

SCHEDULE
CONSEQUENTIAL AMENDMENTS

PART 1
ACTS AND MEASURES

Church Commissioners Measure 1947 (No. 2)

1. In paragraph 1(a) of Schedule 1 to the Church Commissioners Measure 1947(1), for “Secretary of State for the Home Department” substitute “Lord Chancellor”.

Prison Act 1952 (c. 52)

- 2.—(1) Section 35 of the Prison Act 1952(2) is amended as follows.
- (2) In subsection (1), after “Secretary of State” (in both places) insert “for Justice”.
- (3) Omit subsections (2) to (4).

Public Records Act 1958 (c. 51)

3. In Schedule 1 to the Public Records Act 1958, in Part 1 of the Table at the end of paragraph 3(3), for “Department for Constitutional Affairs” substitute “Ministry of Justice”.

Parliamentary Commissioner Act 1967 (c. 13)

- 4.—(1) The Parliamentary Commissioner Act 1967 is amended as follows.
- (2) In section 5(6)(4), for “Department for Constitutional Affairs” substitute “Ministry of Justice”.
- (3) In Schedule 2(5)—
- (a) omit “Department for Constitutional Affairs.”;
- (b) insert at the appropriate place “Ministry of Justice.”;
- (c) omit the note relating to the Department for Constitutional Affairs;
- (d) after the note relating to the Ministry of Defence insert—

“Ministry of Justice

The reference to the Ministry of Justice includes the Public Trustee.”

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- (1) Paragraph 1 was substituted by the National Institutions Measure 1998 (No. 1), Sched. 4, para. 8(a); paragraph 1(a) was subsequently amended by S.I. 2006/1640, Sched. 1, para. 2; other amendments have been made to paragraph 1 which are not relevant to this Order.
- (2) Section 35 was substituted by S.I. 1963/597, Sched. 1.
- (3) An entry relating to the Lord Chancellor’s Department was inserted in Part 1 of the Table by the Legal Aid Act 1988 (c. 34), Sched. 5, para. 1, and amended by the Access to Justice Act 1999 (c. 22), Sched. 4, para. 1; the reference to the Department for Constitutional Affairs was substituted for the reference to the Lord Chancellor’s Department in that entry by S.I. 2003/1887, Sched. 2, para. 1; other amendments have been made to Schedule 1 which are not relevant to this Order.
- (4) Section 5(6) was inserted by section 110(1) of the Courts and Legal Services Act 1990 (c. 41); and amended by the Constitutional Reform Act 2005 (c. 4), Sched. 17, para. 6(2); other amendments have been made to section 5 which are not relevant to this Order.
- (5) Schedule 2 was substituted by S.I. 2005/3430, Sched.; the note relating to the Department for Constitutional Affairs was amended by the Constitutional Reform Act 2005 (c. 4), Sched. 17, para. 6(3); other amendments have been made to Schedule 2 which are not relevant to this Order.

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Magistrates' Courts Act 1980 (c. 43)

5. In section 125A(3)(a) of the Magistrates' Courts Act 1980(6), omit "and the Secretary of State, acting jointly".

Criminal Justice and Public Order Act 1994 (c. 33)

6. In section 100(4) of the Criminal Justice and Public Order Act 1994, after "Secretary of State" (in both places) insert "for Justice".

Regulation of Investigatory Powers Act 2000 (c. 23)

7. In Part 1 of Schedule 1 to the Regulation of Investigatory Powers Act 2000(7), before paragraph 13A insert—

"13ZA. The Ministry of Justice".

Courts Act 2003 (c. 39)

8.—(1) The Courts Act 2003 is amended as follows.

(2) In section 70(8)—

(a) in subsection (2)(a), for "Secretary of State" substitute "Lord Chancellor";

(b) in subsection (3), after "subsection (1A)," insert "other than a person falling within subsection (2)(a),".

(3) In section 72(3)(9), omit ", with the concurrence of the Secretary of State,".

(4) Omit section 72A(4)(10).

(5) In section 73(1)(11), omit "with the concurrence of the Secretary of State and".

Criminal Justice Act 2003 (c. 44)

9.—(1) The Criminal Justice Act 2003 is amended as follows.

(2) In section 167(12)—

(a) in subsection (1)—

(i) in paragraph (b), omit "the Secretary of State and";

(ii) in paragraph (c), for "Secretary of State" substitute "Lord Chancellor" and for "Lord Chancellor" substitute "Secretary of State";

(b) in subsections (4), (6) and (9), for "Secretary of State" substitute "Lord Chancellor".

(3) In section 168(13), in subsections (1)(c) and (5), for "Secretary of State" substitute "Lord Chancellor".

(4) In section 170(8)(b)(ii), omit ", after consultation with the Secretary of State,".

(6) Section 125A was inserted by section 92 of the Access to Justice Act 1999 (c. 22); an amendment has been made to section 125A which is not relevant to this Order.

(7) Paragraph 13A was inserted by S.I. 2003/3171, art. 2(3); other amendments have been made to Part 1 of Schedule 1 which are not relevant to this Order.

(8) Section 70 was amended by the Constitutional Reform Act 2005 (c. 4), Sched. 4, para. 333; other amendments have been made to section 70 which are not relevant to this Order.

(9) Section 72 was amended by the Constitutional Reform Act 2005 (c. 4), Sched. 4, para. 335 and Sched.18, Part 2.

(10) Section 72A was inserted by the Constitutional Reform Act 2005 (c. 4), Sched. 4, para. 336.

(11) Section 73 was amended by the Constitutional Reform Act 2005 (c. 4), Sched. 4, para. 337.

(12) Section 167 was amended by the Constitutional Reform Act 2005 (c. 4), Sched. 4, para. 357.

(13) Section 168 was amended by the Constitutional Reform Act 2005 (c. 4), Sched. 4, para. 358.

- (5) In section 171(3)(a), omit “the Secretary of State and”.
- (6) In section 173—
 - (a) in subsections (1) and (3), for “Ministers” substitute “Lord Chancellor”;
 - (b) in subsection (5), omit the definition of “the Ministers”.

Domestic Violence, Crime and Victims Act 2004 (c. 28)

10.—(1) The Domestic Violence, Crime and Victims Act 2004 is amended as follows.

(2) In sections 32, 33, 48, 49, 53, 54 and 55(1) to (6), after “Secretary of State” (in each place) insert “for Justice”.

(3) In sections 33, 48, 49, 53, 54 and 55, for “Lord Chancellor” (in each place) substitute “Secretary of State for the Home Department”.

(4) In Schedule 8, in paragraphs 1, 2, 8 and 9—

- (a) after “Secretary of State” (in each place) insert “for Justice”;
- (b) for “Lord Chancellor” (in each place) substitute “Secretary of State for the Home Department”.

(5) In Schedule 9(14)—

- (a) omit paragraph 1;
- (b) after paragraph 8 insert—

“**8A.** The Ministry of Justice.”

Constitutional Reform Act 2005 (c. 4)

11. In Schedule 7 to the Constitutional Reform Act 2005(15), under the entry for the Courts Act 2003, insert at the appropriate place—

“Section 70(2)(a)”.

(14) Amendments have been made to Schedule 9 which are not relevant to this Order.

(15) Amendments have been made to Schedule 7 which are not relevant to this Order.