

*These notes refer to the Courts Act 2003 (c.39)  
which received Royal Assent on 20 November 2003*

# **COURTS ACT 2003**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS: PART 3**

#### *Family proceedings courts and youth courts*

#### **Part 4: Court Security**

##### **Summary**

123. **Part 4** of the Act contains the legislative proposals regarded as necessary to improve the provision of security in court buildings. It contains provisions to ensure that designated “court security officers” will have the same powers in all courts. It specifies certain powers of search, exclusion, removal and restraint that security personnel will be able to exercise in the execution of their duty. These powers are to be exercised subject to the limitations prescribed in Part 4. Court security officers will also have a power to temporarily retain articles they reasonably believe ought to be surrendered because possession of the article may jeopardise the maintenance of order in the court building, or risk the safety of a person in that building or because the article may be evidence of or in relation to an offence. This power is supplemented by a power to seize an article where a person refuses the officer’s request for surrender of the article. These powers are based upon, but go slightly further than, the current powers of court security officers in the magistrates’ courts: currently officers may only request the surrender of an article in limited circumstances and cannot seize articles. To minimise the interference with a person’s property there are limits on how long an article may be retained and there will be provision to ensure that a person from whom an article is taken is adequately informed, in particular, that if the article is to be treated as unclaimed then it will be disposed of.