
STATUTORY INSTRUMENTS

2007 No. 1176

**SUPREME COURT OF ENGLAND AND WALES
COUNTY COURTS, ENGLAND AND WALES
MAGISTRATES' COURTS,
ENGLAND AND WALES**

Her Majesty's Inspectorate of Court Administration
(Specified Organisations) Order 2007

<i>Made</i>	- - - -	<i>3rd April 2007</i>
<i>Laid before Parliament</i>		<i>10th April 2007</i>
<i>Coming into force</i>	- -	<i>1st May 2007</i>

The Lord Chancellor makes the following Order in exercise of the powers conferred by paragraph 3(3) of Schedule 3A to the Courts Act 2003(1):

Citation, commencement and interpretation

1.—(1) This Order may be cited as Her Majesty's Inspectorate of Court Administration (Specified Organisations) Order 2007 and shall come into force on 1st May 2007.

(2) In this Order—

“the 2003 Act” means the Courts Act 2003;

“courts” means the courts defined in section 59(2) of the 2003 Act.

Specified organisations

2. The following persons are a specified organisation for the purposes of paragraph 3(3) of Schedule 3A to the 2003 Act —

persons exercising functions in the system that supports the carrying on of the business of the courts and the services provided for those courts.

(1) 2003 c.39. Schedule 3A was inserted into the 2003 Act by section 32(2) of the Police and Justice Act 2006 (c. 48).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Department for Constitutional Affairs
3rd April 2007

Vera Baird
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies certain persons as an “organisation” for the purposes of paragraph 3(3) of Schedule 3A to the Courts Act 2003, which was inserted by section 32 of the Police and Justice Act 2006. Paragraph 3 of Schedule 3A imposes a duty on Her Majesty’s Chief Inspector of Court Administration (HMICA) to prevent or limit certain proposed inspections of specified organisations in order to prevent an unreasonable burden being imposed on those organisations. The specified organisations are the persons listed in article 2 of this Order.

The persons listed in article 2 are defined by reference to section 59 of the 2003 Act, which sets out what HMICA must inspect. This amounts to those who exercise the functions of Her Majesty’s Courts Service (HMCS) including those with responsibility for enforcing court orders. HMCS is an executive agency which has the responsibility for managing the magistrates’ courts, the Crown Court, county courts, the High Court and Court of Appeal in England and Wales (although HMICA’s remit does not extend to inspection of the administration of the High Court or the Court of Appeal). The functions of HMCS in supporting the business of the courts and the services provided for those courts includes administrative tasks such as issuing summons, preparing court files, managing day to day court business and dealing with queries from members of the public. Those with responsibility for enforcing court orders include civilian enforcement officers, those who work for an approved enforcement agency and bailiffs of a county court.

The specification has an effect if a person or body falling within paragraph 3(2) of Schedule 3A proposes to inspect the persons specified in article 2. The body in paragraph 3(2) is the Audit Commission for Local Government and the National Health Service in England and Wales. The Lord Chancellor may by order specify other persons or bodies but none have yet been specified.

If HMICA considers that a proposed inspection by the Audit Commission would impose an unreasonable burden on the persons specified in article 2, HMICA must give notice to the Audit Commission not to carry out the proposed inspection or not to carry it out in a particular manner.