



Courts Act 2003

2003 CHAPTER 39

PART 9 **E+W**

FINAL PROVISIONS

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.

[^{F1}(4A) The following paragraphs apply to the making of provision that relates to England and Wales 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 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—

Changes to legislation: Courts Act 2003, Section 109 is up to date with all changes known to be in force on or before 18 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) View outstanding changes

- (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
 - ^{F2}(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.
- ^{F3}(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).]
- ^{F4}(9) Any order made by the Department of Justice in Northern Ireland under subsection (4) shall be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
- (10) No order containing any provision (whether alone or with other provisions) amending or repealing any Act or provision of an Act may be made by the Department of Justice in Northern Ireland under subsection (4) unless a draft has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (11) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (10) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.
- (12) Any other order made by the Department of Justice under subsection (4) is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).]

Textual Amendments

- F1** 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)
- F2** 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
- F3** 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)
- F4** S. 109(9)-(12) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 18 para. 69\(4\)](#) (with arts. 28-31)

Modifications etc. (not altering text)

- C1** S. 109 transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 17 para. 19\(b\)](#) (with arts. 28-31)

Commencement Information

- I1** 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

Changes to legislation: Courts Act 2003, Section 109 is up to date with all changes known to be in force on or before 18 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) View outstanding changes

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 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)

I2 S. 109(1)(3) in force at 6.4.2011 for specified purposes by S.I. 2010/2921, **art. 3(a)**

Changes to legislation:

Courts Act 2003, Section 109 is up to date with all changes known to be in force on or before 18 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 75(6) inserted by [2022 c. 35 Sch. 4 para. 3\(2\)](#)
- s. 76(2B) inserted by [2010 c. 26 Sch. 3 para. 14](#) (This amendment not applied to legislation.gov.uk. Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by 2013 c. 22, s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 81(6) inserted by [2022 c. 35 Sch. 4 para. 3\(3\)](#)
- s. 85EA(5) words substituted by [2022 c. 32 Sch. 11 para. 29](#)
- Sch. 5 para. 13(1)(ca) inserted by [2013 c. 22 s. 26\(3\)](#)

Commencement Orders yet to be applied to the Courts Act 2003

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2005/547 art. 2](#) commences (2003 c. 39)