) In subsection (1), after "prescribing" insert "except in relation to—

(a) any criminal cause or matter, or

(b) family proceedings,",

and for "and justices' chief executives" substitute " and designated officers for magistrates' courts ".

(3) In subsection (2), omit "the President of the Family Division of the High Court, the Senior District Judge (Chief Magistrate)".

(4) In subsection (3), before paragraph (a) insert—

"(za) one District Judge (Magistrates' Courts);".

(5) Omit subsection (5).

Commencement Information

I91 Sch. 8 para. 245 partly in force at 7.10.2005; Sch. 8 para. 245 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 245(1)(2) in force for certain purposes at 1.9.2004 by S.I. 2004/2066, **art. 2(c)(xi)** (subject to art. 3); Sch. 8 para. 245(3)(4)(5) in force for certain purposes at 1.4.2005 by S.I. 2005/910, **art. 3(y)(iii)(iv)**; Sch. 8 para. 245(2) in force for certain further purposes at 7.10.2005 by S.I. 2005/2744, **art. 2(3)**

246 (1) Amend section 145 (rules: supplementary provisions) as follows.

(2) In subsection (1), omit paragraphs (aa), (f) and (i).

(3) Omit subsection (4).

Commencement Information

I92 Sch. 8 para. 246 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(xi)** (subject to art. 3)

247 Omit section 147(occasional court-house).

248 In section 148(2) (power of magistrates' courts to act where another may act), for "for the same petty sessions" substitute " in the same local justice ".

249 Omit section 149 (Isles of Scilly).

250 (1) Amend section 150(1) (interpretation) as follows.

(2) Omit the definitions of "petty-sessional court-house", "the register" and "the rules".

(3) In the definition of "prescribed", for "the rules" substitute " rules of court ".

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Commencement Information

I93 Sch. 8 para. 250 wholly in force at 1.4.2005; Sch. 8 para. 250 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 250 in force for certain purposes at 1.9.2004 by S.I. 2004/2066 {art. 2(c)(xi)} (subject to art. 3); Sch. 8 para. 250 in force insofar as not already in force at 1.4.2005 by S.I. 2005/910, **art. 3(y)**

251 In section 152, for "the rules" substitute " rules of court ".

Commencement Information

I94 Sch. 8 para. 251 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(xi)** (subject to art. 3)

252 Omit section 153 (magistrates' courts may sit on Sundays and public holidays).

253 In section 155(4) (extent of section 126 of 1980 Act), for "sections" substitute " section ".

254 Omit Schedule 6 (fees).

Commencement Information

I95 Sch. 8 para. 254 wholly in force at 10.1.2006, see s. 110(1)(2) and S.I. 2005/3518, **art. 2(a)** (subject to art. 3)

Criminal Appeal (Northern Ireland) Act 1980 (c. 47)

255 Omit—

(a) section 48 (appeal in capital cases), and

(b) Schedule 3 (procedural and other modifications for capital cases).

Highways Act 1980 (c. 66)

256 (1) Amend section 47 (power of magistrates' court to declare that an unnecessary highway is not maintainable at public expense) as follows.

(2) In subsection (5), for "acting for the petty sessions for" substitute " assigned to the local justice area in ".

(3) In subsection (6), for "chief executive to" substitute " designated officer for ".

257 (1) Amend section 116 (power of magistrates' court to authorise stopping up or diversion of highway) as follows.

(2) In subsection (8)(b), for "for the same petty sessions" substitute " in the same local justice ".

(3) In subsection (9), for "the clerk of the court" substitute " a justices' clerk ".

Zoo Licensing Act 1981 (c. 37)

258 In section 18(1) (appeals to magistrates' courts), omit "acting for the petty sessions area in which the zoo is situated".

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Supreme Court Act 1981 (c. 54)

259 (1) Amend section 8 (the Crown Court) as follows.

(2) For subsection (2), substitute—

"(2) A justice of the peace is not disqualified from acting as a judge of the Crown Court merely because the proceedings are not at a place within the local justice area to which he is assigned or because the proceedings are not related to that area in any other way."

(3) In subsection (3), for "or any Circuit judge or Recorder" substitute " , Circuit judge, Recorder or District Judge (Magistrates' Courts) ".

260 In section 9(6A) (Circuit judge and Recorder not to exercise powers of single judge), after "31" insert " , 31B, 31C ".

261 In section 75(1) (allocation of cases to different sorts of judges), for "and to a Circuit judge or Recorder" substitute " , Circuit judge, Recorder or District Judge (Magistrates' Courts) ".

262 In—

(a) section 125 (copies of wills and grants),

(b) section 126(1) (depositaries for wills of living persons), and

(c) section 134(2) (right to inspect power of attorney on payment of the prescribed fee),

for "the prescribed fee" substitute " the fee prescribed by an order under section 92 of the Courts Act 2003 (fees) ".

263 Omit section 130 (fees to be taken in Supreme Court).

264 Omit sections 138, 138A and 138B (effect of writs of execution against goods).

265 In section 151(1) (interpretation), in the definition of "prescribed", omit paragraph (b) and "and" before it.

Betting and Gaming Duties Act 1981 (c. 63)

266 In paragraph 15(4A) of Schedule 1 (betting duties: notification of forfeiture and cancellation of betting office licence), in paragraph (a) of the definition of "proper officer of the court", for "justices' chief executive" substitute " designated officer ".

267 In paragraph 15(3)(a) of Schedule 4 (gaming machine licence duty: registers of permits), for "for a petty sessions area, the chief executive to the justices" substitute " in a local justice area, the designated officer for the committee ".

Civil Jurisdiction and Judgments Act 1982 (c. 27)

268 (1) Amend section 5 (recognition and enforcement of maintenance orders) as follows.

(2) In subsection (5B), in the subsection to be regarded as substituted for section 76(5) of the 1980 Act, for "a justices' chief executive" (in both places) substitute " the designated officer for the court or for any other magistrates' court ".

(3) In subsection (8), for "justices' chief executive" substitute " designated officer ".

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269 In section 15(3) (interpretation), for "for the same petty sessions area (or, in Northern Ireland," substitute " in the same local justice area (or, in Northern Ireland, for the same ".

Administration of Justice Act 1982 (c. 53)

270 In section 23(6)(a) (fees for deposit of wills), for "section 130 of the Supreme Court Act 1981" substitute " section 92 of the Courts Act 2003 ".

County Courts Act 1984 (c. 28)

271 In—

(a) section 66(4) (fees payable in respect of trial with jury proceedings in a county court),

(b) section 80(2) (judge's note on appeal—fee etc.), and

(c) section 95(4) (fees payable in respect of duties of brokers and appraisers),

for "the fees orders" substitute " an order under section 92 of the Courts Act 2003 (fees) ".

VALID FROM 06/04/2011

272 Omit—

(a) section 73 (register of judgments and orders), and

(b) section 73A (provision for register to be kept by body under contract to Lord Chancellor).

273 In section 98(1) (protection of district judge of county court selling goods under execution without notice of claim by third party), for the words from "(b) no person" to "execution debtor" substitute—

"(b) no person shall be entitled to recover against the district judge or other officer, or anyone lawfully acting under his authority—

(i) for any sale of the goods, or

(ii) for paying over the proceeds prior to the receipt of a claim to the goods,

unless it is proved that the person from whom recovery is sought had notice, or might by making reasonable inquiry have ascertained, that the goods were not the property of the execution debtor."

274 (1) Amend section 99 (effect of warrants of execution) as follows.

(2) In subsection (2)(b)—

(a) after "to" insert " an enforcement officer or other officer charged with the execution of the writ ", and

(b) for "the sheriff" substitute " that person ".

(3) In subsection (4)—

(a) before paragraph (a) insert—

"(za) "enforcement officer" means an individual who is authorised to act as an enforcement officer under the Courts Act 2003;", and

(b) omit paragraph (b).

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275 For section 104 (information as to writs and warrants of execution), substitute—

"**104 Information as to writs and warrants of execution**

(1) Where a writ against the goods of any person issued from the High Court is delivered to an enforcement officer who is under a duty to execute the writ or to a sheriff, then on demand from the district judge of a county court that person shall—

(a) in the case of an enforcement officer, by writing signed by that officer or a person acting under his authority, and

(b) in the case of a sheriff, by writing signed by any clerk in the office of the under-sheriff,

inform the district judge of the precise time the writ was delivered to him.

(2) A bailiff of a county court shall on demand show his warrant to any enforcement officer, any person acting under the authority of an enforcement officer and any sheriff's officer.

(3) Any writing purporting to be signed as mentioned in subsection (1) and the endorsement on any warrant issued from a county court shall respectively be sufficient justification to any district judge, or enforcement officer or sheriff, acting on it.

(4) In this section "enforcement officer" means an individual who is authorised to act as an enforcement officer under the Courts Act 2003."

276 Omit section 128 (fees).

.277 In section 147(1) (interpretation), omit the definition of "fees orders".

Matrimonial and Family Proceedings Act 1984 (c. 42)

278 Omit—

(a) section 40 (family proceedings rules), and

(b) section 41 (fees in family proceedings).

Commencement Information

I96 Sch. 8 para. 278 partly in force at 4.1.2005; Sch. 8 para. 278 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 278(b) in force at 4.1.2005 by S.I. 2004/3123, **art. 2(b)(iv)**

Building Act 1984 (c. 55)

279 In section 40(1) (appeal against section 36 notice), omit "acting for the petty sessions area in which is situated land on which there has been carried out any work to which the notice relates".

280 In section 55(1) (appeals), omit "acting for the petty sessions area in which is situated land on which there will be, or there has been, carried out any work to which the notice or certificate relates".

Police and Criminal Evidence Act 1984 (c. 60)

281 (1) Amend section 16 (execution of warrants) as follows.

Status: *Point in time view as at 03/04/2006. This version of this Act contains provisions that are not valid for this point in time.*
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(2) F148 . . . . . .

(3) In subsection (11), for "chief executive to the justices" substitute " designated officer for the local justice area ".

Textual Amendments

F148 Sch. 8 para. 281(2) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 174(2), **Sch. 17 Pt. 2**; S.I. 2005/3495, **art. 2(1)(t)(u)(lv)** (subject to art. 2(2))

282 (1) Amend section 46 (detention after charge) as follows.

(2) In subsection (2), for "for the petty sessions" substitute " in the local justice ".

(3) In subsection (3)—

(a) for "for that area" substitute " in that area ",

(b) for "justices' chief executive" substitute " designated officer ".

(4) In subsection (4)—

(a) for "for a petty sessions" substitute " in a local justice ", and

(b) for "for that area" substitute " in that area ".

(5) In subsection (5)—

(a) for "for that area" substitute " in that area ", and

(b) for "justices' chief executive" substitute " designated officer ".

(6) In subsection (6)—

(a) for "the justices' chief executive for a petty sessions" substitute " the designated officer for a local justice ", and

(b) for "the justices' chief executive" substitute " the designated officer ".

(7) In subsection (7)—

(a) for "for the petty sessions" substitute " in the local justice ", and

(b) for "for any other petty sessions" substitute " in any other local justice ".

(8) In subsection (8), for "justices' chief executive" substitute " designated officer ".

283 In section 47(3A)(b) (date of first court appearance in bail cases), for "justices' chief executive for the relevant petty sessions" substitute " designated officer for the relevant local justice ".

284 In section 47A (early administrative hearings conducted by justices' clerks), for "the clerk to the justices for a petty sessions area" substitute " a justices' clerk ".

285 In section 73(3)(a) (proof of convictions and acquittals), for "justices' chief executive" substitute " designated officer ".

286 In section 81(1) and (2) (advance notice of expert evidence in Crown Court), for "Crown Court Rules" substitute " Criminal Procedure Rules ".

Commencement Information

I97 Sch. 8 para. 286 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(xii)** (subject to art. 3)

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Prosecution of Offences Act 1985 (c. 23)

287 In section 7(4) (sending to Director of Public Prosecutions of details of cases which do not proceed)—

(a) for "every justices' chief executive" substitute " the designated officer for every magistrates' court ", and

(b) for "a magistrates' court for which he is the justices' chief executive" substitute " the magistrates' court ".

288 (1) Amend section 20 (regulations) as follows.

(2) Omit subsection (5).

(3) In subsection (6), for "and supplemental" substitute " , supplemental and transitional ".

(4) In subsection (7), after "19(1)" insert " , 19A or 19B ".

(5) In subsection (8)(a)(ii), for "a party to the proceedings" substitute " any person ".

Commencement Information

I98 Sch. 8 para. 288 wholly in force; Sch. 8 para. 288 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 288(1)(3)-(5) in force at 1.2.2004 by S.I. 2004/174, **art. 2(b)**; Sch. 8 para. 288 in force at 1.4.2005 insofar as not already in force by S.I. 2005/910, **art. 3(y)**

289 In section 21 (interpretation of Part 2), in subsection (4A)(b), for ", 19 and 19A" substitute " to 19B ".

290 (1) Amend section 23 (discontinuance of proceedings in magistrates' courts) as follows.

(2) In subsections (3), (7) and (8), for "justices' chief executive for" substitute " designated officer for ".

(3) In subsection (10), for "rules made under section 144 of the Magistrates' Courts Act 1980" substitute " Criminal Procedure Rules ".

Commencement Information

I99 Sch. 8 para. 290 partly in force; Sch. 8 para. 290 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 290(1)(3) in force at 1.9.2004 by S.I. 2004/2066, **art. 2(c)(xiii)** (with art. 3); Sch. 8 para. 290(2) in force at 1.4.2005 by S.I. 2005/910, **art. 3(y)**

Local Government Act 1985 (c. 51)

291 Omit section 99 (disqualification of justices).

292 In Schedule 13 (residuary bodies), omit paragraph 13(i).

Transport Act 1985 (c. 67)

293 (1) Amend section 17 (London taxi and taxi driver licensing: appeals) as follows.

(2) In subsections (2)(b) and (5), for "the appropriate" substitute " a magistrates' ".

(3) In subsection (10), omit the definition of "the appropriate court".

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Changes to legislation: *Courts Act 2003 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Insolvency Act 1986 (c. 45)

294 In section 124(1) (application for winding up), for "a justices' chief executive" substitute " the designated officer for a magistrates' court ".

295 (1) Amend section 183 (effect of execution or attachment) as follows.

(2) In subsection (2)(b), for "sheriff" substitute " enforcement officer or other officer charged with the execution of the writ ".

(3) In subsection (4), for the words from " "the sheriff"" onwards substitute " "enforcement officer" means an individual who is authorised to act as an enforcement officer under the Courts Act 2003 ".

296 (1) Amend section 184 (duties of sheriff) as follows.

(2) In subsection (1), for "sheriff" substitute " enforcement officer, or other officer, charged with execution of the writ or other process, ".

(3) In subsections (2), (3) and (4), for "sheriff", in each place where it occurs, substitute " enforcement officer or other officer ".

(4) In subsection (6), for the words from " "the sheriff"" onwards substitute " "enforcement officer" means an individual who is authorised to act as an enforcement officer under the Courts Act 2003. "

(5) In the section heading, for "sheriff" substitute " officers charged with execution of writs and other processes ".

297 (1) Amend section 346 (enforcement procedures) as follows.

(2) In subsections (2), (3)(b), (4) and (8)(b), for "sheriff", in each place where it occurs, substitute " enforcement officer ".

(3) In subsection (7), for "a sheriff" substitute " an enforcement officer ".

(4) After subsection (8), insert—

"(9) In this section "enforcement officer" means an individual who is authorised to act as an enforcement officer under the Courts Act 2003."

298 (1) Amend section 347 (distress) as follows.

(2) In subsection (6), for "sheriff" substitute " enforcement officer, ".

(3) In subsection (7)—

(a) for "a sheriff" substitute " an enforcement officer ", and

(b) for "the sheriff" substitute " the enforcement officer ".

(4) After subsection (10), insert—

"(11) In this section "enforcement officer" means an individual who is authorised to act as an enforcement officer under the Courts Act 2003."

299 In paragraph 12(1)(d) of Schedule B1 (application for administration order), for "justices' chief executive" substitute " designated officer ".

Company Directors Disqualification Act 1986 (c. 46)

300 In—

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(a) section 2(2)(c) (court which may make disqualification order on conviction of indictable offence),

(b) section 5(2) (disqualification on summary conviction),

for "for the same petty sessions" substitute " in the same local justice ".

Fire Safety and Safety of Places of Sport Act 1987 (c. 27)

301 In section 41 (interpretation), in the definition of "the court", omit "acting for the petty sessions area in which it is situated".

Coroners Act 1988 (c. 13)

302 In—

(a) sections 16(1)(a) (adjournment of inquest in event of criminal proceedings), and

(b) section 17(1) (supplementary provisions),

for "justices' chief executive for" substitute " designated officer for ".

Criminal Justice Act 1988 (c. 33)

303 (1) Amend section 41 (power of Crown Court to deal with summary offence where person committed for either way offence) as follows.

(2) For subsection (8), substitute—

"(8) If he does not plead guilty, the Crown Court may try him for the offence, but may deal with him only in a manner in which a magistrates' court could have dealt with him."

(3) Omit subsection (9).

(4) In subsections (10) and (11)(a), for "justices' chief executive for" substitute " designated officer for ".

304 In section 67(1) (notification of fine imposed by coroner), for "justices' chief executive for" substitute " designated officer for ".

Local Government Finance Act 1988 (c. 41)

305 In—

(a) section 74(1)(c) (levies), and

(b) section 117(5)(c) (rates and precepts: abolition),

for ", combined fire authority, or magistrates' courts committee" substitute " or combined fire authority ".

Road Traffic Act 1988 (c. 52)

306 In section 90(1)(a) (application to court for review of conduct of test), omit "acting for the petty sessions area in which he resides".

307 In section 100(1) (appeals relating to licences), omit "acting for the petty sessions area in which he resides".

308 In section 119(1) (appeal to sheriff)—

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(a) omit "acting for the petty sessions area in which the holder of or applicant for the licence resides", and

(b) for "he" substitute " the holder of or applicant for the licence ".

309 In section 133(1)(a) (review of examinations by magistrates' court), for "the magistrates' court acting for the petty sessions area in which he resides" substitute " a magistrates' court ".

Road Traffic Offenders Act 1988 (c. 53)

310 In section 7(2) (duty to produce licence), for "justices' chief executive" substitute " designated officer ".

311 In sections 8(a) and 25(2)(a) (notification of date of birth and sex), for "a justices' chief executive" substitute " the designated officer for a magistrates' court ".

312 In section 26 (interim disqualification)—

(a) renumber the subsection inserted by paragraph 143(3) of Schedule 13 to the Access to Justice Act 1999 as subsection (7A), and

(b) in that subsection, for "justices' chief executive" substitute " designated officer ".

313 In section 27(5) (production of licence), for "justices' chief executive" substitute " designated officer ".

314 In section 52(3)(c) (fixed penalty notice), for "justices' chief executive" substitute " designated officer for a magistrates' court ".

315 (1) Amend section 69 (payment of fixed penalty) as follows.

(2) In subsection (1), for "justices' chief executive" substitute " designated officer for a magistrates' court ".

(3) In subsection (4), for "justices' chief executive or" substitute " designated officer or ".

316 In section 70(4)(a) (registration certificate), for "justices' chief executive for the petty sessions" substitute " designated officer for the local justice ".

317 (1) Amend section 71 (registration of sums payable in default) as follows.

(2) In subsection (1)—

(a) for "a justices' chief executive" substitute " the designated officer for a local justice area ",

(b) for "petty sessions area for which he is the justices' chief executive" substitute " local justice area for which he is the designated officer ",

(c) for "acting for" substitute " acting in ",

(d) for "other petty sessions" substitute " other local justice ", and

(e) for "justices' chief executive for" substitute " designated officer for ".

(3) In subsection (2)(c), for "justices' chief executive for the petty sessions" substitute " designated officer for the local justice ".

(4) In subsection (2A), for "executives" substitute " officers ".

(5) In subsection (6), for "justices' chief executive for a petty sessions" substitute " designated officer for a local justice ".

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318 In section 74(5) (provisions supplementary to sections 72 and 73)—

(a) for "petty sessions" substitute " local justice ",

(b) for "for that area" substitute " in that area ", and

(c) for "justices' chief executive" substitute " designated officer ".

319 In section 75(6) (conditional offer of fixed penalty: fixed penalty clerk), for "justices' chief executive" substitute " designated officer ".

320 (1) Amend section 82 (accounting for fixed penalties) as follows.

(2) In subsection (1), for "section 60 of the Justices of the Peace Act 1997 (application of fines and fees)" substitute " section 38 of the Courts Act 2003 (application of receipts of designated officers) ".

(3) Omit subsections (2), (2A) and (3).

321 In section 83(1)(b) (powers in cases of deception), for "justices' chief executive or" substitute " designated officer or ".

322 In section 84(c) (power to make regulations prescribing duties), for "justices' chief executives" substitute " designated officers ".

Dangerous Dogs Act 1989 (c. 30)

323 In section 1 (additional powers of court on complaint about dangerous dog) in—

(a) subsection (4), and

(b) subsection (7),

for "for the same petty sessions" substitute " in the same local justice ".

Extradition Act 1989 (c. 33)

324 In section 7(3) (rules as to service of documents), for "Rules under section 144 of the Magistrates' Courts Act 1980" substitute " Criminal Procedure Rules ".

Commencement Information

I100 Sch. 8 para. 324 partly in force; Sch.8 para. 324 not in force at Royal Assent see s. 110(1)(2); Sch 8 para. 324 in force for certain purposes at 1.9.2004 by S.I. 2004/2066, **art. 2(c)(xiv)** (with art. 3)

325 In section 8(1)(a) (issue of warrant of arrest for purposes of committal), for "the Senior District Judge (Chief Magistrate) or another District Judge (Magistrates' Courts) designated by him" substitute " a District Judge (Magistrates' Courts) designated by the Lord Chancellor ".

326 In section 9(2) (proceedings for committal), for "the Senior District Judge (Chief Magistrate) or another District Judge (Magistrates' Courts) designated by him" substitute " a District Judge (Magistrates' Courts) designated by the Lord Chancellor ".

327 In section 13(5)(a) (return to foreign states – supplementary), for "rules under section 84 of the Supreme Court Act 1981" substitute " Criminal Procedure Rules ".

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Commencement Information

I101 Sch. 8 para. 327 partly in force; Sch. 8 para. 327 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 327 in force for certain purposes at 1.9.2004 by S.I. 2004/2066, **art. 2(c)(xiv)** (with art. 3)

328 In section 14(2) (simplified procedure)—

(a) for "rules under section 144 of the Magistrates' Courts Act 1980" substitute " Criminal Procedure Rules ", and

(b) for the words from "without" to "include power to" substitute " those rules may ".

Commencement Information

I102 Sch. 8 para. 328 partly in force; Sch. 8 para. 328 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 328 in force for certain purposes at 1.9.2004 by S.I. 2004/2066, **art. 2(c)(xiv)** (with art. 3)

329 (1) Amend Schedule 1 (provisions deriving from Extradition Act 1870 (c. 52) and associated enactments) as follows.

(2) In paragraph 4(2), for "the Senior District Judge (Chief Magistrate) or another District Judge (Magistrates' Courts) designated by him" substitute " a District Judge (Magistrates' Courts) designated by the Lord Chancellor ".

(3) In paragraph 5(1)(a) and (3), for "the Senior District Judge (Chief Magistrate), or another District Judge (Magistrates' Courts) designated by him," substitute " a District Judge (Magistrates' Courts) designated by the Lord Chancellor ".

(4) In paragraph 9(2), for "rules under section 144 of the Magistrates' Courts Act 1980" substitute " Criminal Procedure Rules ".

(5) In paragraph 13(1)(a), for "the Senior District Judge (Chief Magistrate) or another District Judge (Magistrates' Courts) designated by him" substitute " a District Judge (Magistrates' Courts) designated by the Lord Chancellor ".

Commencement Information

I103 Sch. 8 para. 329 partly in force; Sch. 8 para. 329 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 329(1)(4) in force for certain purposes at 1.9.2004 by S.I. 2004/2066, **art. 2(c)(xiv)** (with art. 3); Sch. 8 para. 329(2)(3)(5) in force at 1.4.2005 by S.I. 2005/910, **art. 3(y)**

330 (1) In paragraph 5 of Schedule 1A (adaptation of Act where 1995 Convention applies), amend inserted section 14A as follows.

(2) In subsection (4), for "rules under section 144 of the Magistrates' Courts Act 1980" substitute " Criminal Procedure Rules ".

(3) In subsection (5)—

(a) for the words from "Without" to "includes power to" substitute " Criminal Procedure Rules may ", and

(b) for "a Senior District Judge (Chief Magistrate) or another District Judge (Magistrates' Courts) designated by him" substitute " a District Judge (Magistrates' Courts) designated by the Lord Chancellor ".

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Commencement Information

I104 Sch. 8 para. 330 partly in force; Sch. 8 para. 330 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 330(1)(2)(3)(a) in force for certain purposes at 1.9.2004 by S.I. 2004/2066, **art. 2(c)(xiv)** (with art. 3); Sch. 8 para. 330(3)(b) in force at 1.4.2005 by S.I. 2005/910, **art. 3(y)**

Football Spectators Act 1989 (c. 37)

331 (1) Amend section 7 (disqualification for membership of scheme) as follows.

(2) In subsection (7)(b), for "justices' chief executive for" substitute " designated officer for ".

(3) In subsection (10), omit paragraph (c) and the word "and" preceding it.

332 In—

(a) section 14G(3) (variation of banning order),

(b) section 14H(6) (termination of banning order),

for "for the same petty sessions" substitute " in the same local justice ".

333 (1) Amend section 18 (information) as follows.

(2) In subsection (1), for "justices' chief executive for" substitute " designated officer for ".

(3) In subsection (2), for "clerk of" substitute " designated officer for ".

(4) Omit subsection (4).

334 In section 20(7) (appeal against refusal to grant exemption), omit "acting for the petty sessions area in which he resides".

335 In section 22(2) (banning orders arising out of offences outside England and Wales) —

(a) omit "for any area",

(b) omit "who resides or is believed to reside in that area", and

(c) omit "for that area" (in both places).

Children Act 1989 (c. 41)

336 In section 83(5) (directions to submit particulars of proceedings), for "justices' chief executive for" substitute " designated officer for ".

VALID FROM 06/04/2011

337 (1) Amend section 97 (privacy for children involved in certain proceedings) as follows.

(2) In subsection (1), for "Rules made under section 144 of the Magistrates' Courts Act 1980" substitute " Family Procedure Rules ".

(3) Omit subsection (7)(a).

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338 (1) Amend paragraph 6A of Schedule 1 (variation of orders for periodical payments etc. made by magistrates' courts) as follows.

(2) In sub-paragraph (2), for "the clerk to the justices for the petty sessions area for which the court is acting" substitute " a magistrates' court acting in the same local justice area as the court which made the order ".

(3) In sub-paragraph (3)—

(a) for "the clerk" substitute " a justices' clerk ", and

(b) for "to the justices' chief executive for the court" substitute " to the designated officer for the court ".

(4) In sub-paragraph (9), for "the clerk to the justices" substitute " a justices' clerk ".

339 In paragraph 10(6) of Schedule 1 (jurisdiction to hear application for alteration of maintenance agreement), for "at least one of the parties is resident in the commission area for which the court is appointed" substitute " the court acts in, or is authorised by the Lord Chancellor to act for, a local justice area in which at least one of the parties is resident ".

340 In paragraph 24(6) of Schedule 2 (signature as evidence of contribution order), for "justices' chief executive for" substitute " designated officer for ".

Local Government and Housing Act 1989 (c. 42)

341 In section 39(1) (authorities to which provisions about revenue accounts and capital apply), omit paragraph (ea).

342 In section 67(3) (authorities to which provisions about interests in companies apply), omit paragraph (ga).

Town and Country Planning Act 1990 (c. 8)

343 In section 217(2) (appeal to magistrates' court against section 215 notice), omit "acting for the petty sessions area in which the land in question is situated".

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

344 In section 47(4) (application to stay compulsory acquisition of listed building in need of repair), omit "acting for the petty sessions area within which the building is situated".

345 In section 50(6) (application to court following direction for minimum compensation), omit "acting for the petty sessions area in which the building is situated".

Computer Misuse Act 1990 (c. 18)

346 Omit section 11(1) (magistrates' court's jurisdiction).

347 In section 16(10) (application to Northern Ireland)—

(a) for "for subsection (1) there shall be substituted" substitute " before subsection (2) there shall be inserted ", and

(b) omit "and subsection (6) shall be omitted".

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Courts and Legal Services Act 1990 (c. 41)

348 Omit section 1(12) (duty of Lord Chancellor to prepare annual reports as to the business of the Supreme Court and county courts).

VALID FROM 06/04/2011

349 In section 10(2) (family proceedings in magistrates' courts), for "Rules made under section 144 of the Magistrates' Courts Act 1980" substitute " Family Procedure Rules ".

Criminal Justice Act 1991 (c. 53)

350 In section 20A(2)(a) (official request for statement of financial circumstances), for "justices' chief executive for" substitute " designated officer for ".

351 Omit sections 76 to 78 (court security).

352 (1) Amend section 92 (interpretation of Part 4) as follows.

(2) In subsection (1), omit the definitions of "court-house" and "court security officer".

(3) Omit subsection (2).

Dangerous Dogs Act 1991 (c. 65)

353 In section 4 (destruction and disqualification orders)—

(a) in subsection (6), and

(b) in subsection (9)(d),

for "for the same petty sessions" substitute " in the same local justice ".

Social Security Administration Act 1992 (c. 5)

354 In section 107 (recovery of expenditure on income support)—

(a) in subsections (5)(c) and (9), for "the clerk to the justices for the petty sessions area for which the court is acting" substitute " a justices' clerk ",

(b) in subsections (5) and (11), for "to the justices' chief executive for the court" substitute " to the designated officer for the court ", and

(c) in subsection (15), for the definition of "court" substitute—

> ""court" (where it occurs other than in the expression "magistrates' court") means in England and Wales a magistrates' court, and in Scotland the sheriff;".

355 In section 121(1) (unpaid contributions – supplementary)—

(a) in paragraph (a), for "rules under section 144 of that Act" substitute " Criminal Procedure Rules ", and

(b) in paragraph (b), for "justices' chief executive for" substitute " designated officer for ".

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Commencement Information

I105 Sch. 8 para. 355 partly in force; Sch. 8 para. 355 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 355(a) in force at 1.9.2004 by S.I. 2004/2066, **art. 2(c)(xv)** (with art. 3); Sch. 8 para. 355(b) in force at 1.4.2005 by S.I. 2005/910, **art. 3(y)**

Local Government Finance Act 1992 (c. 14)

356 In section 19(3) (exclusion of Crown exemption), omit paragraph (ea).

Friendly Societies Act 1992 (c. 40)

357 For section 110 (jurisdiction of magistrates' courts) substitute—

"**110 Jurisdiction of magistrates' courts in Northern Ireland**

(1) In Northern Ireland, a friendly society or an officer of a friendly society may be prosecuted for a summary offence under this Act before a magistrates' court acting for the county court division in which the registered office of the society is situated.

(2) Subsection (1) is without prejudice to the provisions of the Magistrates' Courts (Northern Ireland) Order 1981 as to the jurisdiction of a magistrates' court."

Charities Act 1992 (c. 41)

358 In section 71(3) (appeals), omit from "and references" onwards.

Protection of Badgers Act 1992 (c. 51)

359 In section 13 (powers of court where dog used or present at commission of offence)—

(a) in subsection (5), and

(b) in subsection (9)(c),

for "for the same petty sessions" substitute " in the same local justice ".

Tribunals and Inquiries Act 1992 (c. 53)

360 In Schedule 1 (tribunals under direct supervision of Council on Tribunals), omit the entry relating to a person appointed under section 54(6) of the Justices of the Peace Act 1997.

Pension Schemes Act 1993 (c. 48)

361 In section 68(1)(b) (receipt of statement of admission of failure to pay premiums), for "justices' chief executive for" substitute " designated officer for ".

Vehicle Excise and Registration Act 1994 (c. 22)

362 In—

Status: *Point in time view as at 03/04/2006. This version of this Act contains provisions that are not valid for this point in time.*
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(a) section 51(3)(b)(i) (meaning of "appropriately proved"), and

(b) section 55(2)(a)(ii) (meaning of "appropriately proved"),

for "rules under section 144 of the Magistrates' Courts Act 1980" substitute " Criminal Procedure Rules ".

Commencement Information

I106 Sch. 8 para. 362 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(xvi)** (subject to art. 3)

Value Added Tax Act 1994 (c. 23)

363 In section 82(3) (power to appoint officers and staff for carrying out the administrative work of tribunals in England and Wales), for "section 27 of the Courts Act 1971" substitute " section 2(1) of the Courts Act 2003 ".

Drug Trafficking Act 1994 (c. 37)

364 In section 55(7) (power to make rules about orders under section 55), for "Crown Court Rules" substitute " Criminal Procedure Rules ".

Commencement Information

I107 Sch. 8 para. 364 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(xvii)** (subject to art. 3)

Road Traffic (New Drivers) Act 1995 (c. 13)

365 In paragraph 3(3A) of Schedule 1 (test certificate not previously supplied), for "justices' chief executive" substitute " designated officer ".

Merchant Shipping Act 1995 (c. 21)

366 In section 68(4A) (particulars of fine for not co-operating with inquiry into fitness of seaman)—

(a) for "(1)" substitute " (4) ", and

(b) for "justices' chief executive" substitute " designated officer ".

Criminal Appeal Act 1995 (c. 35)

367 In section 22 (meaning of public body etc.), omit subsection (5).

Disability Discrimination Act 1995 (c. 50)

368 (1) Amend section 38 (appeal against refusal of exemption certificate) as follows.

(2) In subsection (1), for "the appropriate" substitute " a magistrates' ".

(3) Omit subsection (3).

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Reserve Forces Act 1996 (c. 14)

369 In paragraph 7(3A) of Schedule 2 (fee payable on delivery into military, air-force or naval custody of person dealt with by court of summary jurisdiction as illegally absent), for "justices' chief executive" substitute " designated officer ".

370 In paragraph 9(4) of Schedule 3 (certificate as proof of outcome of civil trial), for "justices' chief executive" substitute " designated officer ".

Police Act 1996 (c. 16)

371 In section 5(2) (consultation before reduction in size of police authority)—

(a) at the end of paragraph (a), insert " and ", and

(b) omit paragraph (c) and "and" before it.

372 In section 5C(3) (consultation before reduction in size of Metropolitan Police Authority)—

(a) at the end of paragraph (a), insert " and ", and

(b) omit paragraph (c) and "and" before it.

373 (1) Amend Schedule 2 (police authorities established under section 3) as follows.

(2) In paragraph 1(1)(c) and (2)(c), for "magistrates" substitute " lay justices ".

(3) For paragraphs 7 and 8 substitute—

"7 The members of a police authority referred to in paragraph 1(1)(c) or (2)(c) must be lay justices each of whom is assigned to a local justice area wholly or partly within the authority's area.

8 They shall be appointed—

(a) by the members of the police authority appointed under paragraph 2 or 5,

(b) from among persons on a short-list prepared in accordance with Schedule 3A."

(4) In paragraph 14(1)—

(a) in paragraph (b) for "magistrate" substitute " lay justice ", and

(b) in paragraph (c) after "Schedule 3" insert " or 3A ".

(5) For paragraph 18(2) substitute—

"(2) A lay justice appointed to be a member of a police authority under paragraph 8 shall cease to be a member of the authority if he ceases to be a lay justice assigned to a local justice area wholly or partly within the authority's area."

(6) In paragraph 19(2)—

(a) in paragraph (a), omit "or 8", and

(b) in paragraph (b), after "5" insert " or 8 ".

(7) For paragraph 27 substitute—

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"27 In this Schedule, "lay justice" has the meaning given by section 9 of the Courts Act 2003."

374 (1) Amend Schedule 2A (the Metropolitan Police Authority) as follows.

(2) In paragraph 1(1)(c) and (2)(c), for "magistrates" substitute " lay justices ".

(3) For paragraph 5 substitute—

"5 (1) The members of the Metropolitan Police Authority referred to in paragraph 1(1)(c) or (2)(c) must be lay justices each of whom is assigned to a local justice area wholly or partly within the metropolitan police district.

(2) They shall be appointed—

(a) by the members of the Metropolitan Police Authority appointed under paragraph 2 or 3,

(b) from among persons on a short-list prepared in accordance with Schedule 3A."

(4) In paragraph 9(1)(d) for "magistrate for a commission area" substitute " lay justice assigned to a local justice area ".

(5) For paragraph 13(3) substitute—

"(3) A lay justice appointed to be a member of the Metropolitan Police Authority under paragraph 5 shall cease to be a member of the Authority if he ceases to be a lay justice assigned to a local justice area wholly or partly within the metropolitan police district."

(6) In paragraph 14(2)—

(a) in paragraph (a), omit "or 5", and

(b) in paragraph (b), after "3" insert " or 5 ".

(7) For paragraph 22 substitute—

"22 In this Schedule, "lay justice" has the meaning given by section 9 of the Courts Act 2003."

375 (1) Amend Schedule 3 (police authorities: selection of independent members) as follows.

(2) In paragraph 1(1), after paragraph (b) insert— " for the purposes of paragraph 5 of Schedule 2 and paragraph 3(3) of Schedule 2A. "

(3) After paragraph 1(4) insert—

"(5) In this Schedule "selection panel" means a selection panel established under this Schedule."

376 After Schedule 3 insert—

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"SCHEDULE
3A U.K.

POLICE AUTHORITIES: SELECTION OF LAY JUSTICE MEMBERS

Lay justice selection panels

1 (1) There shall be a selection panel—

(a) for each police area for the time being listed in Schedule 1, and

(b) for the police area constituted by the metropolitan police district,

for the purposes of paragraph 8 of Schedule 2 and paragraph 5 of Schedule 2A.

(2) Each selection panel shall consist of three members, one of whom shall be appointed by each of the following—

(a) the designated members of the police authority for the area;

(b) the Secretary of State;

(c) the two members of the panel appointed by virtue of paragraphs (a) and (b).

(3) A designated member may be appointed as a member of a selection panel by virtue of paragraph (a) (but not paragraph (b) or (c)) of sub-paragraph (2).

(4) In this Schedule, "designated member" means a member appointed under paragraph 2 or 5 of Schedule 2 or paragraph 2 or 3 of Schedule 2A.

(5) Subject to paragraph 3, in this Schedule "selection panel" means a selection panel established under this Schedule.

Lay justice selection panels

2 A person shall be disqualified for being appointed as or being a member of a selection panel if, by virtue of paragraph 11 of Schedule 2 or paragraph 7 of Schedule 2A he is disqualified—

(a) for being appointed under paragraph 8 of Schedule 2 or paragraph 5 of Schedule 2A as a member of the police authority for the panel's area, or

(b) for being a member so appointed.

Lay justice selection panels

3 Paragraphs 3 to 7 of Schedule 3 apply in relation to selection panels established under this Schedule as they apply in relation to selection panels established under that Schedule.

Functions of lay justice selection panels

4 (1) Where appointments of lay justices to a police authority are to be made under paragraph 8 of Schedule 2 or paragraph 5 of Schedule 2A, the selection panel for the authority's area shall prepare a short-list of candidates and send it to the police authority concerned.

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(2) Unless the selection panel are able to identify only a smaller number of suitable candidates, the number of candidates on the short-list shall be twice the number of appointments to be made.

(3) A lay justice shall not be included on a short-list in relation to an authority if he is disqualified for being appointed as a member of that authority by virtue of paragraph 11 of Schedule 2 or paragraph 7 of Schedule 2A.

Functions of lay justice selection panels

5 (1) The Secretary of State may make regulations as to—

(a) the procedures to be followed in relation to the selection of lay justices for inclusion on a short-list under paragraph 2, and

(b) the conduct of the proceedings of selection panels under this Schedule.

(2) Regulations under this paragraph may in particular—

(a) make provision (including provision imposing time limits) as to the procedures to be adopted when inviting applications for inclusion on a short-list under paragraph 4 and for dealing with applications received, and

(b) provide for decisions of a selection panel under this Schedule to be taken by a majority of the members.

(3) Regulations under this paragraph may make different provision for different cases and circumstances.

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

Procedure if too few candidates short-listed

6 (1) This paragraph applies where the number of persons on the lay justice selection panel's short-list is less than twice the number of appointments to be made.

(2) The designated members may add to the short-list such number of candidates as, when added to the number short-listed by the selection panel, equals twice the number of appointments to be made."

Criminal Procedure and Investigations Act 1996 (c. 25)

377 (1) Amend section 19 (rules of court) as follows.

(2) In subsection (1), for the words from the beginning to "sections" substitute " The power to make Criminal Procedure Rules ".

(3) In subsection (3), for "Rules made under section 144 of the Magistrates' Courts Act 1980" substitute " Criminal Procedure Rules made ".

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Commencement Information

I108 Sch. 8 para. 377 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(xviii)** (subject to art. 3)

378 In section 20(3) (rules as to disclosure), for the words from "Without" to "that section" substitute " The power to make Criminal Procedure Rules ".

Commencement Information

I109 Sch. 8 para. 378 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(xviii)** (subject to art. 3)

379 In section 33 (Crown Court Rules)—

(a) in subsections (1) and (2), for "Crown Court Rules" substitute " Criminal Procedure Rules ", and

(b) for the section heading, substitute " Criminal Procedure Rules ".

Commencement Information

I110 Sch. 8 para. 379 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(xviii)** (subject to art. 3)

380 In paragraph 4 of Schedule 2 (rules about statements and depositions), for the words from "Without prejudice" to "includes power to" substitute " Criminal Procedure Rules may ".

Commencement Information

I111 Sch. 8 para. 380 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(xviii)** (subject to art. 3)

381 In paragraph 13(2) of Schedule 4 (modification of section 20(3) in relation to Northern Ireland), for "that section" substitute " Rules ".

Commencement Information

I112 Sch. 8 para. 381 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(xviii)** (subject to art. 3)

National Minimum Wage Act 1998 (c. 39)

382 After section 45 insert—

"**45A Persons discharging fines by unpaid work**

A person does not qualify for the national minimum wage in respect of any work that he does in pursuance of a work order under Schedule 6 to the Courts Act 2003 (discharge of fines by unpaid work)."

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Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11)

383 In section 9(9) (application for termination of disqualification), for "for the same petty sessions" substitute " in the same local justice ".

Youth Justice and Criminal Evidence Act 1999 (c. 23)

384 In each of the following provisions, for "rules of court" substitute " Criminal Procedure Rules "

(a) section 20(6) (applications about special measures directions);
(b) section 27(4)(b) (video recorded evidence in chief);
(c) section 28(2) and (4) (video recorded cross-examination or re-examination);
(d) section 29(3) and (5) (examination of witness through intermediary);
(e) section 37(5) (applications about directions under section 36);
(f) section 38(6) and (7) (defence representation for purposes of cross-examination);
(g) section 43(3) (procedure on applications under section 41);
(h) section 65(1) (power to make rules for purposes of Act).

Commencement Information

I113 Sch. 8 para. 384 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(xix)** (subject to art. 3)

385 In section 24 (evidence by live link), omit subsections (5) to (7).

386 In section 44(11) (restrictions on reporting of offences), for "rules of court" substitute " Criminal Procedure Rules in England and Wales, or rules of court in Northern Ireland ".

Commencement Information

I114 Sch. 8 para. 386 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(xix)** (subject to art. 3)

387 Omit section 65(2) (meaning of "rules of court").

Commencement Information

I115 Sch. 8 para. 387 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(xix)** (subject to art. 3)

Terrorism Act 2000 (c. 11)

388 (1) Amend Schedule 4 (forfeiture orders) as follows.

(2) In paragraph 4(1), for "justices' chief executive" (in each place) substitute " designated officer ".

(3) In paragraph 13(5)(b), for "a justices' chief executive" substitute " the designated officer for a magistrates' court ".

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(4) In paragraph 46(2)(a), for "section 60 of the Justices of the Peace Act 1997 (application of fines, etc.)" substitute " section 38 of the Courts Act 2003 (application of receipts of designated officers) ".

389 (1) Amend Schedule 5 (terrorist investigations: information) as follows.

(2) In paragraph 10(2), for "Crown Court Rules" substitute " Criminal Procedure Rules ".

(3) In paragraph 18, after paragraph (d) insert—

"(dd) the reference in paragraph 10(2) to "Criminal Procedure Rules" shall be taken as a reference to Crown Court Rules,".

Commencement Information

I116 Sch. 8 para. 389 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(xx)** (subject to art. 3)

390 (1) Amend paragraph 4 of Schedule 6 (procedure on application for provision of financial information) as follows.

(2) In sub-paragraph (1), for "Crown Court Rules" substitute " Criminal Procedure Rules ".

(3) After sub-paragraph (2) insert—

"(3) Crown Court Rules may make provision about the procedure for an application under paragraph 1."

Commencement Information

I117 Sch. 8 para. 390 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(xx)** (subject to art. 3)

391 In paragraph 29(4)(a) of Schedule 8(extension of detention: meaning of judicial authority), omit "the Senior District Judge (Chief Magistrate) or his deputy, or".

Freedom of Information Act 2000 (c. 36)

392 In Schedule 1 (public authorities), omit paragraph 34.

Criminal Justice and Court Services Act 2000 (c. 43)

393 In paragraph 2(2) of Schedule 1 (constitution of local probation boards), for "or a Recorder" substitute " , a Recorder or a District Judge (Magistrates' Courts) ".

Vehicles (Crime) Act 2001 (c. 3)

394 In section 38(5) (unified power to fund speed cameras)—

(a) at the end of paragraph (b) insert " and ", and

(b) omit paragraph (c).

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Private Security Industry Act 2001 (c. 12)

395 (1) Amend section 11 (appeals in licensing matters) as follows.

(2) In subsection (1), for "the appropriate" substitute " a ".

(3) Omit subsection (3).

(4) In subsection (6)(d)—

(a) omit "appropriate", and

(b) for "that" substitute " the ".

396 (1) Amend section 18 (appeals relating to approvals) as follows.

(2) In subsection (1), for "the appropriate" substitute " a ".

(3) Omit subsection (3).

(4) In subsection (5)(d)—

(a) omit "appropriate", and

(b) for "that" substitute " the ".

Criminal Justice and Police Act 2001 (c. 16)

397 In section 3(3)(f) (penalty notice for disorderly behaviour), for "justices' chief executive" substitute " designated officer for a local justice area ".

398 In section 7(1) (payment of penalty), for "justices' chief executive" substitute " designated officer ".

399 In section 8(2) (certificate that sum is registrable for enforcement as a fine), for "justices' chief executive for the petty sessions" substitute " designated officer for the local justice ".

400 (1) Amend section 9 (registration of sums payable in default) as follows.

(2) In subsection (1), for "justices' chief executive for a petty sessions" substitute " designated officer for a local justice ".

(3) In subsection (2)(b), for "appropriate justices' chief executive" substitute " designated officer for the local justice area in which the defaulter resides ".

(4) In subsection (3), for "justices' chief executive" substitute " designated officer ".

401 In section 21(5) (closure of unlicensed premises), for "justices' chief executive" substitute " designated officer ".

402 In section 22(5)(a) (termination of closure order), for "justices' chief executive" substitute " designated officer ".

International Criminal Court Act 2001 (c. 17)

403 In—

(a) section 7(3) (form of consent to surrender), and

(b) section 13(3) (form of waiver of right to review),

for "rules under section 144 of the Magistrates' Courts Act 1980 (c. 43)" substitute " Criminal Procedure Rules ".

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Commencement Information

I118 Sch. 8 para. 403 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(xxi)** (subject to art. 3)

404 In section 26 (meaning of "appropriate judicial officer"), in the definition of "appropriate judicial officer" omit paragraph (a).

405 In paragraph 5(2) of Schedule 5 (orders under Part 1), after "by" insert " Criminal Procedure Rules or, in Northern Ireland, ".

Commencement Information

I119 Sch. 8 para. 405 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(xx)** (subject to art. 3)

Proceeds of Crime Act 2002 (c. 29)

406 In—

(a) section 24(1)(b) (application to discharge confiscation order: inadequacy of available amount), and

(b) section 25(1)(b) (application to discharge confiscation order: small amount outstanding),

for "a justices' chief executive" substitute " the designated officer for a magistrates' court ".

407 In section 54(6) and (7) (payments by enforcement receivers), for "justices' chief executive" substitute " designated officer ".

408 (1) Amend section 55 (sums received by justices' chief executive) as follows.

(2) For "justices' chief executive", in each place (including the section heading) substitute " designated officer ".

(3) In subsection (2), for "chief executive's" substitute " designated officer's ".

(4) In subsection (6), for "section 60 of the Justices of the Peace Act 1997 (c. 25)" substitute " section 38 of the Courts Act 2003 ".

409 In section 67(5) (payment of seized money), for "justices' chief executive" substitute " designated officer ".

410 In section 91 (Crown Court Rules) for "Crown Court Rules or (as the case may be) Criminal Appeal Rules" substitute " Criminal Procedure Rules ".

Commencement Information

I120 Sch. 8 para. 410 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, **art. 2(c)(xix)** (subject to art. 3)

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Adoption and Children Act 2002 (c. 38)

411 In section 13(2) (requirement to provide information relating to adoption), for "justices' chief executive" substitute " designated officer ".

412 In section 55(2) (interpretation of section 55(1)), for "petty sessions" substitute " local justice ".

413 (1) Amend section 141 (rules of procedure) as follows.

(2) In subsection (1), for "The Lord Chancellor may make rules" substitute " Family Procedure Rules may make provision ".

(3) Omit subsection (2).

414 In section 144(1) (interpretation), for the definition of "rules" substitute—

""rules" means Family Procedure Rules made by virtue of section 141(1),".

SCHEDULE 9 U.K.

Section 109(2)

TRANSITIONAL PROVISIONS AND SAVINGS

Interpretation

1 In this Schedule "the JPA 1997" means the Justices of the Peace Act 1997.

Orders contracting out the provision of officers and staff

2 Any order which, immediately before section 2 comes into force, was in force under section 27(3) of the Courts Act 1971, including, in particular, any order made under section 27(3) by virtue of —

(a) section 4(7) of the Taxes Management Act 1970, or

(b) section 82(3) of the Value Added Tax Act 1994,

shall have effect as if made under section 2 for the purpose of discharging the Lord Chancellor's general duty in relation to the courts (and may be amended or revoked accordingly).

Local justice areas

3 The first order under section 8 must specify as a local justice area each area which was a petty sessions area immediately before the time when that section comes into force.

Appointment and assignment of lay justices

4 A person who, immediately before section 10 comes into force, was a justice of the peace for a commission area under section 5 of the JPA 1997 shall be treated as having been—

(a) appointed under section 10(1) as a lay justice for England and Wales, and

(b) assigned under section 10(2)(a) to the local justice area which—

(i) is specified as such in the first order under section 8, and

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(ii) immediately before section 10 comes into force, was the petty sessions area in and for which he ordinarily acted.

The supplemental list

5 (1) The existing supplemental list shall have effect as the supplemental list required to be kept by section 12; and any name which, immediately before that section comes into force, was included in that list under a provision listed in column 1 of the table shall be treated as having been entered in the list under the provision listed in column 2—

Provision of the JPA 1997	**Provision of this Act**
Section 7(2)	Section 13(1)
Section 7(4)	Section 13(5)
Section 7(6)	Section 13(4)

(2) "The existing supplemental list" means the supplemental list having effect under the JPA 1997 immediately before section 12 comes into force.

Keepers of the rolls

6 A person who, immediately before section 16 comes into force, was under section 25 of the JPA 1997 keeper of the rolls for a commission area shall be treated as having been appointed under section 16 as keeper of the rolls for each local justice area which—

(a) is specified as such in the first order under section 8, and

(b) immediately before section 16 comes into force, formed part of, or consisted of, that commission area.

Chairman and deputy chairmen of the bench

7 A person who, immediately before section 17 comes into force, was under section 22 of the JPA 1997 the chairman (or a deputy chairman) of the justices for a petty sessions area shall be treated as having been chosen under section 17 as the chairman (or a deputy chairman) of the lay justices assigned to the corresponding local justice area specified in the first order under section 8.

Senior District Judge (Chief Magistrate)

8 (1) The person who, immediately before section 23 comes into force, was under section 10A of the JPA 1997 the Senior District Judge (Chief Magistrate) shall be treated as having been designated as such under section 23(a).

(2) A person who, immediately before section 23 comes into force, was under section 10A of the JPA 1997 the deputy of the Senior District Judge (Chief Magistrate) shall be treated as having been designated as such under section 23(b).

Justices' clerks and assistant clerks

9 A person who—

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(a) immediately before section 27 comes into force, was a justices' clerk for a petty sessions area (or areas), and

(b) is transferred to the Lord Chancellor's employment by virtue of paragraph 11 of Schedule 2,

shall be treated as having been designated as a justices' clerk under section 27(1)(b) and assigned under section 27(3)(a) to the corresponding local justice area (or areas) specified in the first order under section 8.

10 A person who—

(a) immediately before section 27 comes into force, was employed to assist a justices' clerk by acting as a clerk in court in proceedings before a justice or justices, and

(b) is transferred to the Lord Chancellor's employment by virtue of paragraph 11 of Schedule 2,

shall be treated as having been designated as an assistant to a justices' clerk under section 27(5)(b).

11 (1) Any regulations made under—

(a) section 42 of the Justices of the Peace Act 1949 (compensation in connection with Parts 2 and 3 of the 1949 Act), or

(b) paragraph 16 of Schedule 3 to the Justices of the Peace Act 1968 (compensation in connection with section 1 of the 1968 Act),

and in force immediately before paragraph 20 of Schedule 4 to the JPA 1997 is repealed by this Act shall continue to have effect and may be revoked or amended despite the repeal by the Justices of the Peace Act 1979 of the provisions under which they were made.

(2) The power to make amendments by virtue of sub-paragraph (1) of regulations falling within paragraph (a) of that sub-paragraph shall extend to making provision—

(a) for compensation to or in respect of persons falling within sub-paragraph (3) to be payable if such persons suffer loss of employment, or loss or diminution of emoluments, attributable to anything done under Part 2;

(b) for the determination by persons other than magistrates' courts committees of claims for compensation to be made;

(c) for the payment by the Lord Chancellor of compensation payable under the regulations.

(3) A person falls within this sub-paragraph if—

(a) on 2nd February 1995 he held the office of justices' clerk or was employed to assist a justices' clerk, and

(b) is transferred to the Lord Chancellor's employment by virtue of paragraph 11 of Schedule 2.

(4) A person who under regulations made by virtue of sub-paragraph (2)(a) is entitled to compensation in respect of anything done under Part 2 is not entitled to compensation in respect of that thing under a scheme made under section 1 of the Superannuation Act 1972 by virtue of section 2(2)(a) of that Act.

Family proceedings courts

12 Any justice of the peace who, immediately before section 49 comes into force, was qualified to sit as a member of a family proceedings court shall be treated as having

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been authorised to do so by the Lord Chancellor under section 67 of the 1980 Act (as substituted by section 49).

Youth courts

13 Any justice of the peace who, immediately before section 50 comes into force, was qualified to sit as a member of a youth court shall be treated as having been authorised to do so by the Lord Chancellor under section 45 of the 1933 Act (as substituted by section 50).

Inspectors of court administration

14 Any person who, immediately before section 58 comes into force, was an inspector of the magistrates' courts service under section 62 of the JPA 1997 shall be treated as having been appointed as an inspector of court administration under section 58(1).

Collection of fines and discharge of fines by unpaid work

15 (1) This paragraph applies if section 97 and Schedule 5 are brought into force before section 8.

(2) Section 97 and Schedule 5 have effect in relation to the period ending with the date on which section 8 comes into force as if any reference to a local justice area were a reference to a petty sessions area.

Commencement Information

I121 Sch. 9 para. 15 wholly in force at 5.4.2004; Sch. 9 para. 15 not in force at Royal Assent see s. 110(1)(2); Sch. 9 para. 15 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 9 para. 15 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 9 para. 15 in force for all purposes 5.4.2004 by S.I. 2004/174, **art. 4(c)**

VALID FROM 06/04/2006

Register of judgments and orders

16 The register having effect under section 73 of the County Courts Act 1984 immediately before section 98 comes into force shall be treated as part of the register required to be kept under section 98.

SCHEDULE 10 U.K.

Section 109(3)

REPEALS

Commencement Information

I122 Sch. 10 partly in force; Sch. 10 not in force at Royal Assent see s. 110(1)(2); Sch. 10 in force for certain purposes at 26.1.2004 by S.I. 2003/3345, **art. 2(c)(iii)(iv)**; Sch. 10 in force for certain further purposes

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at 15.3.2004 by S.I. 2004/401, **art. 2(c)(d)**; Sch. 10 in force for certain further purposes at 1.5.2004 by S.I. 2004/1104, {art. 3(h)(i)-(iv)(i)}; Sch. 10 in force for certain further purposes at 1.9.2004 by S.I. 2004/2066, **art. 2(d)(e)** (subject to art. 3); Sch. 10 in force for certain further purposes at 4.1.2005 by S.I. 2004/3123, **art. 2(c)(d)**; Sch. 10 in force for certain further purposes at 1.4.2005 by S.I. 2005/910, **art. 3(aa)(bb)**; Sch. 10 in force for certain further purposes at 10.1.2006 by S.I. 2005/3518, **art. 2(b)** (with art. 4); Sch. 10 in force for certain further purposes at 6.4.2006 by S.I. 2005/3518, **art. 3(c)**

Short title and chapter	**Extent of repeal**
Parochial Libraries Act 1708 (c. 14)	In section 10, “for the commission area”.
Distress for Rent Act 1737 (c. 19)	In section 4, “of the same commission area”. In section 16, “of the county, riding, division, or place”.
Inclosure Act 1773 (c. 81)	In section 4, “under the hand and seal” and “of the commission area wherein such common field lands shall lie”.
Burial Ground Act 1816 (c. 141)	In section 2, “for the commission area in which such land is situated”.
Inclosure and Drainage (Rates) Act 1833 (c. 35)	In section 1, “acting for any commission area, in petty sessions assembled”. In section 2, “for the said (county, riding, or division, as the case may be)”.
Railway Regulation Act 1842 (c. 55)	In section 17, “, in the like discretion of such justice, shall” and the words from “and every such penalty” to the end.
Defence Act 1842 (c. 94)	In section 24, “of the county, riding, city, or place”.
Companies Clauses Consolidation Act 1845 (c. 16)	In section 3, the words from “The word “justice”” to “acting together in petty sessions”.
Lands Clauses Consolidation Act 1845 (c. 18)	In section 3, the words from “The word “justices”” to “acting together”.
Railway Clauses Consolidation Act 1845 (c. 20)	In section 3, the words from “The word “justice”” to “acting together:”. In section 46, “in petty sessions”. In section 59, “, and assembled in petty sessions,”.
Markets and Fairs Clauses Act 1847 (c. 14)	In section 3, the words from “The word “justice”” to “acting together:”.
Harbours, Docks and Piers Clauses Act 1847 (c. 27)	In section 3, the words from “The word “justice”” to “acting together:”.
Towns Improvement Clauses Act 1847 (c. 34)	In section 3, the words from “The word “justice”” to “acting together:”.
Cemeteries Clauses Act 1847 (c. 65)	In section 3, the words from “The word “justice”” to “acting together:”.

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Town Police Clauses Act 1847 (c. 89)	In section 3, the words from "The word "justice"" to "acting together:".
Indictable Offences Act 1848 (c. 42)	In section 13, "any county, riding, division, liberty, city, borough, or place in" (in both places).
Defence Act 1860 (c. 112)	In section 47, the words from "The word "justices"" to "acting together:".
Offences Against the Person Act 1861 (c. 100)	In section 44, "under their hands". In section 65, "under his hand and seal".
Poaching Prevention Act 1862 (c. 114)	In section 1, the words from "; and the words "justice" and "justices"" onwards. In section 2, "England and". In section 3, "in England in the same manner as penalties under the Game Act 1831 and".
Dockyard Ports Regulation Act 1865 (c. 125)	In section 2, the words from "The term "justice"" to "arises:".
Newspapers, Printers, and Reading Rooms Repeal Act 1869 (c. 24)	In Schedule 2, in section 34 of the Unlawful Societies Act 1799, "or sued" and ", or such action shall be brought", and sections 35 and 36 of the 1799 Act.
Explosive Substances Act 1883 (c. 3)	In section 6(1), "for the county, borough, or place in which the crime was committed or is suspected to have been committed," and "sit at a petty sessional or occasional court-house, or police station in the said county, borough or place, and".
Municipal Corporations Act 1882 (c. 50)	In section 153(3), "for a commission area consisting of or including the whole or part of the county".
Sheriffs Act 1887 (c. 55)	In section 38, from "Any reference" onwards.
Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)	In section 3(4), "appointed for the same commission area".
Criminal Justice Act 1925	In section 33(4), ", except in so far as such provision may be made by rules under section 144 of the Magistrates' Courts Act 1980".
Children and Young Persons Act 1933 (c. 12)	Section 101. Schedule 2.
Public Offices (Site) Act 1947	Section 7.
National Assistance Act 1948	Section 65(c).
Prevention of Damage by Pests Act 1949 (c. 55)	In section 15(1), "for the petty sessions area or place in which the works are required to be carried out or, as the case may be, in which the food or container is for the time being situated".

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National Parks and Access to the Countryside Act 1949 (c. 97)	In section 68(3), "for the petty sessions area or place within which the land to which the notice relates is situated".
Maintenance Orders Act 1950	Section 25(1). In section 28(1), in the definition of "prescribed", "England or", "by rules made under section fifteen of the Justices of the Peace Act 1949, or" and "as the case may be,".
Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)	In Schedule 2, Part 2.
Prison Act 1952 (c. 52)	In section 19(2), "or to visit any prisoner under sentence of death".
Maintenance Orders Act 1958	In section 21(1), the definition of "rules of court".
Manoeuvres Act 1958 (7 & 8 Eliz. 2 c. 7)	In section 3, in subsection (1) "sitting in petty sessions in the petty sessions area within which that highway or part of a highway is situated" and in subsection (2) "being a highway or part within the jurisdiction of those justices".
Obscene Publications Act 1959	In section 3(1), "in the petty sessions area for which he acts," and "in that area".
Game Laws (Amendment) Act 1960 (c. 36)	In section 3(2), the words from "and in section one" onwards.
Caravan Sites and Control of Development Act 1960 (c. 62)	In section 7(1), "acting for the petty sessions area in which the land is situated". In section 8(2), "acting for the petty sessions area in which the land to which the site licence relates is situated". In section 32(1)(c), "acting for the petty sessions area in which the land is situated".
Administration of Justice Act 1960	In section 2(3), "Except in a case involving sentence of death,". Section 3.
Children and Young Persons Act 1963 (c. 37)	Section 17(1). Schedule 2.
Offices, Shops and Railway Premises Act 1963 (c. 41)	In section 46(11), "acting for the petty sessions area in which they are situate".
Administration of Justice Act 1964	In section 26, "commissions of the peace,".
Science and Technology Act 1965 (c. 4)	In Schedule 2, the entry relating to section 6 of the Geological Survey Act 1845.
Compulsory Purchase Act 1965	Section 1(5).
Public Works Loans Act 1965 (c. 63)	Section 2(1)(a)(v) and "and" before it.

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National Loans Act 1968 (c. 13)	In Schedule 4, in paragraph 1, in paragraph (a) of the definition of "local authority", sub-paragraph (v) and "and" before it.
Criminal Appeal Act 1968 (c. 19)	In section 31A(2), at the end of paragraph (b) "and". Section 48. Schedule 4.
Courts-Martial (Appeals) Act 1968 (c. 20)	In section 36(1), at the end of paragraph (f) "and". In section 36A(1), at the end of paragraph (a) "and". Section 55. Schedule 2.
Children and Young Persons Act 1969 (c. 54)	In section 23A(2)(a), "for the petty sessions area in which he was arrested".
Courts Act 1971 (c. 23)	Sections 27 and 28. Schedule 3. In Schedule 8, paragraphs 17 and 49.
Attachment of Earnings Act 1971	In section 25(1), the definition of "rules of court" and "and" before it.
Armed Forces Act 1971	In Schedule 2, paragraph 1(8).
Fire Precautions Act 1971 (c. 40)	In section 43(1), in the definition of "the court", "acting for the petty sessions area in which they are situated".
Immigration Act 1971	In Schedule 3, in paragraph 6(3) "the Crown Court or" and "commission area or" and in paragraph 8(1) "area or".
Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)	In section 21(1), "in England and Wales or", "by rules made under section 144 of the Magistrates' Courts Act 1980 or", and "as the case may be,". In section 34A(4), omit "the clerk of".
Civil Evidence Act 1972	Section 2(8).
Administration of Justice Act 1973	In section 5, "Paragraph 7 of". In Schedule 1, paragraphs 7 to 7B and 10(1).
Juries Act 1974 (c. 23)	In section 10, "and for this purpose "the judge" means any judge of the High Court or any Circuit judge or Recorder". In Schedule 1, in Group B, "Justices' chief executives,".
Solicitors Act 1974 (c. 47)	Section 38(2) and (3).
Safety of Sports Grounds Act 1975 (c. 52)	In section 17(1), in the definition of "the court", "acting for the petty sessions area in which they are situated".

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Bail Act 1976 (c. 63)	In section 2, the definitions of "Crown Court rules", "magistrates' courts rules" and "Supreme Court rules". In section 5B(8), "for the petty sessions area in which he was arrested". In section 7(4)(a), "for the petty sessions area in which he was arrested". In section 8(5)(b), "for the petty sessions area in which he resides".
Race Relations Act 1976 (c. 74)	In Schedule 1A, in Part 1, paragraph 45, and in Part 2, under the heading "Regulatory, audit and inspection", "Her Majesty's Magistrates' Courts Service Inspectorate".
Administration of Justice Act 1977	Section 22.
Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)	In section 88(1), the definition of "rules". In Schedule 2, paragraphs 2, 6 and 9.
Judicature (Northern Ireland) Act 1978 (c. 23)	Section 48(4). In section 70(2)(a), the words ", or in the case of the Official Solicitor a solicitor,". In section 73, in subsection (1), "Subject to subsection (2)", and subsection (2). In Schedule 1, in paragraph 1(2) "Except in a case involving sentence of death," and paragraph 2. In Schedule 3, the entry relating to the Official Solicitor.
Protection of Children Act 1978	In section 4(1), "in the petty sessions area for which he acts".
Magistrates' Courts Act 1980 (c. 43)	Section 1(2), (5) and (8). Section 3. Section 3B. In section 60(4), "the clerk of". Section 68. Section 87(4). Section 87A(2). In section 97(1), "for any commission area" and "for that commission area". In section 97A(1), "for any commission area" and paragraph (c) and "and" before it. In section 116, in subsection (1), "for any area to which this section applies", from ", if the complaint" to "for that area," and "for that area" (in the second place) and subsection (3). In section 121, subsection (3) and, in subsection (5), ", or sitting in an occasional court-house". Section 125B(3). In section 125C, in subsection (1), "appointed by, or member of the staff of,

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	his magistrates' courts committee" and, in subsection (2), in the definition of "a section 125A warrant", from "and" onwards. Sections 137 and 138. Section 141. In section 144, in subsection (2) "the President of the Family Division of the High Court, the Senior District Judge (Chief Magistrate)" and subsection (5). In section 145, in subsection (1) paragraphs (aa), (f) and (i) and subsection (4). Sections 146 and 147. Section 149. In section 150(1), the definitions of "petty-sessional court-house", "the register" and "the rules". Section 153. Schedule 6. In Schedule 7, paragraphs 5, 8, 101(a), 106, 107, 113, 131 and 151.
Criminal Appeal (Northern Ireland) Act 1980	Section 48 and Schedule 3.
Zoo Licensing Act 1981 (c. 37)	In section 18(1), "acting for the petty sessions area in which the zoo is situated".
Supreme Court Act 1981 (c. 54)	Section 56A. Section 76(4). In section 92, in subsection (2), "except the office of Queen's Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals" and subsections (2D) and (2E). Section 130. Sections 138, 138A and 138B. In section 151(1), in the definition of "prescribed", paragraph (b) and "and" before it. In Schedule 5, paragraph 1 of the entry relating to the Foreign Judgments (Reciprocal Enforcement) Act 1933, the entry relating to the Criminal Justice Act 1948, and paragraph 2 of the entry relating to the Evidence (Proceedings in Other Jurisdictions) Act 1975.
Acquisition of Land Act 1981 (c. 67)	In Schedule 4, in paragraph 1, the entry relating to the Courts Act 1971 and paragraph 19.
County Courts Act 1984 (c. 28)	Sections 73 and 73A. Section 99(4)(b). Section 128. In section 147(1), the definition of "fees orders".

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	In Schedule 2, paragraph 43.
Matrimonial and Family Proceedings Act 1984 (c. 42)	Sections 40 and 41. In Schedule 1, paragraph 13(b).
Building Act 1984 (c. 55)	In section 40(1), "acting for the petty sessions area in which is situated land on which there has been carried out any work to which the notice relates". In section 55(1), "acting for the petty sessions area in which is situated land on which there will be, or there has been, carried out any work to which the notice or certificate relates".
Cinemas Act 1985 (c. 13)	In Schedule 2, paragraph 12.
Prosecution of Offences Act 1985	Section 20(5).
Local Government Act 1985 (c. 51)	Section 99. In Schedule 13, paragraph 13(i).
Administration of Justice Act 1985 (c. 61)	Section 54.
Transport Act 1985 (c. 67)	In section 17(10), the definition of "the appropriate court".
Fire Safety and Safety of Places of Sport Act 1987 (c. 27)	In section 41, in the definition of "the court", "acting for the petty sessions area in which it is situated".
Income and Corporation Taxes Act 1988 (c. 1)	Section 329AA(8).
Criminal Justice Act 1988 (c. 33)	Section 41(9).
Road Traffic Act 1988 (c. 52)	In section 90(1)(a), "acting for the petty sessions area in which he resides". In section 100(1), "acting for the petty sessions area in which he resides". In section 119(1), "acting for the petty sessions area in which the holder of or applicant for the licence resides".
Road Traffic Offenders Act 1988 (c. 53)	Section 82(2), (2A) and (3).
Football Spectators Act 1989 (c. 37)	Section 7(10)(c) and the word "and" immediately preceding it. Section 18(4). In section 20(7), "acting for the petty sessions area in which he resides". In section 22(2), "for any area", "who resides or is believed to reside in that area" and (in both places) "for that area".
Children Act 1989 (c. 41)	Section 97(7)(a). In Schedule 11, in paragraph 8, sub-paragraphs (d) to (g).

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Local Government and Housing Act 1989 (c. 42)	Section 39(1)(ea). Section 67(3)(ga).
Statute Law (Repeals) Act 1989 (c. 43)	In Schedule 2, paragraph 4.
Town and Country Planning Act 1990 (c. 8)	In section 217(2), "acting for the petty sessions area in which the land in question is situated".
Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)	In section 47(4), "acting for the petty sessions area within which the building is situated". In section 50(6), "acting for the petty sessions area in which the building is situated".
Planning (Consequential Provisions) Act 1990 (c. 11)	In Schedule 2, paragraph 25.
Computer Misuse Act 1990 (c. 18)	Section 11(1). In section 16(10), "and subsection (6) shall be omitted".
Courts and Legal Services Act 1990 (c. 41)	Section 1(12). Section 15(1). In Schedule 17, paragraph 14. In Schedule 18, paragraph 50. In Schedule 19, paragraph 7.
Maintenance Enforcement Act 1991	In Schedule 2, paragraph 11(2).
Criminal Justice Act 1991 (c. 53)	Sections 76 to 78. In section 92, in subsection (1), the definitions of "court-house" and "court security officer" and subsection (2). In Schedule 11, in paragraph 40(2)(a), "and Schedule 2" and in paragraph 41(2), paragraphs (a) and (e).
Local Government Finance Act 1992 (c. 14)	Section 19(3)(ea).
Friendly Societies Act 1992	In Schedule 16, paragraph 44.
Charities Act 1992 (c. 41)	In section 71(3), from "and references" onwards.
Tribunals and Inquiries Act 1992 (c. 53)	In Schedule 1, the entry relating to a person appointed under section 54(6) of the Justices of the Peace Act 1997.
Judicial Pensions and Retirement Act 1993 (c. 8)	In Part II of Schedule 1, in the entry for Schedule 3 to the Judicature (Northern Ireland) Act 1978, the words from ", other than" to the end. In Schedule 5, in the entry for the Judicature (Northern Ireland) Act 1978 the words "or 75(1)". In Schedule 6, paragraph 14(5) and (7).

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Police and Magistrates' Courts Act 1994 (c. 29)	In Schedule 8, paragraphs 29, 30, 32, 33 and 34.
Criminal Justice and Public Order Act 1994 (c. 33)	Section 52(8).
Deregulation and Contracting Out Act 1994 (c. 40)	In Schedule 16, paragraph 2.
Jobseekers Act 1995 (c. 18)	In Schedule 2, paragraph 4.
Criminal Appeal Act 1995 (c. 35)	Section 22(5).
Disability Discrimination Act 1995 (c. 50)	Section 38(3).
Police Act 1996 (c. 16)	Section 5(2)(c) and "and" before it. Section 5C(3)(c) and "and" before it. In Schedule 2, in paragraph 19(2)(a), "or 8". In Schedule 2A, in paragraph 14(2)(a), "or 5".
Civil Procedure Act 1997 (c. 12)	Section 2(6) to (8). In Schedule 2, paragraph 3.
Justices of the Peace Act 1997 (c. 25)	The whole Act.
Police Act 1997 (c. 50)	In Schedule 9, paragraph 92.
Local Government (Contracts) Act 1997 (c. 65)	Section 10. Section 12(4).
Statute Law (Repeals) Act 1998 (c. 43)	In Schedule 2, paragraph 3.
Tax Credits Act 1999 (c. 10)	In Schedule 1, paragraph 6(a).
Access to Justice Act 1999 (c. 22)	Sections 74 and 75. Section 77. Section 78(1). Sections 80 to 89. Section 90(2) to (5). Section 91. Section 93(1). Section 98(1). Sections 99 and 100. In Schedule 4, paragraph 20. In Schedule 10, paragraphs 1 to 5, 6, 7, 9 to 12, 14 to 16, 18 to 20, 21(a), 30(4)(b), 32, 35 36, 39, and 47 to 53. In Schedule 11, paragraphs 3, 6(a), 12, 18, 28, 29, 30, 32, 36(3) and (4)(a), and 43 to 50. Schedule 12. In Schedule 13, paragraphs 1, 5, 6, 7, 10, 11, 13(2), 14, 15, 25 to 31, 59(2), (3)(a) and (4), 60, 65, 66, 68, 69, 72, 73(4), 74, 77, 78, 81, 82, 89 to 93, 96 to 112, 114 to 118, 122(2), 126, 127, 129 to 131, 135 to 138, 147 to 149, 150(3), 153(a), 154 to 156, 159 to 162, 165, 167 to 169 and 171.

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Youth Justice and Criminal Evidence Act 1999 (c. 23)	Section 24(5) to (7). Section 65(2).
Greater London Authority Act 1999 (c. 29)	In Schedule 27, paragraph 108. In Schedule 29, paragraph 62.
Terrorism Act 2000 (c. 11)	In Schedule 8, in paragraph 29(4)(a), "the Senior District Judge (Chief Magistrate) or his deputy, or".
Care Standards Act 2000 (c. 14)	In Schedule 4, paragraph 7.
Freedom of Information Act 2000 (c. 36)	In Schedule 1, paragraph 34.
Criminal Justice and Court Services Act 2000 (c. 43)	Section 17. In Schedule 7, paragraphs 84 to 86.
Vehicles (Crime) Act 2001 (c. 3)	Section 38(5)(c). In the Schedule, paragraphs 7 to 10.
Private Security Industry Act 2001 (c. 12)	In section 11, subsection (3) and, in subsection (6)(d), "appropriate". In section 18, subsection (3) and, in subsection (5)(d), "appropriate".
International Criminal Court Act 2001 (c. 17)	In section 26, in the definition of "appropriate judicial officer", paragraph (a).
State Pension Credit Act 2002 (c. 16)	In Schedule 2, paragraph 25.
Tax Credits Act 2002 (c. 21)	In Schedule 3, paragraph 2.
Justice (Northern Ireland) Act 2002 (c. 26)	In section 18(9), the words "and in the entry relating to the Official Solicitor".
Police Reform Act 2002 (c. 30)	In Schedule 7, paragraph 20.
Adoption and Children Act 2002	Section 141(2). In Schedule 3, paragraph 44.
Enterprise Act 2002	Section 265.

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