



# Courts Act 2003

## 2003 CHAPTER 39

### PART 2

#### JUSTICES OF THE PEACE

##### *Lay justices*

#### **9 Meaning of “lay justice”**

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

#### **10 Appointment of lay justices etc.**

(1) Lay justices are to be appointed for England and Wales by the [<sup>F1</sup>Lord Chief Justice] by instrument on behalf and in the name of Her Majesty.

[<sup>F2</sup>(1A) Subject to the following provisions of this section and to sections 11 to 15, a person appointed under subsection (1) is to hold and vacate office as a justice of the peace in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.]

(2) [<sup>F3</sup>Lord 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.

[<sup>F4</sup>(2ZA) The Lord Chief Justice must ensure that arrangements for the exercise, so far as affecting any local justice area, of the function under subsection (1) include arrangements for consulting persons appearing to the Lord Chief Justice to have special knowledge of matters relevant to the exercise of that function in relation to that area.]

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- [<sup>F5</sup>(2A) The Lord Chancellor must ensure that arrangements for the exercise, so far as affecting any local justice area, of functions under [<sup>F6</sup>subsection ] (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 [<sup>F7</sup>Lord 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).
- [<sup>F8</sup>(6) The functions conferred on the Lord Chief Justice by subsections (2) and (3) may be exercised only after consulting the Lord Chancellor.
- [ The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of <sup>F9</sup>(6A) the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under subsection (1).]
- (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)[<sup>F10</sup>, (2ZA)] or (3).]

#### Textual Amendments

- F1** Words in s. 10(1) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 39\(2\)](#); S.I. 2013/2200, [art. 3\(e\)](#) (with savings in S.I. 2013/2192, regs. 48, 49)
- F2** S. 10(1A) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 39\(3\)](#); S.I. 2013/2200, [art. 3\(e\)](#) (with savings in S.I. 2013/2192, regs. 48, 49)
- F3** 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)
- F4** S. 10(2ZA) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 39\(4\)](#); S.I. 2013/2200, [art. 3\(e\)](#) (with savings in S.I. 2013/2192, regs. 48, 49)
- F5** 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
- F6** Word in s. 10(2A) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 39\(5\)](#); S.I. 2013/2200, [art. 3\(e\)](#) (with savings in S.I. 2013/2192, regs. 48, 49)
- F7** 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)
- F8** 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)
- F9** S. 10(6A) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 39\(6\)](#); S.I. 2013/2200, [art. 3\(e\)](#) (with savings in S.I. 2013/2192, regs. 48, 49)
- F10** Word in s. 10(7) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 39\(7\)](#); S.I. 2013/2200, [art. 3\(e\)](#) (with savings in S.I. 2013/2192, regs. 48, 49)

## 11 Resignation and removal of lay justices

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

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- (2) The Lord Chancellor may [<sup>F11</sup>, 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 [<sup>F12</sup>with the concurrence of the Lord Chief Justice] , or
  - (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

- F11** 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)
- F12** 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

- (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

- (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 [<sup>F13</sup>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.

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(5) The Lord Chancellor may [<sup>F14</sup>, 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.

[<sup>F15</sup>(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).]

#### Textual Amendments

- F13** 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)
- F14** 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)
- F15** 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

- (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 [<sup>F16</sup>, with the concurrence of the Lord Chief Justice,] directs its removal.

#### Textual Amendments

- F16** 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

- (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

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- (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—
  - (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 [<sup>F17</sup>Lord 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.
- [<sup>F18</sup>(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

- F17** 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)
- F18** 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

- (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

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- (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.
- [<sup>F19</sup>(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).
- (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.]

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**Textual Amendments**

**F19** 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)

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