



# Courts and Tribunals (Judiciary and Functions of Staff) Act 2018

## CHAPTER 33

### COURTS AND TRIBUNALS (JUDICIARY AND FUNCTIONS OF STAFF) ACT 2018

#### *Judiciary*

- 1 Deployment of judges
- 2 Alteration of judicial titles

#### *Functions of staff*

- 3 Authorised court and tribunal staff: legal advice and judicial functions

#### *Final provisions*

- 4 Short title, commencement and extent

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SCHEDULE — Authorised court and tribunal staff: legal advice and judicial functions

PART 1 — COURTS

#### *Criminal Justice Act 1972*

- 1 In section 51 of the Criminal Justice Act 1972 (execution...

#### *Solicitors Act 1974*

- 2 In section 3(1) of the Solicitors Act 1974 (admission as...

*Bail Act 1976*

- 3 In section 8(4)(a) of the Bail Act 1976 (recognizance of...

*Magistrates' Courts Act 1980*

- 4 The Magistrates' Courts Act 1980 is amended as follows.  
5 (1) Section 12 (non-appearance of accused: plea of guilty) is...  
6 In section 77(6)(a) (postponement of issue of warrant: reference of...  
7 In section 114 (recognizances and fees on case stated)—  
8 (1) Section 125C (disclosure of information for enforcing warrants) is...  
9 In section 125CB(1)(c) (use of information supplied under disclosure  
order),...  
10 In section 144 (rules of procedure), for subsections (1) and...

*Highways Act 1980*

- 11 In section 116(9) of the Highways Act 1980 (power of...

*Matrimonial and Family Proceedings Act 1984*

- 12 The Matrimonial and Family Proceedings Act 1984 is amended as...  
13 In section 31C(2) (precedent in the family court), for “justices’...  
14 For section 31O substitute— Function of giving legal advice to...  
15 In section 31P (orders, regulations and rules), omit subsection (2)....

*Police and Criminal Evidence Act 1984*

- 16 Omit section 47A of the Police and Criminal Evidence Act...

*Criminal Justice Act 1991*

- 17 In Schedule 3 to the Criminal Justice Act 1991 (reciprocal...

*Criminal Procedure (Scotland) Act 1995*

- 18 In Schedule 13 (transfer of community payback orders), in paragraph...

*Civil Procedure Act 1997*

- 19 In Schedule 1 to the Civil Procedure Act 1997 (civil...

*Crime and Disorder Act 1998*

- 20 The Crime and Disorder Act 1998 is amended as follows....  
21 In section 49 (powers of magistrates' courts exercisable by single...  
22 In section 50 (early administrative hearings), in subsection (4), for...  
23 In Schedule 3 (procedure where persons are sent for trial...

*Licensing Act 2003*

- 24 In section 131 of the Licensing Act 2003 (court's duty...

*Courts Act 2003*

- 25 The Courts Act 2003 is amended as follows.  
26 For sections 27 to 29 substitute— Legal advice Function of...  
27 In section 31 (immunity for acts within jurisdiction), omit subsection...

- 28 In section 32 (immunity for certain acts beyond jurisdiction), omit...
- 29 (1) Section 34 (costs in legal proceedings) is amended as...
- 30 (1) Section 35 (indemnity) is amended as follows.
- 31 In section 37(2) (designated officers and magistrates' courts)—
- 32 After Part 6 insert— PART 6A Exercise of judicial functions...
- 33 (1) Section 70 (Criminal Procedure Rule Committee) is amended as...
- 34 In section 76(2) (scope of Family Procedure Rules)—
- 35 (1) Section 77 (membership of Family Procedure Rule Committee) is...
- 36 In section 108(3)(b) (orders and regulations subject to affirmative resolution...

*Criminal Justice Act 2003*

- 37 In section 305(1) of the Criminal Justice Act 2003 (interpretation...

*Mental Capacity Act 2005*

- 38 In section 51(2) of the Mental Capacity Act 2005 (scope...  
PART 2 — TRIBUNALS

*Tribunals, Courts and Enforcement Act 2007*

- 39 The Tribunals, Courts and Enforcement Act 2007 is amended as...
- 40 In section 8(2) (functions of Senior President of Tribunals excluded...
- 41 After section 29 insert— CHAPTER 2A Exercise of tribunal functions...
- 42 (1) Section 49 (orders and regulations under Part 1: supplemental...
- 43 Schedule 5 (Tribunal Procedure Rules) is amended as follows.
- 44 (1) Paragraph 3 is amended as follows.
- 45 After paragraph 28 insert— Delegation of functions to staff: reconsideration...

**Changes to legislation:**

There are currently no known outstanding effects for the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018.