



Courts Act 1971

1971 CHAPTER 23

PART IV

OFFICERS AND ACCOMMODATION

Modifications etc. (not altering text)

- C1** Pt. 4 functions transferred (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887, arts. 1(2), 4, Sch. 1

[^{F1}26 Masters and registrars to be appointed by Lord Chancellor.

- (1) On and after the appointed day the following officers shall be appointed by the Lord Chancellor, with the concurrence of the Minister for the Civil Service as to numbers and salaries,—
 - (a) the masters, assistant masters and registrars specified in Part I of Schedule 3 to the ^{M1}Judicature Act 1925, other than the Master of the Court of Protection (for whose appointment by the Lord Chancellor provision is made by section 100 of the ^{M2}Mental Health Act 1959);
 - (b) the Queen's coroner and attorney and master of the Crown Office;
 - (c) the registrar, assistant registrars and deputy assistant registrars of criminal appeals;
 - (d) the admiralty registrar;
 - (e) chancery registrars and assistant chancery registrars; and
 - (f) district probate registrars.
- (2) The person appointed to the office of Queen's coroner and attorney and master of the Crown Office shall, by virtue of his appointment, be a master of the Supreme Court (Queen's Bench Division).
- (3) In section 122 of the Judicature Act 1925 (which relates to certain additional duties of the senior master of the Queen's Bench Division) for the words "The senior master" there shall be substituted the words "The Lord Chancellor shall appoint one of the

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masters” and after the word “Division)” there shall be inserted the words “to be the senior master and the person so appointed”.

- (4) In section 128A of the Judicature Act 1925 (which relates to the office of district probate registrar) for any reference in subsection (2) or subsection (3) to the President of the family division there shall be substituted a reference to the Lord Chancellor.]

Textual Amendments

F1 Ss. 25, 26 repealed (E.W.) by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), Sch. 7

Modifications etc. (not altering text)

C2 The text of ss. 26(3)(4), 51(2), 53(5) and 56(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 1925 c. 49.

M2 1959 c. 72.

[27] ^{F2}Administrative and other court staff.

- (1) The Lord Chancellor may, with the concurrence of the Treasury as to numbers and salaries, appoint such officers and other staff for the Supreme Court and county courts as appear to him appropriate for the following purposes, namely—
 - (a) maintaining an administrative court service;
 - (b) discharging any functions in those courts conferred by or under this or any other Act on officers so appointed; and
 - (c) generally carrying out the administrative work of those courts.
- (2) The principal civil service pension scheme within the meaning of section 2 of the Superannuation ^{M3}Act 1972 and for the time being in force shall, with the necessary adaptations, apply to officers and staff appointed under subsection (1) above as it applies to other persons employed in the civil service of the State.
- (3) If and to the extent that an order made by the Lord Chancellor so provides, the Lord Chancellor may enter into contracts with other persons for the provision for the purposes mentioned in subsection (1) above, whether by those persons or by subcontractors of theirs, of officers and staff for the Supreme Court and county courts.
- (4) No order under subsection (3) above shall authorise the contracting out of any functions the discharge of which would constitute—
 - (a) making judicial decisions or advising persons making such decisions;
 - (b) exercising any judicial discretion or advising persons exercising any such discretion; or
 - (c) exercising any power of arrest.
- (5) An order under subsection (3) above may authorise the contracting out of any functions—
 - (a) either wholly or to such extent as may be specified in the order;
 - (b) either generally or in such cases or areas as may be so specified; and

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- (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified.
- (6) Before making an order under subsection (3) above, the Lord Chancellor shall consult with the senior judges as to what effect (if any) the order might have on the proper and efficient administration of justice.
- (7) An order under subsection (3) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) References in this section to the contracting out of any functions are references to the Lord Chancellor entering into contracts for the provision of officers and staff for the purpose of discharging those functions.
- (9) In this section—
“the senior judges” means the Lord Chief Justice, the Master of the Rolls, the Vice-Chancellor and the President of the Family Division;
“the Supreme Court” includes the district probate registries.]

Textual Amendments

F2 S. 27 substituted (3.1.1995) by 1994 c. 40, ss. 76, 82(2), Sch. 16 para. 2

Marginal Citations

M3 1972 c. 11.

28 Provision of accommodation.

- (1) The [^{F3}Secretary of State for the Environment, Transport and the Regions] may with the approval of the Treasury provide, equip, maintain and manage such courts, offices, buildings, judges’ lodgings and other accommodation as may be necessary or desirable for carrying on the business of the Supreme Court and county courts.
- (2) It is hereby declared that the expression “land necessary for the public service” in—
(a) section 2 of the ^{M4}Commissioners of Works Act 1852 (acquisition by agreement), and
[^{F4}(b) section 228(1) of the ^{M5}Town and Country Planning Act 1990 (power of Secretary of State to acquire compulsorily land necessary for the public service)]
includes any land which is required to discharge the duties of the said Secretary of State under this section.
- (3) The [^{F3}Secretary of State for the Environment, Transport and the Regions] may, if he thinks fit, in discharging his duties under this section enter into arrangements with a local or other public authority for the provision of accommodation to be used in part for the purposes set out in this section, and in part for other purposes, including in particular the sittings of a magistrates’ court.
- (4) Schedule 3 to this Act shall have effect as respects premises formerly used for business of the abolished courts, and judges’ lodgings.

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Textual Amendments

- F3** Words in s. 28 substituted (26.1.1998) by S.I. 1997/2971, art. 6(1), **Sch. para. 4**
- F4** S. 28(2)(b) substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, Sch. 2 para. 25, **Sch. 3**

Marginal Citations

- M4** 1852 c. 28.
- M5** 1990 c.8 (123:1).

29 Accommodation in City of London.

- (1) The courthouse and accommodation which up to the appointed day have been respectively known as the Central Criminal Court and the Mayor's and City of London Court shall continue to be known by those names, and it shall be the duty of the Common Council of the City of London (in this section referred to as "the Common Council") to continue to make the said premises available for use for the sittings and business of those courts respectively.
- (2) The Common Council shall not undertake any alteration or extension of the buildings or accommodation which they are to make available for the purpose of the said courts, or provide further accommodation for that purpose, without the consent of the Lord Chancellor.
- (3) The duties imposed by this section on the Common Council may at any time be varied, restricted or terminated by agreement between the Lord Chancellor and the Common Council.

30 Advisory committees.

The Lord Chancellor may constitute, on a permanent or temporary basis, one or more advisory committees to advise him on such questions relating to the Supreme Court and county courts as he may from time to time refer to them, and shall appoint the members of any such committee with regard to their knowledge of the work of the courts and social conditions.

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