Courts Act 2003

2003 CHAPTER 39

PART 5

INSPECTORS OF COURT ADMINISTRATION

58 Inspectors of court administration etc.

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

(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

(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 Lord Chancellor on the performance of CAFCASS functions;

(c) discharge any other particular functions which may be specified in connection with—

(i) the courts listed in subsection (2), or

(ii) CAFCASS functions or related functions of any other person.

(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.

(4) "Specified" means specified in a direction given by the Lord Chancellor; but before giving any such direction the Lord Chancellor 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.

60 Functions of Chief Inspector

(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.

(4) The Chief Inspector must report to the Lord Chancellor on any matter which the Lord Chancellor refers to him and which is connected with—

(a) the courts listed in section 59(2), or

(b) 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.

61 Rights of entry and inspection

(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.