

SCHEDULES

SCHEDULE 2

JUDGE ADVOCATES SITTING IN CIVILIAN COURTS

PART 1

AMENDMENTS CONFERRING JURISDICTION ON JUDGE ADVOCATES

Senior Courts Act 1981 (c. 54)

- 1 (1) Section 8 of the Senior Courts Act 1981 (persons who may exercise the jurisdiction of the Crown Court) is amended as follows.
 - (2) In subsection (1)(b), for “, Recorder or District Judge (Magistrates’ Courts)” substitute “, Recorder, qualifying judge advocate or District Judge (Magistrates’ Courts)”.
 - (3) In subsection (1)(c), for “or Recorder” substitute “, Recorder or qualifying judge advocate”.
 - (4) After subsection (1) insert—

“(1A) The jurisdiction of the Crown Court exercisable by a qualifying judge advocate by virtue of subsection (1) is the jurisdiction of the Court in relation to any criminal cause or matter other than an appeal from a youth court.”
 - (5) In subsection (3), for “, Circuit judge, Recorder or District Judge (Magistrates’ Courts)” substitute “, Circuit judge, Recorder, qualifying judge advocate or District Judge (Magistrates’ Courts)”.
 - (6) After subsection (3) insert—

“(4) Subsection (1A) does not affect the jurisdiction of the Crown Court exercisable by a person who holds an office mentioned in subsection (1)(a) or (b) where that person is also a qualifying judge advocate.”
- 2 In section 73(2) and (3) of that Act (general provisions relating to Crown Court proceedings), for “or Recorder” (wherever it occurs) substitute “, Recorder or qualifying judge advocate”.
- 3 In section 74 of that Act (Crown Court proceedings on appeals)—
 - (a) in subsection (1), after “Recorder” insert “or a qualifying judge advocate”;
 - and
 - (b) in subsection (3), for “or Recorder,” substitute “, Recorder or qualifying judge advocate,”.
- 4 In section 75(1) of that Act (allocation of cases and distribution of cases in Crown Court), for “, Circuit judge, Recorder or District Judge (Magistrates’ Courts)”

Status: This is the original version (as it was originally enacted).

substitute “, Circuit judge, Recorder, qualifying judge advocate or District Judge (Magistrates’ Courts)”.

- 5 In section 151(1) of that Act (interpretation), at the appropriate place insert—
- ““qualifying judge advocate” means—
 - (a) the Judge Advocate General; or
 - (b) a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General);”.

Courts Act 2003 (c. 39)

- 6 In section 66 of the Courts Act 2003 (judges having powers of District Judges (Magistrates’ Courts))—
- (a) after subsection (2) insert—
 - “(2A) A qualifying judge advocate has the powers of a justice of the peace who is a District Judge (Magistrates’ Courts) in relation to criminal causes and matters.”; and
 - (b) after subsection (4) insert—
 - “(5) In this section “qualifying judge advocate” means—
 - (a) the Judge Advocate General; or
 - (b) a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General).
 - (6) Subsection (2A) is without prejudice to the powers conferred by this section on a person within subsection (2) where that person is also a qualifying judge advocate.”