

Courts Act 1971

CHAPTER 23

COURTS ACT 1971

PART I

INTRODUCTORY

- 1 The Supreme Court.
- 2 Location of sittings and business of High Court.
- 3 Abolition of courts of quarter sessions.

PART II

THE CROWN COURT

- 4 Establishment of the Crown Court.
- 5 Justices as judges of Crown Court.

Trial on indictment

- 6 Exclusive jurisdiction in trial on indictment.
- 7 Committal for trial on indictment.

Other jurisdiction

- 8 Transfer to Crown Court of quarter sessions jurisdiction.
- 9 Appeals to Crown Court.
- 10 High Court jurisdiction in Crown Court proceedings.

Trial on indictment and other jurisdiction

- 11 Sentences imposed and other decisions made by Crown Court.
- 12 Right of audience.
- 13 Process to compel appearance before Crown Court.

3

Document Generated: 2024-05-05

14 15	Practice and procedure: power to make rules. Crown Court rules.
	PART III
	JUDGES
16 17 18 19 20	Appointment of Circuit Judges. Retirement, removal and disqualifications of Circuit judge. Salaries and allowances of Circuit judges. (1)
21 22 23 24 25	Appointment of Recorders. Oaths to be taken by Circuit judges and Recorders. Circuit judge or Recorder sitting as High Court Judge. Deputy Circuit judges Official referees' business.
	PART IV
	OFFICERS AND ACCOMMODATION
26 27 28 29 30	Masters and registrars to be appointed by Lord Chancellor. Administrative and other court staff. Provision of accommodation. Accommodation in City of London. Advisory committees.
	PART V
31—40	
	PART VI
	MISCELLANEOUS AND SUPPLEMENTAL
	Merger or abolition of certain courts and offices
41 42 43 44 45	Merger of Palatine Courts with High Court. Local court for City of London. Abolition of certain other local courts. Abolition of certain offices.
46	
	Costs
47—49 50 51 52	Construction and consequential amendments Award of costs where information or complaint is not proceeded with.
	Administrative functions of justices
53	Administrative functions of justices.

iii

Document Generated: 2024-05-05

Changes to legislation: Courts Act 1971 is up to date with all changes known to be in force on or before 05 May 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

Boroughs: honorary offices

54 Boroughs: honorary offices.

Supplemental

- 55 Financial provisions.
- 56 Minor and consequential amendments, transitional provisions and
- 57 Interpretation of this Act and rules of construction of other Acts.
- 58
- 59 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 —

SCHEDULE 2 — Holders of Certain Existing Judicial Offices

Part I — CERTAIN OFFICE-HOLDERS TO BE CIRCUIT JUDGES

- (1) On the appointed day the persons then holding office...
- (1) Any person who, being appointed Recorder of London after...
- (1) Subject to sub-paragraph (2) below, section 17 of this...

Part IA — CERTAIN OFFICE-HOLDERS ELIGIBLE FOR APPOINTMENT AS **CIRCUIT JUDGES**

Social Security Commissioner appointed under section 97 of the Social...

President of Social Security Appeal Tribunals and Medical Appeal Tribunals...

President of the Employment Tribunals (England and Wales) or member...

President or member of the Immigration Appeal Tribunal appointed under...

President of Pensions Appeal Tribunals appointed under the Schedule

Senior coroner appointed under paragraph 1 of Schedule 3 to...

Master of the Queen's Bench Division.

Queen's Coroner and Attorney and Master of the Crown Office...

Admiralty Registrar.

Master of the Chancery Division.

Insolvency and Companies Court Judge.

Taxing Master of the Senior Courts.

District judge of the principal registry of the Family Division....

Registrar of Civil Appeals.

District judge.

District Judge (Magistrates' Courts)

Part II — SUPPLEMENTARY PROVISIONS WITH RESPECT TO CERTAIN JUDICIAL OFFICERS

(1) If and so long as any holder of the...

Document Generated: 2024-05-05

Changes to legislation: Courts Act 1971 is up to date with all changes known to be in force on or before 05 May 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

- 5 Nothing in section 16, section 18(1) or section 19 of...
- 6 After the appointed day no person shall be appointed an...
- 7 On the appointed day section 14 of the City of...
- 8 Notwithstanding anything in sections 17 to 19 of this Act,...
- 9 (1) Subject to the preceding provisions of this Part of...

SCHEDULE 3 —

Right of use for Supreme Court and county courts

1 (1) This paragraph has effect— (a) as respects any premises...

Premises acquired by Secretary of State

2 (1) Before any premises used for the business of the...

Compulsory purchase

3 (1) This paragraph has effect where—(a) the Secretary of...

Loan charges

- 4 (1) Where any premises were, up to the appointed day,...
- 5 (1) Where the Secretary of State acquires from a local...
- 6 (1) For the purposes of this Schedule "loan charge" means...

Premises in which more than one local authority are interested

7 (1) If a compulsory purchase order authorises acquisition of the...

Termination of obligation to provide courthouse or sessions-house

8 Any obligation imposed on any authority by law or custom...

Judges' lodgings

9 (1) The duties and responsibilities of sheriffs, and of local...

Reference of disputes to Lands Tribunal

10 (1) Any dispute between a Minister and a local authority...

Exclusion of premises in City of London

11 Nothing in this Schedule applies to any premises in the...

Supplemental

12 (1) In this Schedule, unless the context otherwise requires—the...

SCHEDULE 4 —

SCHEDULE 5 —

Part I — THE PALATINE COURTS

Changes to legislation: Courts Act 1971 is up to date with all changes known to be in force on or before 05 May 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

Interpretation

1 In this Part of this Schedule— "the Palatine Court" means...

Pending Proceedings

2 (1) Subject to any provision made (whether before or after...

Fees

3 (1) All fees and other payments which, having become due...

Funds in court

4 (1) On the relevant date all investments and money which,...

Court Records

5 All records of the Palatine Court shall on and after...
Part II — MAYOR'S AND CITY OF LONDON COURT

Interpretation

6 In this Part of this Schedule— "the City Court" means...

Pending proceedings

7 (1) Any proceedings which had been begun in the City...

Outstanding fees

8 All fees and similar payments which, having become due in...

Funds in court

9 (1) On the relevant date all investments and money which...
Part III — OTHER LOCAL COURTS

Interpretation

10 In this Part of this Schedule— "the local courts" means...

Pending proceedings

11 (1) Subject to any provision made (whether before or after...

Fees

12 (1) All fees and similar payments which, having become due...

Funds in court

13 On the relevant date all investments and money which immediately...

Court records

14 All records of the local courts shall on and after...

SCHEDULE 6 — AMENDMENTS RELATING TO COSTS IN CRIMINAL CASES ETC.

Courts Act 1971 (c. 23)

vi

Document Generated: 2024-05-05

1—5	
	Betting, Gaming and Lotteries Act 1963
6	In paragraph 23 of Schedule 1 to the (award of
	Licensing Act 1964.
7	In section 25 of the Licensing Act 1964 (award of
	Criminal Justice Act 1967
8 9 10 11	(1) In section 32 of the Criminal Justice Act 1967,
	Gaming Act 1968
12 13	In paragraph 30 of Schedule 2 to the Gaming Act In paragraph 14 of Schedule 9 to the Gaming Act
SC	CHEDULE 7 — ADMINISTRATIVE FUNCTIONS OF JUSTICES
1 2 3	PART I — AMENDMENTS OF JUSTICES OF THE PEACE ACT 1949 In section 16 of the Justices of the Peace Act (1) In Schedule 4 to that Act, in paragraph 1, For paragraph 5 of Schedule 4 to that Act there PART II — AMENDMENTS OF THE PRISON ACT 1952
4 5	(1) In section 6 of the Prison Act 1952, subsection In section 43(4) of that Act, in paragraph (a) the PART III
6 7, 8 9	
SC	CHEDULE 8 — Amendments of other Acts Part I — GENERAL
	Administrative functions of quarter sessions and clerks of the peace
1	(1) Any function of courts of quarter sessions, or of
	General rules of construction
2	(1) In any enactment or other instrument for any reference
	Amendments of local Acts
3	(1) The Lord Chancellor may by order in a statutory Part II — MISCELLANEOUS AMENDMENTS
	Habeas Corpus 1679
4	(1) In section 2 of the Habeas Corpus Act 1679

vii Document Generated: 2024-05-05

	Vagrancy Act 1824
5 6	The Vagrancy Act 1824 shall be amended as follows:—
O	
	Parliamentary Documents Deposit Act 1837
7	For any reference in the Parliamentary Documents Deposit Act 1837
	Slave Trade Act 1843
8	
	Indictable Offences Act 1848
9	In sections 12, 13 and 14 of the Indictable Offences
	Petty Sessions (Ireland) Act 1851
10 11	In section 30 of the Petty Sessions (Ireland) Act 1851
	Explosives Act 1875
12 13	
	Central Criminal Court (Prisons) Act 1881
14	In section 2(5) of the Central Criminal Court (Prisons) Act
	Coroners Act 1887
15	(1) In section 5 of the Coroners Act 1887—
	Witnesses (Public Inquiries) Protection Act 1892
16	In section 3 of the Witnesses (Public Inquiries) Protection Act
	Indictments Act 1915
17 18	(1) In section 2 of the Indictments Act 1915 references
	Criminal Justice Act 1925
19	In section 33(3) of the Criminal Justice Act 1925 (arraignment
	Coroners (Amendment) Act 1926
20	(1) The provisions of this Act about committal for trial
	Petroleum (Consolidation) Act 1928
21 22	
23	

Document Generated: 2024-05-05

		Criminal Justice Act 1948
2.5	24	In the Criminal Justice Act 1948— (a)
25–	-27 28 29 30 31	(1) In section 37 of that Act, for paragraph (b)
	32	
		Prison Act 1952
	33 34	In section 47(5) of the Prison Act 1952 as amended
		County Courts Act 1959
	35 36	
		Obscene Publications Act 1959
	37 38	In section 3(50 of the Obscene Publications Act 1959 (time
		Caravan Sites and Control of Development Act 1960
	39	In section 9(2) of the Caravan Sites and Control of
		Administration of Justice Act 1960
	40	(1) In section 13(2) of the Administration of Justice Act
		Criminal Justice Act 1961
	41	This Amendment shall cease to have effect when the relevant
		Licensing Act 1964
	42	(1) In section 28(3)(b) of the Licensing Act 1964 after
		Administration of Justice Act 1964
	43 44	(1)
		Criminal Procedure (Attendance of Witnesses) Act 1965
	45 46 47	(1) In section 1(1) of the Criminal Procedure (Attendance of
	-	Criminal Justice Act 1967
	48	In the Criminal Justice Act 1967— (a) in all places
	49 50	In section 9(5) of that Act, for paragraphs (a) and

ix

Document Generated: 2024-05-05

Changes to legislation: Courts Act 1971 is up to date with all changes known to be in force on or before 05 May 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

51 52 53, 54 55 56	(1) In subsection (8) of section 56 of that Act,	
	Criminal Appeal Act 1968	
57	(1) In the Criminal Appeal Act 1968—	
	Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968	
58	In section 1(4) of the Domestic and Appellate Proceedings (Restriction	
	Children and Young Persons Act 1969	
59	(1) In section 3(7) of the Children and Young Persons	
	Administration of Justice Act 1970	
60	(1) In section 4(2) of the Administration of Justice Act	
SCHEDULE 9 — Quarter Sessions Jurisdiction: Substitution of References to Crown Court Part I — APPELLATE JURISDICTION Part II — ORIGINAL JURISDICTION		
SCHEDULE 10. — Transitional Provisions Part I — CRIMINAL ASSIZE COURTS AND COURTS OF QUARTER SESSIONS 1 (1) Subject to the provisions of this Act, for the		
	Part-heard proceedings	
2	(1) Any proceeding the hearing of which has begun but	
	Costs in criminal cases	
3	Nothing in this Act shall affect any order made before	
	Records of courts of quarter sessions	
4	Before the appointed day the clerk of the peace of Part II — COURTS: MISCELLANEOUS	

Civil courts of assize

5 (1) Subject to any provision made by rules of court,...

Directions by Lord Chief Justice

- 6 (1) The Lord Chief Justice may if it appears to...
 - Part III COUNTY COURT JUDGES
- 7 Each person who, immediately before the appointed day, held office...
- Notwithstanding anything in section 20(4) of this Act, the termination...

 Part IV JUDGES, OFFICERS AND STAFF

Document Generated: 2024-05-05

Changes to legislation: Courts Act 1971 is up to date with all changes known to be in force on or before 05 May 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

Continuation of appointments

9 (1) The repeals made by this Act shall not affect...

Jury service

10 The abolition by this Act of the offices of clerk...
11, 12
13, 14
15 (1) In relation to any person who, before the day...
16 (1) The Lord Chancellor may, with the concurrence of the...

Seconding of staff from local or other authorities

17 (1) This paragraph has effect in order to meet any...

SCHEDULE 11 — REPEALS

 \mathbf{X}

Changes to legislation:

Courts Act 1971 is up to date with all changes known to be in force on or before 05 May 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:

- s. 29(1) word omitted by 2022 c. 35 s. 46(2)(a)
- s. 29(1) words omitted by 2022 c. 35 s. 46(2)(b)
- s. 29(1) words substituted by 2022 c. 35 s. 46(2)(c)
- s. 29(1) words substituted by 2022 c. 35 s. 46(2)(d)
- s. 29(2) word substituted by 2022 c. 35 s. 46(3)