



# Access to Justice Act 1999

## 1999 CHAPTER 22

An Act to establish the Legal Services Commission, the Community Legal Service and the Criminal Defence Service; to amend the law of legal aid in Scotland; to make further provision about legal services; to make provision about appeals, courts, judges and court proceedings; to amend the law about magistrates and magistrates' courts; and to make provision about immunity from action and costs and indemnities for certain officials exercising judicial functions. [27th July 1999]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**Modifications etc. (not altering text)**

C1 Act extended (22.5.2000) by [S.I. 2000/1119](#), reg. 14, [Sch. 3 Pt. I](#)

### PART I

#### LEGAL SERVICES COMMISSION

##### *Commission*

<sup>F1</sup> **Legal Services Commission.**

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**Textual Amendments**

**F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F<sup>1</sup>2 Power to replace Commission with two bodies.**

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**Textual Amendments**

**F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F<sup>1</sup>3 Powers of Commission.**

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**Textual Amendments**

**F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

*Community Legal Service*

**F<sup>1</sup>4 Community Legal Service.**

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**Textual Amendments**

**F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F<sup>1</sup>5 Funding of services.**

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**Textual Amendments**

**F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

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**F16 Services which may be funded.**

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**Textual Amendments**

- F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F17 Individuals for whom services may be funded.**

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**Textual Amendments**

- F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F18 Code about provision of funded services.**

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**Textual Amendments**

- F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F18A Funding code: pilot provisions**

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**Textual Amendments**

- F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F19 Procedure relating to funding code.**

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**Textual Amendments**

**F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), **Sch. 5 para. 51(a)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F<sup>1</sup>10 Terms of provision of funded services.**

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**Textual Amendments**

**F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), **Sch. 5 para. 51(a)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F<sup>1</sup>11 Costs in funded cases.**

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**Textual Amendments**

**F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), **Sch. 5 para. 51(a)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F<sup>1</sup>11A Pilot schemes**

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**Textual Amendments**

**F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), **Sch. 5 para. 51(a)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

*Criminal Defence Service*

**F<sup>1</sup>12 Criminal Defence Service.**

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**Textual Amendments**

**F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), **Sch. 5 para. 51(a)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

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**F1 13 Advice and assistance.**

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**Textual Amendments**

**F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F1 14 Representation.**

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**Textual Amendments**

**F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F1 15 Selection of representative.**

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**Textual Amendments**

**F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F1 16 Code of conduct.**

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**Textual Amendments**

**F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F1 17 Terms of provision of funded services.**

.....

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**Textual Amendments**

**F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F1 17A Contribution orders**

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**Textual Amendments**

**F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F1 18 Funding.**

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**Textual Amendments**

**F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F1 18A Pilot schemes**

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**Textual Amendments**

**F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

*Supplementary*

**F1 19 Foreign law.**

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**Textual Amendments**

**F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

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**F120 Restriction of disclosure of information.**

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**Textual Amendments**

- F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F121 Misrepresentation etc.**

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**Textual Amendments**

- F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F122 Position of service providers and other parties etc.**

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**Textual Amendments**

- F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F123 Guidance.**

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**Textual Amendments**

- F1** Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F124 Consequential amendments.**

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**Textual Amendments**  
F1 Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F1 25 Orders, regulations and directions.**

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**Textual Amendments**  
F1 Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F1 26 Interpretation.**

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**Textual Amendments**  
F1 Ss. 1-26 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**PART II**

**OTHER FUNDING OF LEGAL SERVICES**

**Modifications etc. (not altering text)**  
C2 Pt. 2: functions of the Lord Chancellor transferred (19.8.2003) to the Secretary of State by [The Secretary of State for Constitutional Affairs Order 2003](#) (S.I. 2003/1887), art. 4, [Sch. 1](#) (with art. 6)  
Pt. 2: functions of the Secretary of State transferred (12.1.2006) to the Lord Chancellor by [The Transfer of Functions \(Lord Chancellor and Secretary of State\) Order 2005](#) (S.I. 2005/3429), [art. 3](#) (with arts. 4, 5)

*Conditional fee and litigation funding agreements*

**27 Conditional fee agreements.**

(1) For section 58 of the <sup>M1</sup>Courts and Legal Services Act 1990 substitute—



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### **“58 Conditional fee agreements.**

- (1) A conditional fee agreement which satisfies all of the conditions applicable to it by virtue of this section shall not be unenforceable by reason only of its being a conditional fee agreement; but (subject to subsection (5)) any other conditional fee agreement shall be unenforceable.
- (2) For the purposes of this section and section 58A—
  - (a) a conditional fee agreement is an agreement with a person providing advocacy or litigation services which provides for his fees and expenses, or any part of them, to be payable only in specified circumstances; and
  - (b) a conditional fee agreement provides for a success fee if it provides for the amount of any fees to which it applies to be increased, in specified circumstances, above the amount which would be payable if it were not payable only in specified circumstances.
- (3) The following conditions are applicable to every conditional fee agreement—
  - (a) it must be in writing;
  - (b) it must not relate to proceedings which cannot be the subject of an enforceable conditional fee agreement; and
  - (c) it must comply with such requirements (if any) as may be prescribed by the Lord Chancellor.
- (4) The following further conditions are applicable to a conditional fee agreement which provides for a success fee—
  - (a) it must relate to proceedings of a description specified by order made by the Lord Chancellor;
  - (b) it must state the percentage by which the amount of the fees which would be payable if it were not a conditional fee agreement is to be increased; and
  - (c) that percentage must not exceed the percentage specified in relation to the description of proceedings to which the agreement relates by order made by the Lord Chancellor.
- (5) If a conditional fee agreement is an agreement to which section 57 of the <sup>M2</sup>Solicitors Act 1974 (non-contentious business agreements between solicitor and client) applies, subsection (1) shall not make it unenforceable.

### **58A Conditional fee agreements: supplementary.**

- (1) The proceedings which cannot be the subject of an enforceable conditional fee agreement are—
  - (a) criminal proceedings, apart from proceedings under section 82 of the <sup>M3</sup>Environmental Protection Act 1990; and
  - (b) family proceedings.
- (2) In subsection (1) “family proceedings” means proceedings under any one or more of the following—
  - (a) the <sup>M4</sup>Matrimonial Causes Act 1973;
  - (b) the <sup>M5</sup>Adoption Act 1976;

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- (c) the <sup>M6</sup>Domestic Proceedings and Magistrates' Courts Act 1978;
  - (d) Part III of the <sup>M7</sup>Matrimonial and Family Proceedings Act 1984;
  - (e) Parts I, II and IV of the <sup>M8</sup>Children Act 1989;
  - (f) Part IV of the <sup>M9</sup>Family Law Act 1996; and
  - (g) the inherent jurisdiction of the High Court in relation to children.
- (3) The requirements which the Lord Chancellor may prescribe under section 58(3)(c)—
- (a) include requirements for the person providing advocacy or litigation services to have provided prescribed information before the agreement is made; and
  - (b) may be different for different descriptions of conditional fee agreements (and, in particular, may be different for those which provide for a success fee and those which do not).
- (4) In section 58 and this section (and in the definitions of “advocacy services” and “litigation services” as they apply for their purposes) “proceedings” includes any sort of proceedings for resolving disputes (and not just proceedings in a court), whether commenced or contemplated.
- (5) Before making an order under section 58(4), the Lord Chancellor shall consult—
- (a) the designated judges;
  - (b) the General Council of the Bar;
  - (c) the Law Society; and
  - (d) such other bodies as he considers appropriate.
- (6) A costs order made in any proceedings may, subject in the case of court proceedings to rules of court, include provision requiring the payment of any fees payable under a conditional fee agreement which provides for a success fee.
- (7) Rules of court may make provision with respect to the assessment of any costs which include fees payable under a conditional fee agreement (including one which provides for a success fee).”
- (2) In section 120(4) of the <sup>M10</sup>Courts and Legal Services Act 1990 (orders and regulations subject to affirmative procedure), for “58,” substitute “ 58(4), ”.

**Modifications etc. (not altering text)**

**C3** S. 27 excluded (1.4.2000) by S.I. 2000/900, art. 2(2)

**Marginal Citations**

**M1** 1990 c.41.  
**M2** 1974 c.47.  
**M3** 1990 c.43.  
**M4** 1973 c.18.  
**M5** 1976 c.36.  
**M6** 1978 c.22.  
**M7** 1984 c.42.  
**M8** 1989 c.41.  
**M9** 1996 c.27.

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M10 1990 c.41.

PROSPECTIVE

## 28 Litigation funding agreements.

In the Courts and Legal Services Act 1990, after section 58A (inserted by section 27 above) insert—

### “58B Litigation funding agreements.

- (1) A litigation funding agreement which satisfies all of the conditions applicable to it by virtue of this section shall not be unenforceable by reason only of its being a litigation funding agreement.
- (2) For the purposes of this section a litigation funding agreement is an agreement under which—
  - (a) a person (“the funder”) agrees to fund (in whole or in part) the provision of advocacy or litigation services (by someone other than the funder) to another person (“the litigant”); and
  - (b) the litigant agrees to pay a sum to the funder in specified circumstances.
- (3) The following conditions are applicable to a litigation funding agreement—
  - (a) the funder must be a person, or person of a description, prescribed by the [F2Lord Chancellor];
  - (b) the agreement must be in writing;
  - (c) the agreement must not relate to proceedings which by virtue of section 58A(1) and (2) cannot be the subject of an enforceable conditional fee agreement or to proceedings of any such description as may be prescribed by the [F2Lord Chancellor];
  - (d) the agreement must comply with such requirements (if any) as may be so prescribed;
  - (e) the sum to be paid by the litigant must consist of any costs payable to him in respect of the proceedings to which the agreement relates together with an amount calculated by reference to the funder’s anticipated expenditure in funding the provision of the services; and
  - (f) that amount must not exceed such percentage of that anticipated expenditure as may be prescribed by the [F2Lord Chancellor] in relation to proceedings of the description to which the agreement relates.
- (4) Regulations under subsection (3)(a) may require a person to be approved by the [F2Lord Chancellor] or by a prescribed person.
- (5) The requirements which the [F2Lord Chancellor] may prescribe under subsection (3)(d)—
  - (a) include requirements for the funder to have provided prescribed information to the litigant before the agreement is made; and
  - (b) may be different for different descriptions of litigation funding agreements.

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- (6) In this section (and in the definitions of “advocacy services” and “litigation services” as they apply for its purposes) “proceedings” includes any sort of proceedings for resolving disputes (and not just proceedings in a court), whether commenced or contemplated.
- (7) Before making regulations under this section, the [<sup>F2</sup>Lord Chancellor] shall consult—
  - (a) the designated judges;
  - (b) the General Council of the Bar;
  - (c) the Law Society; and
  - (d) such other bodies as he considers appropriate.
- (8) A costs order made in any proceedings may, subject in the case of court proceedings to rules of court, include provision requiring the payment of any amount payable under a litigation funding agreement.
- (9) Rules of court may make provision with respect to the assessment of any costs which include fees payable under a litigation funding agreement.”

**Textual Amendments**

**F2** Words in s. 28 substituted (12.1.2006) by [The Transfer of Functions \(Lord Chancellor and Secretary of State\) Order 2005 \(S.I. 2005/3429\)](#), art 8, **Sch. para. 4(b)**

*Costs*

**<sup>F3</sup>29 Recovery of insurance premiums by way of costs.**

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**Textual Amendments**

**F3** S. 29 omitted (19.1.2013 for specified purposes, 1.4.2013 except in relation to specified proceedings, 6.4.2016 in so far as not already in force except in relation to proceedings relating to a claim for damages in respect of diffuse mesothelioma and publication and privacy proceedings) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 46(2), 151(1)** (with **ss. 46(3), 48**); S.I. 2013/77, arts. 2(1)(c), 3(c) (with art. 4); S.I. 2016/345, art. 2

**<sup>F4</sup>30 Recovery where body undertakes to meet costs liabilities.**

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**Textual Amendments**

**F4** S. 30 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 47(1), 151(1)** (with s. 47(2)); S.I. 2013/77, art. 3(d)

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### 31 Rules as to costs.

In section 51 of the [<sup>F5</sup>Senior Courts Act 1981](costs), in subsection (2) (rules regulating matters relating to costs), insert at the end “ or for securing that the amount awarded to a party in respect of the costs to be paid by him to such representatives is not limited to what would have been payable by him to them if he had not been awarded costs. ”

#### Textual Amendments

- F5** S. 31: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2](#)

#### *Legal aid in Scotland*

### 32 Regulations about financial limits in certain proceedings.

In section 9(2) of the <sup>M11</sup>Legal Aid (Scotland) Act 1986 (application by regulations of Part II to assistance by way of representation), after paragraph (d) insert—

- “(dd) provide that assistance by way of representation shall be available in relation to such proceedings as may be prescribed, without reference to the financial limits under section 8 of this Act;
- (de) provide that section 11(2) of this Act shall not apply as respects assistance by way of representation received in relation to such proceedings as may be prescribed;”.

#### Marginal Citations

- M11** [1986 c.47](#).

### 33 Recipients of disabled person’s tax credit.

<sup>F6</sup> .....

#### Textual Amendments

- F6** S. 33 repealed (6.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), ss. 60, 61, [Sch. 6](#); S.I. 2003/962, [art. 2\(1\)\(3\)\(e\)](#), [Sch. 1](#) (subject to [arts. 3, 4](#) and with [art. 5](#))

### 34 References by Scottish Criminal Cases Review Commission.

In section 25(7) of the Legal Aid (Scotland) Act 1986 (legal aid in appeals), for “Secretary of State under section 124” substitute “ Scottish Criminal Cases Review Commission under section 194B ”.

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## PART III

### PROVISION OF LEGAL SERVICES

#### Modifications etc. (not altering text)

- C4** Pt. 3: functions of the Lord Chancellor transferred (19.8.2003) to the Secretary of State by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 4, [Sch. 1](#) (with art. 6)

#### *Legal Services Consultative Panel*

### 35 Replacement of ACLEC by Consultative Panel.

- (1) <sup>F7</sup> .....
- (2) <sup>F8</sup> .....
- (3) <sup>F8</sup> .....
- (4) <sup>F8</sup> .....
- (5) In the First Schedule to the <sup>M12</sup>Public Records Act 1958 (definition of public records), in Part II of the Table set out at the end of paragraph 3, insert at the appropriate place—
- “The Legal Services Consultative Panel.”

#### Textual Amendments

- F7** [S. 35\(1\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [s. 1\(1\)](#), {Sch. 1 Pt. 1 Group 4}
- F8** [S. 35\(2\)-\(4\)](#) repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 210, 211, [Sch. 23](#) (with ss. 29, 192, 193); [S.I. 2009/3250](#), [art. 2](#) (with art. 9)

#### Marginal Citations

- M12** [1958 c.51](#).

#### *Rights of audience and rights to conduct litigation*

### 36 Barristers and solicitors.

- <sup>F9</sup> .....

#### Textual Amendments

- F9** [S. 36](#) repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 210, 211, [Sch. 23](#) (with ss. 29, 192, 193); [S.I. 2009/3250](#), [art. 2](#) (with art. 9)

### 37 Rights of audience: employed advocates.

- <sup>F10</sup> .....

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### Textual Amendments

**F10** S. 37 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)

## 38 Employees of Legal Services Commission.

In the Courts and Legal Services Act 1990, after section 31A (inserted by section 37 above) insert—

### “31B Advocates and litigators employed by Legal Services Commission.

- (1) Where a person who has a right of audience or right to conduct litigation granted by an authorised body is employed by the Legal Services Commission, or by any body established and maintained by the Legal Services Commission, any rules of the authorised body which fall within subsection (2) shall not have effect in relation to him.
- (2) Rules of a body fall within this subsection if they are—
  - (a) rules of conduct prohibiting or limiting the exercise of the right on behalf of members of the public by members of the body who are employees; or
  - (b) rules of any other description prohibiting or limiting the provision of legal services to members of the public by such members of the body, and either of the conditions specified in subsection (3) is satisfied.
- (3) Those conditions are—
  - (a) that the prohibition or limitation is on the exercise of the right, or the provision of the services, otherwise than on the instructions of solicitors (or other persons acting for the members of the public); and
  - (b) that the rules do not impose the same prohibition or limitation on members of the body who have the right but are not employees.”

## 39 Rights of audience: change of authorised body.

In the <sup>M13</sup>Courts and Legal Services Act 1990, after section 31B (inserted by section 38 above) insert—

### “31C Change of authorised body.

- (1) Where a person—
  - (a) has at any time had, and been entitled to exercise, a right of audience before a court in relation to proceedings of any description granted by one authorised body; and
  - (b) becomes a member of another authorised body and has a right of audience before that court in relation to that description of proceedings granted by that body,any qualification regulations of that body relating to that right shall not have effect in relation to him.

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(2) Subsection (1) does not apply in relation to any qualification regulations to the extent that they impose requirements relating to continuing education or training which have effect in relation to the exercise of the right by all members of the body who have the right.

(3) Subsection (1) does not apply to a person if he has been banned from exercising the right of audience by the body mentioned in paragraph (a) of that subsection as a result of disciplinary proceedings and that body has not lifted the ban.”

#### Marginal Citations

M13 1990 c.41.

### 40 Rights to conduct litigation: barristers and legal executives.

F11

#### Textual Amendments

F11 S. 40 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)

### 41 Authorised bodies: designation and regulations and rules.

F12

#### Textual Amendments

F12 S. 41 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)

### 42 Overriding duties of advocates and litigators.

F13

#### Textual Amendments

F13 S. 42 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)

### 43 Minor and consequential amendments.

Schedule 6 (which makes minor and consequential amendments relating to rights of audience and rights to conduct litigation) has effect.



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#### Commencement Information

- II** S. 43 wholly in force at 1.1.2000; s. 43 not in force at Royal Assent see s. 108(1); s. 43 in force for certain purposes at 27.9.1999 by S.I. 1999/2657, art. 2(a); s. 43 in force at 1.1.2000 insofar as not already in force by S.I. 1999/3344, art. 2(a) (with art. 4)

### *Barristers and solicitors*

#### **44 Barristers employed by solicitors etc.**

(1) Where a barrister<sup>F14</sup> . . . —

- [<sup>F15</sup>(a) is employed by an authorised person, or  
(b) is a manager of such a person,]

any rules of the General Council of the Bar which impose a prohibition or limitation on the provision of legal services shall not operate to prevent him from providing legal services to clients of [<sup>F16</sup>the authorised person of which the barrister is an employee or a manager] if either of the conditions specified in subsection (2) is satisfied.

(2) Those conditions are—

- (a) that the prohibition or limitation is on the provision of the services otherwise than on the instructions of a solicitor (or other person acting for the client), and  
(b) that the prohibition or limitation does not apply to barristers who provide legal services but are not employees [<sup>F17</sup>or managers of an authorised person].

[<sup>F18</sup>(3) In this section—

“authorised person” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which is a reserved legal activity (within the meaning of that Act), and

“manager” has the same meaning as in that Act (see section 207 of that Act).]

#### Textual Amendments

- F14** Words in s. 44(1) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 210, 211, Sch. 21 para. 129(a)(i), Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)  
**F15** S. 44(1)(a)(b) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 211, Sch. 21 para. 129(a)(ii) (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)  
**F16** Words in s. 44(1) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 211, Sch. 21 para. 129(a)(iii) (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)  
**F17** Words in s. 44(2) inserted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 211, Sch. 21 para. 129(b) (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)  
**F18** S. 44(3) inserted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 211, Sch. 21 para. 129(c) (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)

#### <sup>F19</sup>**45 Fees on application for appointment as Queen’s Counsel.**

.....

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 Changes to legislation: Access to Justice Act 1999 is up to date with all changes known to be in force on or before 31 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)*

**Textual Amendments**

**F19** S. 45 repealed (31.1.2013) by Statute Law (Repeals) Act 2013 (c. 2), s. 3(2), Sch. 1 Pt. 5

**46 Bar practising certificates.**

- (1) If the General Council of the Bar makes rules prohibiting barristers from practising as specified in the rules unless authorised by a certificate issued by the Council (a “practising certificate”), the rules may include provision requiring the payment of fees to the Council by applicants for practising certificates.
- (2) Rules made by virtue of subsection (1)—
  - (a) may provide for the payment of different fees by different descriptions of applicants, <sup>F20</sup> . . .
  - (b) <sup>F20</sup> . . . . .
- (3) <sup>F21</sup> . . . . .
- (4) <sup>F21</sup> . . . . .
- (5) <sup>F21</sup> . . . . .
- (6) <sup>F21</sup> . . . . .

**Textual Amendments**

**F20** S. 46(2)(b) and preceding word repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 210, 211, Sch. 21 para. 131(a), Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)  
**F21** S. 46(3)-(6) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 210, 211, Sch. 21 para. 131(b), Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)

**47 Fees for solicitors’ practising certificates.**

<sup>F22</sup> . . . . .

**Textual Amendments**

**F22** S. 47 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 210, 211, Sch. 21 para. 131(b), Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)

**48 Law Society’s powers in relation to conduct of solicitors etc.**

Schedule 7 (which extends the powers of the Law Society in relation to the conduct of solicitors and their employees and consultants) has effect.

*Legal Services Ombudsman*

<sup>F23</sup>**49 Powers of Ombudsman.**

. . . . .

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**Textual Amendments**

**F23** Ss. 49, 50 repealed (6.10.2010) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2010/2089, art. 2(e)(vii)

**F23 50 Funding of Ombudsman by professional bodies.**

.....

**Textual Amendments**

**F23** Ss. 49, 50 repealed (6.10.2010) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2010/2089, art. 2(e)(vii)

*Legal Services Complaints Commissioner*

**F24 51 Commissioner.**

.....

**Textual Amendments**

**F24** S. 51 repealed (6.10.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 159(2)(a), 211(2), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2010/2089, art. 2(a)(e)(vii)

**F25 52 Commissioner's functions.**

.....

**Textual Amendments**

**F25** S. 52 repealed (6.10.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 159(2)(a), 211(2), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2010/2089, art. 2(a)(e)(vii)

*Public notaries*

**53 Abolition of scriveners' monopoly.**

A public notary may practise as a notary in, or within three miles of, the City of London whether or not he is a member of the Incorporated Company of Scriveners of London (even if he is admitted to practise only outside that area).

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## PART IV

### APPEALS, COURTS, JUDGES AND COURT PROCEEDINGS

#### *Appeals*

#### 54 Permission to appeal.

- (1) Rules of court may provide that any right of appeal to—
  - (a) [<sup>F26</sup>the county court],
  - [<sup>F27</sup>(aa) the family court,]
  - (b) the High Court, or
  - (c) the Court of Appeal,
 may be exercised only with permission.
- (2) This section does not apply to a right of appeal in a criminal cause or matter.
- (3) For the purposes of subsection (1) rules of court may make provision as to—
  - (a) the classes of case in which a right of appeal may be exercised only with permission,
  - (b) the court or courts which may give permission for the purposes of this section,
  - (c) any considerations to be taken into account in deciding whether permission should be given, and
  - (d) any requirements to be satisfied before permission may be given,
 and may make different provision for different circumstances.
- (4) No appeal may be made against a decision of a court under this section to give or refuse permission (but this subsection does not affect any right under rules of court to make a further application for permission to the same or another court).
- (5) For the purposes of this section a right to make an application to have a case stated for the opinion of the High Court constitutes a right of appeal.
- (6) For the purposes of this section a right of appeal to the Court of Appeal includes—
  - (a) the right to make an application for a new trial, and
  - (b) the right to make an application to set aside a verdict, finding or judgment in any cause or matter in the High Court which has been tried, or in which any issue has been tried, by a jury.

#### Textual Amendments

- F26** Words in ss. 54-57 substituted (22.4.2014) by *Crime and Courts Act 2013 (c. 22)*, s. 61(3), **Sch. 9 para. 52**; *S.I. 2014/954*, art. 2(c) (with art. 3) (with transitional provisions and savings in *S.I. 2014/956*, arts. 3-11)
- F27** S. 54(1)(aa) inserted (22.4.2014) by *Crime and Courts Act 2013 (c. 22)*, s. 61(3), **Sch. 10 para. 79**; *S.I. 2014/954*, art. 2(d) (with art. 3) (with transitional provisions and savings in *S.I. 2014/956*, arts. 3-11)

#### 55 Second appeals.

- (1) Where an appeal is made to [<sup>F26</sup>the county court][<sup>F28</sup>, the family court] or the High Court in relation to any matter, and on hearing the appeal the court makes a decision

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in relation to that matter, no appeal may be made to the Court of Appeal from that decision unless the Court of Appeal considers that—

- (a) the appeal would raise an important point of principle or practice, or
- (b) there is some other compelling reason for the Court of Appeal to hear it.

(2) This section does not apply in relation to an appeal in a criminal cause or matter.

#### Textual Amendments

- F26** Words in ss. 54-57 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F28** Words in s. 55(1) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 80](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

## 56 Power to prescribe alternative destination of appeals.

(1) The Lord Chancellor may by order provide that appeals which would otherwise lie to—

- (a) [<sup>F26</sup>the county court],
- [<sup>F29</sup>(aa) the family court,]
- (b) the High Court, or
- (c) the Court of Appeal,

shall lie instead to another of those courts, as specified in the order.

(2) This section does not apply to an appeal in a criminal cause or matter.

(3) An order under subsection (1)—

- (a) may make different provision for different classes of proceedings or appeals, and
- (b) may contain consequential amendments or repeals of enactments.

(4) Before making an order under subsection (1) the Lord Chancellor shall consult—

- (a) the Lord Chief Justice,
- (b) the Master of the Rolls,
- [<sup>F30</sup>(c) the President of the Queen's Bench Division,
- (d) the President of the Family Division, and
- (e) the Chancellor of the High Court.]

(5) An order under subsection (1) shall be made by statutory instrument.

(6) No such order may be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.

(7) For the purposes of this section an application to have a case stated for the opinion of the High Court constitutes an appeal.

[<sup>F31</sup>(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

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### Textual Amendments

- F26** Words in ss. 54-57 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F29** S. 56(1)(aa) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 81](#); [S.I. 2014/954, art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F30** S. 56(4)(c)-(e) substituted (1.10.2005) for s. 56(4)(c)(d) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 280\(2\)](#); [S.I. 2005/2505, art. 2\(c\)](#)
- F31** S. 56(8) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 280\(3\)](#); [S.I. 2006/1014, art. 2\(a\)](#), [Sch. 1 para. 11\(w\)](#)

## 57 Assignment of appeals to Court of Appeal.

- (1) Where in any proceedings in [<sup>F26</sup>the county court][<sup>F32</sup>, the family court] or the High Court a person appeals, or seeks permission to appeal, to a court other than the Court of Appeal or the [<sup>F33</sup>Supreme Court]—
- (a) the Master of the Rolls, or
  - (b) the court from which or to which the appeal is made, or from which permission to appeal is sought, [<sup>F34</sup> or
  - (c) the President of the Family Division where it is the family court from which or to which the appeal is made, or from which permission to appeal is sought,]
- may direct that the appeal shall be heard instead by the Court of Appeal.
- (2) The power conferred by subsection (1)(b) shall be subject to rules of court.

### Textual Amendments

- F26** Words in ss. 54-57 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F32** Words in s. 57(1) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 82\(a\)](#); [S.I. 2014/954, art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F33** Words in s. 57(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 68\(2\)](#); [S.I. 2009/1604, art. 2](#)
- F34** S. 57(1)(c) and word inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 82\(b\)](#); [S.I. 2014/954, art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

## 58 Criminal appeals: minor amendments.

- <sup>F35</sup>(1) . . . . .
- (2) In section 8(1B)(b) of the Criminal Appeal Act 1968 (power of Court to direct entry of judgment and verdict of acquittal on applications relating to order for retrial), after “to” insert “ set aside the order for retrial and ”.
- (3) In section 9(2) of that Act (right of appeal against sentence for summary offence), insert at the end “ or sub-paragraph (4) of that paragraph. ”

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(4) Section 10 of that Act (appeal to Court of Appeal by person dealt with by Crown Court for offence of which he was not convicted on indictment) is amended in accordance with subsections (5) to (7).

(5) <sup>F36</sup> .....

<sup>F35</sup>(6) .....

(7) In subsection (4) (calculation of length of term of imprisonment), after “imprisonment” insert “ or detention ”.

#### Textual Amendments

**F35** S. 58(1)(6) repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

**F36** S. 58(5) repealed (4.4.2005) by **Criminal Justice Act 2003** (c. 44), ss. 332, 336, **Sch. 37 Pt. 7**; S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 44(4)(q) (subject to art. 2(2), Sch. 2 (which said Sch. 2 para. 23(1) was explained (29.7.2005) by S.I. 2005/2122, art. 2))

### *Civil division of Court of Appeal*

## 59 Composition.

In section 54 of the [<sup>F37</sup>Senior Courts Act 1981](composition of court of civil division of Court of Appeal), for subsections (2) to (4) (number of judges) substitute—

“(2) Subject as follows, a court shall be duly constituted for the purpose of exercising any of its jurisdiction if it consists of one or more judges.

(3) The Master of the Rolls may, with the concurrence of the Lord Chancellor, give (or vary or revoke) directions about the minimum number of judges of which a court must consist if it is to be duly constituted for the purpose of any description of proceedings.

(4) The Master of the Rolls, or any Lord Justice of Appeal designated by him, may (subject to any directions under subsection (3)) determine the number of judges of which a court is to consist for the purpose of any particular proceedings.

(4A) The Master of the Rolls may give directions as to what is to happen in any particular case where one or more members of a court which has partly heard proceedings are unable to continue.”

#### Textual Amendments

**F37** S. 59: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of **Constitutional Reform Act 2005** (c. 4), ss. 59, 148, **Sch. 11 para. 1(2)**; S.I. 2009/1604, **art. 2**

## 60 Calling into question of incidental decisions.

For section 58 of the [<sup>F38</sup>Senior Courts Act 1981](exercise of incidental jurisdiction in civil division of Court of Appeal) substitute—



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**“58 Calling into question of incidental decisions in civil division.**

- (1) Rules of court may provide that decisions of the Court of Appeal which—
  - (a) are taken by a single judge or any officer or member of staff of that court in proceedings incidental to any cause or matter pending before the civil division of that court; and
  - (b) do not involve the determination of an appeal or of an application for permission to appeal,
 may be called into question in such manner as may be prescribed.
- (2) No appeal shall lie to the House of Lords from a decision which may be called into question pursuant to rules under subsection (1).”

**Textual Amendments**

**F38** S. 60: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148, Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2](#)

*High Court*

**61 Cases stated by Crown Court.**

For section 28A of the [<sup>F39</sup>Senior Courts Act 1981](proceedings on case stated by magistrates’ court) substitute—

**“28A Proceedings on case stated by magistrates’ court or Crown Court.**

- (1) This section applies where a case is stated for the opinion of the High Court—
  - (a) by a magistrates’ court under section 111 of the <sup>M14</sup>Magistrates’ Courts Act 1980; or
  - (b) by the Crown Court under section 28(1) of this Act.
- (2) The High Court may, if it thinks fit, cause the case to be sent back for amendment and, where it does so, the case shall be amended accordingly.
- (3) The High Court shall hear and determine the question arising on the case (or the case as amended) and shall—
  - (a) reverse, affirm or amend the determination in respect of which the case has been stated; or
  - (b) remit the matter to the magistrates’ court, or the Crown Court, with the opinion of the High Court,
 and may make such other order in relation to the matter (including as to costs) as it thinks fit.
- (4) Except as provided by the <sup>M15</sup>Administration of Justice Act 1960 (right of appeal to House of Lords in criminal cases), a decision of the High Court under this section is final.”



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#### Textual Amendments

- F39** S. 61: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148, Sch. 11 para. 1\(2\); S.I. 2009/1604, art. 2](#)

#### Marginal Citations

- M14** 1980 c.43.  
**M15** 1960 c.65.

## 62 Power to vary committal in default.

In the [<sup>F40</sup>Senior Courts Act 1981], after section 43 insert—

### “43ZA Power of High Court to vary committal in default.

- (1) Where the High Court quashes the committal of a person to prison or detention by a magistrates’ court or the Crown Court for—
- (a) a default in paying a sum adjudged to be paid by a conviction; or
  - (b) want of sufficient distress to satisfy such a sum,
- the High Court may deal with the person for the default or want of sufficient distress in any way in which the magistrates’ court or Crown Court would have power to deal with him if it were dealing with him at the time when the committal is quashed.
- (2) If the High Court commits him to prison or detention, the period of imprisonment or detention shall, unless the High Court otherwise directs, be treated as having begun when the person was committed by the magistrates’ court or the Crown Court (except that any time during which he was released on bail shall not be counted as part of the period).”

#### Textual Amendments

- F40** S. 62: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148, Sch. 11 para. 1\(2\); S.I. 2009/1604, art. 2](#)

## 63 Criminal causes and matters.

- (1) In section 1(1)(a) of the Administration of Justice Act 1960 (appeal to House of Lords from decision of Divisional Court of the Queen’s Bench Division in a criminal cause or matter), for “a Divisional Court of the Queen’s Bench Division” substitute “ the High Court ”.
- (2) In sections 4(2) and (3) and 9(2) of that Act (bail pending appeal), for “a Divisional Court” substitute “ the High Court ”.

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**64 Contempt of court.**

- (1) Section 13(2) of the Administration of Justice Act 1960 (appeals in cases of contempt of court) is amended as follows.
- (2) In paragraph (a) (appeal from inferior courts from which appeal does not lie to Court of Appeal to lie to a Divisional Court of the High Court), omit “a Divisional Court of”.
- (3) In paragraph (b) (appeal to Court of Appeal from county court or single judge of High Court), for “decision, of a single” substitute “ decision (other than a decision on an appeal under this section) of a single ”.
- (4) In paragraph (c) (appeal from Divisional Court or Court of Appeal to House of Lords), insert at the beginning “ from a decision of a single judge of the High Court on an appeal under this section, ”.

**65 Habeas corpus.**

- (1) In the <sup>M16</sup>Administration of Justice Act 1960, omit—
  - (a) section 14(1) (order for release on criminal application for habeas corpus to be refused only by Divisional Court of Queen’s Bench Division), and
  - (b) section 15(2) (no appeal to House of Lords from order made by single judge on criminal application for habeas corpus).
- (2) In section 15 of that Act (appeals in habeas corpus cases)—
  - (a) in subsection (3) (no restriction on grant of leave to appeal to House of Lords against decision of Divisional Court on a criminal application for habeas corpus), and
  - (b) in subsection (4) (exceptions to right to be discharged in case of appeal to House of Lords against order of Divisional Court on such an application), for “a Divisional Court” substitute “ the High Court ”.

**Marginal Citations**  
M16 1960 c.65.

*Crown Court*

<sup>F41</sup>66 .....

**Textual Amendments**  
F41 S. 66 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

**67 Time limits where accused sent for trial.**

- (1) In paragraph 1 of Schedule 3 to the <sup>M17</sup>Crime and Disorder Act 1998 (regulations about service of evidence where a person is sent without committal proceedings to Crown Court)—

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- (a) in sub-paragraph (1) (regulations to provide that evidence be served on or before the relevant date) omit the words “on or before the relevant date” and after paragraph (b) insert “ before the expiry of the period prescribed by the regulations; but the judge may at his discretion extend or further extend that period. ”, and
- (b) for sub-paragraph (2) substitute—
- “(2) The regulations may make provision as to the procedure to be followed on an application for the extension or further extension of a period under sub-paragraph (1) above.”
- (2) In section 13(1) of the <sup>M18</sup>Criminal Procedure and Investigations Act 1996 (transitional time limits relating to service of unused material), after paragraph (c) insert—
- “(ca) copies of the documents containing the evidence on which the charge or charges are based are served on the accused (where this Part applies by virtue of section 1(2)(cc)),”.
- (3) [<sup>F42</sup>In section 22 of the <sup>M19</sup>Prosecution of Offences Act 1985 (time limits in preliminary stages of criminal proceedings), in paragraph (a) of the definition of “appropriate court” in subsection (11) (which has effect so as to allow the Crown Court to extend time limits where the accused is committed for trial or indicted), after “trial” insert “, sent for trial under section 51 of the <sup>M20</sup>Crime and Disorder Act 1998 ”.]

#### Textual Amendments

**F42** S. 67(3) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 4](#); [S.I. 2012/1320](#), art. 4(1)(d)(2)(3) (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4); [S.I. 2012/2574](#), art. 2(2)(3)(d), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2) (with [S.I. 2013/1103](#), art. 4); [S.I. 2013/1103](#), art. 2(1)(d)(2)(3) (with [arts. 3, 4](#))

#### Commencement Information

**I2** S. 67 partly in force; s. 67 not in force at Royal Assent see s. 108(1); s. 67(1)(3) in force at 27.9.1999 see s. 108(3)(b); s. 67(2) in force for certain areas at 27.9.1999 by [S.I. 1999/2657](#), [art. 2\(b\)](#), [Sch. 1](#); s. 67(2) in force insofar as not already in force (8.1.2001) by [S.I. 2000/3280](#), [art. 2\(a\)](#)

#### Marginal Citations

**M17** 1998 c.37.  
**M18** 1996 c.25.  
**M19** 1985 c.23.  
**M20** 1998 c.37.

*Judges etc.*

## 68 Judges holding office in European or international courts.

- (1) A holder of a United Kingdom judicial office may hold office in a relevant international court without being required to relinquish the United Kingdom judicial office.
- (2) In this section—
- “United Kingdom judicial office” means the office of—

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- (a) Lord Justice of Appeal, Justice of the High Court or Circuit judge, in England and Wales,
  - (b) judge of the Court of Session or sheriff, in Scotland, or
  - (c) Lord Justice of Appeal, judge of the High Court or county court judge, in Northern Ireland, and
- “relevant international court” means—
- (a) any court established for any purposes of the [F43European Union], or
  - (b) any international court (apart from the European Court of Human Rights) which is designated [F44in relation to the holder of a United Kingdom judicial office by the appropriate Minister].
- (3) A holder of a United Kingdom judicial office who also holds office in a relevant international court is not required to perform any duties as the holder of the United Kingdom judicial office but does not count as holding the United Kingdom judicial office—
- (a) for the purposes of section 12(1) to (6) of the [F45Senior Courts Act 1981], section 9(1)(c) or (d) of the M21Administration of Justice Act 1973, section 18 of the M22Courts Act 1971, [F46section 16 of the Courts Reform (Scotland) Act 2014] or section 106 of the M23County Courts Act (Northern Ireland) 1959 (judicial salaries),
  - (b) for the purposes of, or of any scheme established by and in accordance with, the M24Judicial Pensions and Retirement Act 1993, the M25Judicial Pensions Act 1981, the M26Sheriffs’ Pensions (Scotland) Act 1961 or the County Courts Act (Northern Ireland) 1959 (judicial pensions), or
  - (c) for the purposes of section 2(1) or 4(1) of the [F45Senior Courts Act 1981], section 1(1) of the M27Court of Session Act 1988 or section 2(1) or 3(1) of the M28Judicature (Northern Ireland) Act 1978 (judicial numbers).
- (4) If the sheriff principal of any sheriffdom also holds office in a relevant international court, [F47section 6 of the Courts Reform (Scotland) Act 2014 (temporary sheriff principal)] applies as if the office of sheriff principal of that sheriffdom were vacant.
- (5) The appropriate Minister may by order made by statutory instrument make in relation to a holder of a United Kingdom judicial office who has ceased to hold office in a relevant international court such transitional provision (including, in particular, provision for a temporary increase in the maximum number of judges) as he considers appropriate.
- (6) In [F48this section] “the appropriate Minister” means—
- (a) in relation to any United Kingdom judicial office specified in paragraph (a) or (c) of the definition in subsection (2), the Lord Chancellor, and
  - (b) in relation to any United Kingdom judicial office specified in paragraph (b) of that definition, the Secretary of State.
- (7) A statutory instrument containing an order made under subsection (5) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [F49(8) The Lord Chancellor may exercise functions under this section in relation to the holder of a United Kingdom judicial office specified in paragraph (a) of the definition in subsection (2) only after consulting the Lord Chief Justice of England and Wales.

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- (9) The Lord Chancellor may exercise functions under this section in relation to the holder of a United Kingdom judicial office specified in paragraph (c) of the definition in subsection (2) only after consulting the Lord Chief Justice of Northern Ireland.
- (10) The Lord Chief Justice of England and Wales may nominate a judicial office holder (within the meaning of section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (8).
- (11) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (9)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
  - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

#### Textual Amendments

- F43** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 4 (with arts. 3(2)(3), 4(2), 6(4)(5))
- F44** Words in definition of "relevant international court" in s. 68(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 281\(2\)](#); S.I. 2005/1014, [art. 2\(a\)](#), Sch. 1 para. 11(x)
- F45** S. 68: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2](#)
- F46** Words in s. 68(3)(a) substituted (S.) (1.4.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2015 \(S.S.I. 2015/150\)](#), art. 1, [sch. para. 6\(2\)](#)
- F47** Words in s. 68(4) substituted (S.) (1.4.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2015 \(S.S.I. 2015/150\)](#), art. 1, [sch. para. 6\(3\)](#)
- F48** Words in s. 68(6) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 281\(3\)](#); S.I. 2005/1014, [art. 2\(a\)](#), Sch. 1 para. 11(x)
- F49** S. 68(8)-(11) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 281\(4\)](#); S.I. 2005/1014, [art. 2\(a\)](#), Sch. 1 para. 11(x)

#### Modifications etc. (not altering text)

- C5** S. 68(3)(b) excluded (1.9.2001) by 2001 c. 17, s. 1(3), [Sch. 1 para. 7\(5\)\(a\)](#) (with s. 78); S.I. 2001/2161, [art. 2](#)

#### Marginal Citations

- M21** 1973 c.15.  
**M22** 1971 c.23.  
**M23** 1959 c.25(N.I.).  
**M24** 1993 c.8.  
**M25** 1981 c.20.  
**M26** 1961 c.42.  
**M27** 1988 c.36.  
**M28** 1978 c.23.

## 69 Vice-president of Queen's Bench Division.

- (1) The [<sup>F50</sup>Lord Chief Justice may, after consulting the Lord Chancellor,] appoint one of the ordinary judges of the Court of Appeal as vice-president of the Queen's Bench

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Division; and any person so appointed shall hold that office in accordance with the terms of his appointment.

[<sup>F51</sup>(1A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1).]

- (2) In section 4 of the [<sup>F52</sup>Senior Courts Act 1981](composition of High Court)—
- (a) in subsection (1) (membership), after the words “the Senior Presiding Judge;” insert—
 

“(ddd) the vice-president of the Queen’s Bench Division;”, and
  - (b) in subsection (6) (vacancy in offices not to affect constitution), at the end insert “ and whether or not an appointment has been made to the office of vice-president of the Queen’s Bench Division. ”
- (3) In section 5 of that Act (divisions of High Court), in subsection (1)(b) (Queen’s Bench Division), after “thereof,” insert “ the vice-president of the Queen’s Bench Division ”.

#### Textual Amendments

- F50** Words in s. 69(1) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 282\(2\)](#); S.I. 2005/1014, [art. 2\(a\)](#), Sch. 1 para. 11(x)
- F51** S. 69(1A) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 282\(3\)](#); S.I. 2005/1014, [art. 2\(a\)](#), Sch. 1 para. 11(x)
- F52** S. 69: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2](#)

## 70 Registrar of civil appeals.

<sup>F53</sup> .....

#### Textual Amendments

- F53** S. 70 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [s. 1\(1\)](#), {Sch. 1 Pt. 1 Group 4}

### *Court proceedings*

## 71 Adjournment of inquest in event of judicial inquiry.

(1) In the <sup>M29</sup>Coroners Act 1988, after section 17 insert—

### “17A Adjournment of inquest in event of judicial inquiry.

- (1) If on an inquest into a death the coroner is informed by the Lord Chancellor before the conclusion of the inquest that—
  - (a) a public inquiry conducted or chaired by a judge is being, or is to be, held into the events surrounding the death; and
  - (b) the Lord Chancellor considers that the cause of death is likely to be adequately investigated by the inquiry,

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the coroner shall, in the absence of any exceptional reason to the contrary, adjourn the inquest and, if a jury has been summoned, may, if he thinks fit, discharge them.

- (2) Where a coroner adjourns an inquest in compliance with subsection (1) above, he shall send to the registrar of deaths a certificate under his hand stating, so far as they have been ascertained at the date of the certificate, the particulars which under the 1953 Act are required to be registered concerning the death.
  - (3) Where a coroner has adjourned an inquest in compliance with subsection (1) above, the Lord Chancellor shall send him the findings of the public inquiry as soon as reasonably practicable after their publication.
  - (4) A coroner may only resume an inquest which has been adjourned in compliance with subsection (1) above if in his opinion there is exceptional reason for doing so; and he shall not do so—
    - (a) before the end of the period of 28 days beginning with the day on which the findings of the public inquiry are published; or
    - (b) if the Lord Chancellor notifies the coroner that this paragraph applies, before the end of the period of 28 days beginning with the day on which the public inquiry is concluded.
  - (5) Where a coroner resumes an inquest which has been adjourned in compliance with subsection (1) above—
    - (a) the provisions of section 8(3) above shall not apply in relation to that inquest; and
    - (b) if he summons a jury (but not where he resumes without a jury, or with the same jury as before the adjournment), he shall proceed in all respects as if the inquest had not previously begun and the provisions of this Act shall apply accordingly as if the resumed inquest were a fresh inquest.
  - (6) Where a coroner does not resume an inquest which he has adjourned in compliance with subsection (1) above, he shall (without prejudice to subsection (2) above) send to the registrar of deaths a certificate under his hand stating any findings of the public inquiry in relation to the death.”
- (2) In section 8(4) of that Act (power to summon jury), for “either before he proceeds to hold an inquest” substitute “before he proceeds to hold an inquest, on resuming an inquest begun with a jury after the inquest has been adjourned and the jury discharged”.
  - (3) In the sidenote to section 16 of that Act (adjournment of inquest in certain cases), for “certain cases” substitute “event of criminal proceedings”.

#### Marginal Citations

M29 1988 c.13.

## 72 Reporting of proceedings relating to children.

In section 97 of the <sup>M30</sup>Children Act 1989 (privacy for children involved in certain proceedings)—

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- (a) in subsection (2) (which prohibits the publication of material intended or likely to identify a child as being involved in proceedings before a magistrates’ court in which powers under that Act may be exercised), after “before” insert “ the High Court, a county court or ”, and
- (b) in subsection (8) (which makes provision about the application of certain provisions of the <sup>M31</sup>Magistrates’ Courts Act 1980 in relation to proceedings to which section 97 applies), after “any proceedings” insert “ (before a magistrates’ court) ”.

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**Marginal Citations**

**M30** 1989 c.41.  
**M31** 1980 c.43.

**73 Power to allow children to attend criminal proceedings.**

- (1) In section 36 of the <sup>M32</sup>Children and Young Persons Act 1933 (child not to be present at criminal trial except where required as witness or otherwise for the purposes of justice), after “justice” insert “ or while the court consents to his presence ”.
- (2) In section 50(1) of the <sup>M33</sup>Criminal Procedure (Scotland) Act 1995 (child not to be present at criminal proceedings unless required as witness or otherwise for the purposes of justice), after “justice” insert “ or the court consents to his presence ”.

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**Marginal Citations**

**M32** 1933 c.12.  
**M33** 1995 c.46.

**PART V**

MAGISTRATES AND MAGISTRATES’ COURTS

*Territorial organisation*

**74 Commission areas.**

**F54** .....

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**Textual Amendments**

**F54** S. 74 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

**75 Petty sessions areas.**

**F55** .....



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**Textual Amendments**

**F55** S. 75 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

**76 Areas: consequential provision.**

- (1) The Lord Mayor and aldermen of the City of London shall not be justices of the peace unless appointed by the Lord Chancellor in accordance with the <sup>M34</sup>Justices of the Peace Act 1997.
- (2) Schedule 10 (which contains other provisions consequential on sections 74 and 75) has effect.

**Marginal Citations**

**M34** 1997 c.25.

**77 Youth courts.**

**F56** .....

**Textual Amendments**

**F56** S. 77 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

*Justices*

**78 Unification and renaming of stipendiary bench.**

- (1) <sup>F57</sup> .....
- (2) Schedule 11 (which makes amendments consequential on this section) has effect.

**Textual Amendments**

**F57** S. 78(1) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

**79 Justices not to sit on committal for sentence.**

**F58** .....

**Textual Amendments**

**F58** S. 79 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 1 Group 4}

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## 80 Jurisdiction over offences outside area.

- (1) <sup>F59</sup> .....
- (2) <sup>F60</sup> .....

### Textual Amendments

**F59** S. 80(1) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

**F60** S. 80(2) repealed (1.9.2004) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2004/2066, **art. 2(d)(vi)(e)** (subject to art. 3)

### *Magistrates' courts committees*

## 81 Areas outside Greater London.

- <sup>F61</sup> .....

### Textual Amendments

**F61** S. 81 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

## 82 Constitution of committees outside Greater London.

- <sup>F62</sup> .....

### Textual Amendments

**F62** S. 82 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

## 83 Greater London Magistrates' Courts Authority.

- <sup>F63</sup> .....

### Textual Amendments

**F63** S. 83 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

## 84 Standard goods and services.

- <sup>F64</sup> .....

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**Textual Amendments**

**F64** S. 84 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

**85 Power to direct implementation of inspectors’ recommendations.**

**F65** .....

**Textual Amendments**

**F65** S. 85 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

**86 Code of conduct.**

**F66** .....

**Textual Amendments**

**F66** S. 86 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

*Justices’ chief executives, justices’ clerks and staff*

**87 Qualification for appointment as chief executive.**

**F67** .....

**Textual Amendments**

**F67** S. 87 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

**88 Role of chief executives.**

**F68** .....

**Textual Amendments**

**F68** S. 88 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

**89 Independence of clerks and staff exercising legal functions.**

**F69** .....

*Status: Point in time view as at 06/04/2016. This version of this Act contains provisions that are prospective.*  
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**Textual Amendments**  
**F69** S. 89 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

**90 Transfer of clerks’ functions to chief executives.**

- (1) Schedule 13 (which makes amendments transferring administrative functions of justices’ clerks to justices’ chief executives) has effect.
- (2) <sup>F70</sup> .....
- (3) <sup>F70</sup> .....
- (4) <sup>F70</sup> .....
- (5) <sup>F70</sup> .....

**Textual Amendments**  
**F70** S. 90(2)-(5) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

**91 Accounting etc. functions of chief executives.**

<sup>F71</sup> .....

**Textual Amendments**  
**F71** S. 91 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*Execution of warrants*

**92 Civilian enforcement officers.**

In the <sup>M35</sup>Magistrates’ Courts Act 1980, after section 125 insert—

**“125A Civilian enforcement officers.**

- (1) A warrant to which this subsection applies may be executed anywhere in England and Wales by a civilian enforcement officer.
- (2) In this section “civilian enforcement officer”, in relation to a warrant, means a person who—
  - (a) is employed by an authority of a prescribed class which performs functions in relation to any area specified in the warrant; and
  - (b) is authorised in the prescribed manner to execute warrants.

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- (3) The warrants to which subsection (1) above applies are any warrant of arrest, commitment, detention or distress issued by a justice of the peace—
  - (a) under any provision specified for the purposes of this subsection by an order made by the Lord Chancellor and the Secretary of State, acting jointly; or
  - (b) for the enforcement of a court order of any description so specified.
- (4) Where a warrant has been executed by a civilian enforcement officer, a written statement indicating—
  - (a) the name of the officer;
  - (b) the authority by which he is employed; and
  - (c) that he is authorised in the prescribed manner to execute warrants,shall, on the demand of the person arrested, committed or detained or against whom distress is levied, be shown to him as soon as practicable.
- (5) The power to make orders conferred by subsection (3) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

**Marginal Citations**

M35 1980 c.43.

**93 Approved enforcement agencies.**

- (1) <sup>F72</sup> .....
- (2) In the <sup>M36</sup>Magistrates’ Courts Act 1980, after section 125A (inserted by section 92 above) insert—

**“125B Execution by approved enforcement agency.**

- (1) A warrant to which section 125A(1) above applies may also be executed anywhere in England and Wales—
  - (a) by an individual who is an approved enforcement agency;
  - (b) by a director of a company which is an approved enforcement agency;
  - (c) by a partner in a partnership which is an approved enforcement agency; or
  - (d) by an employee of an approved enforcement agency who is authorised in writing by the agency to execute warrants.
- (2) In this section “approved enforcement agency”, in relation to a warrant, means a person or body approved under section 31A of the <sup>M37</sup>Justices of the Peace Act 1997 by the magistrates’ courts committee for the petty sessions area of the justice (or any of the justices) who issued the warrant.
- (3) Failure by a magistrates’ courts committee to comply with any provision of, or made under, section 31A(2) to (5) of the Justices of the Peace Act 1997 does not of itself render unlawful the execution of a warrant.

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- (4) Where a warrant has been executed by a person mentioned in subsection (1) above, a written statement indicating the matters specified in subsection (5) below shall, on the demand of the person arrested, committed or detained or against whom distress is levied, be shown to him as soon as practicable.
- (5) The matters referred to in subsection (4) above are—
- (a) the name of the person by whom the warrant was executed;
  - (b) if he is a director of, or partner in, an approved enforcement agency, the fact that he is a director of, or partner in, that agency;
  - (c) if he is an employee of an approved enforcement agency, the fact that he is an employee authorised in writing by that agency to execute warrants; and
  - (d) the fact that his name, or (where paragraph (b) or (c) above applies) that of the agency indicated, is contained in the register maintained under section 31A(4) of the Justices of the <sup>M38</sup>Peace Act 1997 by the magistrates' courts committee concerned."

#### Textual Amendments

**F72** S. 93(1) repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(3), 110, [Sch. 10](#); S.I. 2005/910, [art. 3\(aa\)\(bb\)](#)

#### Marginal Citations

**M36** 1980 c.43.

**M37** 1997 c.25.

**M38** 1997 c.25.

## 94 Disclosure of information for enforcing warrants.

In the <sup>M39</sup>Magistrates' Courts Act 1980, after section 125B (inserted by section 93(2) above) insert—

### “125C Disclosure of information for enforcing warrants.

- (1) Basic personal information held by a relevant public authority may, on the application of a justices' chief executive, be supplied by the authority to him (or to a justices' clerk appointed by, or member of the staff of, his magistrates' courts committee who is specified in the application) for the purpose of facilitating the enforcement of a section 125A(1) warrant which is so specified.

- (2) In this section—

“basic personal information” means a person's name, date of birth or national insurance number or the address (or any of the addresses) of a person;

“relevant public authority” means a Minister of the Crown, government department, local authority or chief officer of police specified in an order made by the Lord Chancellor; and

“a section 125A(1) warrant” means a warrant to which section 125A(1) above applies and which has been issued by a justice of

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the peace to whom the justices' chief executive making the application is chief executive.

- (3) Information supplied to any person under subsection (1) above, or this subsection, for the purpose of facilitating the enforcement of a section 125A(1) warrant may be supplied by him for that purpose to—
  - (a) any person entitled to execute the warrant;
  - (b) any employee of a body or person who, for the purposes of section 125B above, is an approved enforcement agency in relation to the warrant; or
  - (c) any person who is the justices' chief executive, a justices' clerk or a member of the staff of the magistrates' courts committee whose justices' chief executive made the application for the information.
- (4) A person who intentionally or recklessly—
  - (a) discloses information supplied to him under this section otherwise than as permitted by subsection (3) above; or
  - (b) uses information so supplied otherwise than for the purpose of facilitating the enforcement of the section 125A(1) warrant concerned, commits an offence.
- (5) But it is not an offence under subsection (4) above—
  - (a) to disclose any information in accordance with any enactment or order of a court or for the purposes of any proceedings before a court; or
  - (b) to disclose any information which has previously been lawfully disclosed to the public.
- (6) A person guilty of an offence under subsection (4) above is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum; or
  - (b) on conviction on indictment, to a fine.
- (7) The power to make orders conferred by subsection (2) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament."

#### Marginal Citations

M39 1980 c.43.

## 95 Warrants of detention.

- (1) In section 125(2) of the <sup>M40</sup>Magistrates' Courts Act 1980 (execution by person to whom warrant is directed or constable), after "warrant of commitment," insert "warrant of detention,".
- (2) In section 136(2) of that Act (warrants of detention), for the words from " , unless" to "functions" substitute "—
  - (a) shall authorise the person executing it".

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### Marginal Citations

M40 1980 c.43.

## 96 Execution by person not in possession of warrant.

In the Magistrates' Courts Act 1980, after section 125C (inserted by section 94 above) insert—

### “125D Execution by person not in possession of warrant.

- (1) A warrant to which section 125A(1) above applies may be executed by any person entitled to execute it even though it is not in his possession at the time.
- (2) A warrant to which this subsection applies (and which is not a warrant to which section 125A(1) above applies) may be executed by a constable even though it is not in his possession at the time.
- (3) Subsection (2) above applies to—
  - (a) a warrant to arrest a person in connection with an offence;
  - (b) a warrant under section 186(3) of the <sup>M41</sup>Army Act 1955, section 186(3) of the <sup>M42</sup>Air Force Act 1955, section 105(3) of the <sup>M43</sup>Naval Discipline Act 1957 or Schedule 2 to the <sup>M44</sup>Reserve Forces Act 1996 (desertion etc.);
  - (c) a warrant under section 102 or 104 of the <sup>M45</sup>General Rate Act 1967 (insufficiency of distress);
  - (d) a warrant under section 47(8) of the <sup>M46</sup>Family Law Act 1996 (failure to comply with occupation order or non-molestation order);
  - (e) a warrant under paragraph 4 of Schedule 3 to the <sup>M47</sup>Crime and Disorder Act 1998 (unwilling witnesses);
  - (f) a warrant under paragraph 3(2) of Schedule 1 to [<sup>F73</sup>the Powers of Criminal Courts (Sentencing) Act 2000] (offenders referred to court by youth offender panel); and
  - (g) a warrant under section 55, 76, 93, 97 or 97A above.
- (4) Where by virtue of this section a warrant is executed by a person not in possession of it, it shall, on the demand of the person arrested, committed or detained or against whom distress is levied, be shown to him as soon as practicable.”

### Textual Amendments

F73 Words in s. 96 substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), Sch. 9 para. 204

### Commencement Information

I3 S. 96 wholly in force; s. 96 not in force at Royal Assent see s. 108; s. 96 in force at 19.2.2001 by S.I. 2001/168, art. 2(a) (subject to transitional provisions in art. 3)

### Marginal Citations

M41 1955 c.18.

M42 1955 c.19.



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- M43 1957 c.53.
- M44 1966 c.14.
- M45 1967 c.9.
- M46 1996 c.27.
- M47 1998 c.37.

**97 Cessation of warrants.**

- (1) In the <sup>M48</sup>Maintenance Orders Act 1958, in—
  - (a) section 2(4) (registration of orders), and
  - (b) section 5(4) (cancellation of registration),omit paragraph (b) (cessation of warrant of commitment on giving notice), apart from the word “and” at the end.
- (2) In section 83 of the <sup>M49</sup>Magistrates’ Courts Act 1980 (process for securing attendance of offender for purposes of section 82), omit subsection (4) (warrant to cease to have effect when sum in respect of which it is issued is paid to police officer holding the warrant).
- (3) In section 86(4) of that Act (which applies subsections (3) and (4) of section 83 to warrants issued under section 86), for “subsections (3) and (4)” substitute “subsection (3)”.
- (4) In section 125(1) of that Act (warrants of arrest), insert at the end “ or it ceases to have effect in accordance with the rules ”.

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**Commencement Information**

- I4** S. 97 wholly in force; s. 97 not in force at Royal Assent see s. 108; s. 97 in force at 19.2.2001 by S.I. 2001/168, art. 2(a) (subject to transitional provisions in art. 3)
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**Marginal Citations**

- M48 1958 c.39.  
M49 1980 c.43.

**PART VI**

IMMUNITY AND INDEMNITY

*Justices and their clerks*

**98 Justices and clerks: immunity from costs.**

- (1) <sup>F74</sup>.....
- (2) In the <sup>M50</sup>Magistrates’ Courts (Northern Ireland) Order 1981, after Article 6 insert—

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## 6A “Costs in legal proceedings

- (1) A court may not order any resident magistrate, justice of the peace or clerk of petty sessions to pay costs in any proceedings in respect of any act or omission of his in the execution (or purported execution) of his duty—
  - (a) as such a magistrate or justice; or
  - (b) as such a clerk exercising, by virtue of any statutory provision, any of the functions of a magistrates’ court.
- (2) Paragraph (1) does not apply in relation to—
  - (a) any proceedings in which a resident magistrate, justice of the peace or clerk of petty sessions is being tried for an offence or is appealing against a conviction; or
  - (b) any proceedings in which it is proved that a resident magistrate, justice of the peace or clerk of petty sessions acted in bad faith in respect of the matters giving rise to the proceedings.
- (3) Where a court is prevented by paragraph (1) from ordering a resident magistrate, justice of the peace or clerk of petty sessions to pay costs in any proceedings, the court may instead order the making by the Lord Chancellor of a payment in respect of the costs of a person in the proceedings.
- (4) The Lord Chancellor may by regulations specify—
  - (a) circumstances when a court shall or shall not exercise the power conferred on it by paragraph (3); and
  - (b) how the amount of any payment ordered under that paragraph is to be determined.
- (5) Regulations under paragraph (4) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the <sup>M51</sup>Statutory Instruments Act 1946 shall apply accordingly.”

(3) In—

- (a) Article 145A of the <sup>M52</sup>Magistrates’ Courts (Northern Ireland) Order 1981 (county court judge hearing certain appeals to be treated like resident magistrate in relation to immunity), <sup>F75</sup> . . .
- (b) <sup>F75</sup> . . . . .

after “6” insert “, 6A ”.

### Textual Amendments

**F74** S. 98(1) repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(3), 110, [Sch. 10](#); S.I. 2005/910, [art. 3\(aa\)\(bb\)](#)

**F75** S. 98(3)(b) and preceding word repealed (1.4.2005) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), ss. 86, 87, [Sch. 13](#); S.R. 2005/109, [art. 2](#), [Sch.](#)

### Marginal Citations

**M50** S.I. 1981/1765 (N.I.26).

**M51** 1946 c.36.

**M52** S.I. 1981/1675 (N.I.26).

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## 99 Justices and clerks: indemnity.

F76

### Textual Amendments

**F76** S. 99 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

## 100 Assistant justices' clerks: immunity from action.

F77

### Textual Amendments

**F77** S. 100 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

### *General Commissioners of income tax and their clerks*

## 101 General Commissioners: immunity from action.

F78

### Textual Amendments

**F78** Ss. 101-103 repealed (1.4.2009) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 146, 148, **Sch. 23 Pt. 1**; S.I. 2008/2696, **art. 6**

## 102 General Commissioners: immunity from costs and expenses.

F79

### Textual Amendments

**F79** Ss. 101-103 repealed (1.4.2009) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 146, 148, **Sch. 23 Pt. 1**; S.I. 2008/2696, **art. 6**

## 103 General Commissioners and clerks: indemnity.

F80

### Textual Amendments

**F80** Ss. 101-103 repealed (1.4.2009) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 146, 148, **Sch. 23 Pt. 1**; S.I. 2008/2696, **art. 6**

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## Coroners

### 104 Indemnity.

(1) In the <sup>M53</sup>Coroners Act 1988, after section 27 insert—

**“27A Indemnity.**

- (1) A coroner shall be indemnified by the relevant council (without having to lay before them an account under section 27 above) in respect of—
  - (a) any costs which he reasonably incurs in or in connection with proceedings in respect of anything done or omitted in the exercise (or purported exercise) of his duty as a coroner;
  - (b) any costs which he reasonably incurs in taking steps to dispute any claim which might be made in such proceedings;
  - (c) any damages awarded against him or costs ordered to be paid by him in any such proceedings; and
  - (d) any sums payable by him in connection with a reasonable settlement of any such proceedings or claim.
- (2) Subsection (1) above applies in relation to proceedings by a coroner only if and to the extent that the relevant council agrees in advance to indemnify him.
- (3) A coroner may appeal to the Secretary of State, or to any person appointed by the Secretary of State for the purpose, from any decision of the relevant council under subsection (2) above.
- (4) Any amount due to a coroner under this section shall be paid—
  - (a) in the case of a metropolitan or non-metropolitan district council or London borough council, out of the general fund;
  - (b) in the case of a non-metropolitan county council in England, out of the county fund;
  - (c) in the case of the council of a Welsh principal area, out of the council fund; and
  - (d) in the case of the Common Council, out of the City fund.
- (5) In the case of a coroner for a coroner’s district which—
  - (a) consists of two or more metropolitan districts, special non-metropolitan districts or London boroughs;
  - (b) lies partly in each of two or more Welsh principal areas; or
  - (c) lies partly in each of two or more non-metropolitan counties in England,

any amount due to the coroner under this section shall be apportioned between the councils of those districts, boroughs, areas or counties in such manner as they may agree or, in default of agreement, as may be determined by the Secretary of State.”

(2) In <sup>M54</sup>the Coroners Act (Northern Ireland) 1959, after section 5 insert—

**“5A Indemnity.**

- (1) A coroner shall be indemnified by the Lord Chancellor in respect of—

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- (a) any costs which he reasonably incurs in or in connection with proceedings in respect of anything done or omitted in the exercise (or purported exercise) of his duty as a coroner;
- (b) any costs which he reasonably incurs in taking steps to dispute any claim which might be made in such proceedings;
- (c) any damages awarded against him or costs ordered to be paid by him in any such proceedings; and
- (d) any sums payable by him in connection with a reasonable settlement of any such proceedings or claim.

(2) Sub-section (1) applies in relation to proceedings by a coroner only if and to the extent that the Lord Chancellor agrees in advance to indemnify him.”

#### Marginal Citations

**M53** 1988 c.13.

**M54** 1959 c.15(N.I.).

## PART VII

### SUPPLEMENTARY

#### Modifications etc. (not altering text)

- C6** Pt. 7: functions of the Lord Chancellor transferred (19.8.2003) to the Secretary of State by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 4, [Sch. 1](#) (with art. 6)  
Pt. 7: functions of the Secretary of State transferred (12.1.2006) to the Lord Chancellor by [The Transfer of Functions \(Lord Chancellor and Secretary of State\) Order 2005 \(S.I. 2005/3429\)](#), [art. 3](#) (with arts. 4, 5)

#### 105 Transitional provisions and savings.

Schedule 14 (transitional provisions and savings) has effect.

#### 106 Repeals and revocations.

Schedule 15 (repeals and revocations) has effect.

#### Commencement Information

- I5** [S. 106](#) partly in force; [s. 106](#) not in force at Royal Assent see [s. 108\(1\)](#); [s. 106](#) in force for certain purposes at 27.9.1999 and for certain further purposes at 1.11.1999 and for certain further purposes at 12.11.1999 by [S.I. 1999/2657](#), [arts. 2\(d\)\(iii\)](#), 3(c), 4(b); [s. 106](#) in force for certain further purposes at 1.1.2000 and for certain further purposes at 1.3.2000 by [S.I. 1999/3344](#), [arts. 2\(d\)](#), 3(b), [Sch. 1](#) (with art. 4); [s. 106](#) in force for certain purposes at 1.4.2000 by [S.I. 2000/774](#), [art. 2\(c\)\(ii\)](#); [s. 106](#) in force for certain purposes at 31.7.2000 by [S.I. 2000/1920](#), [art. 2\(c\)\(3\)\(c\)](#); [s. 106](#) in force for certain purposes at 8.1.2001 by [S.I. 2000/3280](#), [art. 2\(c\)](#); [s. 106](#) in force for specified purposes at 19.2.2001 by [S.I. 2001/168](#), [art. 2\(c\)](#); [s. 106](#) in force for specified purposes at 1.4.2001 by [S.I. 2001/916](#), [art. 2\(c\)\(iv\)](#); [s. 106](#) in force for specified purposes at 2.4.2001 by [S.I. 2001/916](#), [art. 3\(b\)](#)

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## 107 Crown application.

This Act binds the Crown.

## 108 Commencement.

- (1) Subject to subsections (2) and (3), the preceding provisions of this Act shall come into force on such day as the Lord Chancellor [<sup>F81</sup>or Secretary of State] may by order made by statutory instrument appoint; and different days may be appointed for different purposes and, in the case of section 67(2), for different areas.
- (2) Section 45 shall come into force on the day on which this Act is passed.
- (3) The following provisions shall come into force at the end of the period of two months beginning with the day on which this Act is passed—
  - (a) in Part II, sections 32 to 34,
  - (b) Part IV, apart from section 66 and Schedule 9 and sections 67(2) and 71,
  - (c) in Part V, sections 74 to 76, 81, 82, 84, 86 and 87 and Schedule 10,
  - (d) in Part VI, section 104,
  - (e) Schedule 14,
  - (f) in Schedule 15, Part III and Part V(1) and (5), apart from the provisions specified in subsection (4), and
  - (g) section 107.
- (4) The provisions excepted from subsection (3)(f) are the repeal of section 67(8) of the <sup>M55</sup>Magistrates' Courts Act 1980 (and that in Schedule 11 to the <sup>M56</sup>Children Act 1989) contained in Part V(1) of Schedule 15.

### Subordinate Legislation Made

- P1** S. 108(1): power partly exercised (21.9.1999): different dates appointed for specified provisions by S.I. 1999/2657, arts. 2, 3, 4, Sch. 1, Sch. 2
- S. 108(1): power partly exercised (13.12.1999): different dates appointed for specified provisions by S.I. 1999/3344, arts. 2, 3, Sch. 1 (with art. 4, Sch. 2)
- S. 108(1): power partly exercised (20.3.2000): 1.4.2000 appointed for specified provisions by S.I. 2000/774, art. 2 (with arts. 3-5)
- S. 108(1): power partly exercised (19.7.2000): different dates appointed for specified provisions by S.I. 2000/1920, arts. 2, 3 (with art. 4)
- S. 108(1): power partly exercised (13.12.2000): 8.1.2001 appointed for specified provisions by S.I. 2000/3280, art. 2 (with art. 3)
- S. 108(1): power partly exercised: 19.2.2001 appointed for specified provisions by S.I. 2001/168, art. 1
- S. 108(1) power partly exercised: different dates appointed for specified provisions by S.I. 2001/916, art. 2
- S. 108(1) power partly exercised: 25.5.2001 appointed for specified purposes by S.I. 2001/1655, art. 2
- P2** S. 108(1) power partly exercised: 31.3.2003 appointed for specified provisions by {S.I. 2003/207}, art. 2 (with art. 3)
- P3** S. 108(1) power partly exercised: 2.6.2003 appointed for specified provision by {S.I. 2003/1241}, art. 2
- P4** S. 108(1) power partly exercised: 1.11.2003 appointed for specified provisions by {S.I. 2003/2571}, art. 2

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#### Textual Amendments

**F81** Words in s. 108(1) inserted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 11(2)**

#### Modifications etc. (not altering text)

**C7** [S. 108\(1\)](#): certain functions transferred (28.2.2003) to the Scottish Ministers by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2003 \(S.I. 2003/415\)](#), arts. 1, 2, **Sch.** (with art. 5)

#### Marginal Citations

**M55** 1980 c.43.

**M56** 1989 c.41.

### 109 Extent.

- (1) Sections 32 to 34 and 73(2) extend to Scotland.
- (2) Sections 98(2) and (3) and 104(2) extend to Northern Ireland.
- (3) Sections 68, 101, 102 and 103 extend to England and Wales, Scotland and Northern Ireland.
- (4) The other provisions of this Act which make amendments or repeals or revocations in other enactments also have the same extent as the enactments which they amend or repeal or revoke.
- (5) Subject to subsection (4), the provisions of this Part (including paragraph 1, but not the rest, of Schedule 14) extend to England and Wales, Scotland and Northern Ireland.
- (6) Subject to the preceding provisions, this Act extends to England and Wales.
- (7) For the purposes of the <sup>M57</sup>Scotland Act 1998 this Act, so far as it extends to Scotland, shall be taken to be a pre-commencement enactment within the meaning of that Act.

#### Marginal Citations

**M57** 1998 c.46.

### 110 Short title.

This Act may be cited as the Access to Justice Act 1999.

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## SCHEDULES

### <sup>F82</sup>SCHEDULE 1

Section 1.

#### Textual Amendments

**F82** Schs. 1-3A omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

### SCHEDULE 2

Section 6.

#### COMMUNITY LEGAL SERVICE: EXCLUDED SERVICES

The services which may not be funded as part of the Community Legal Service are as follows.

- 1 .....
- 1A .....
- 2 (1) (ea) the family court,
- 3 .....

PROSPECTIVE

<sup>F82</sup>4 .....

### <sup>F82</sup>SCHEDULE 3

Section 14.

### <sup>F82</sup>SCHEDULE 3A



*Status:* Point in time view as at 06/04/2016. This version of this Act contains provisions that are prospective.  
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SCHEDULE 4

Section 24.

AMENDMENTS CONSEQUENTIAL ON PART I

*The Public Records Act 1958 (c.51)*

F84<sup>1</sup> .....

**Textual Amendments**

**F84** Sch. 4 para. 1 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

*The Parliamentary Commissioner Act 1967 (c.13)*

2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (which lists the bodies subject to the jurisdiction of the Parliamentary Commissioner), insert (at the appropriate place in alphabetical order)—

“Legal Services Commission”

*The Criminal Appeal Act 1968 (c.19)*

3 In section 50 of the Criminal Appeal Act 1968 (meaning of “sentence”), at the end insert—

“(3) An order under section 17 of the Access to Justice Act 1999 is not a sentence for the purposes of this Act.”

*The Children and Young Persons Act 1969 (c.54)*

F85<sup>4</sup> .....

**Textual Amendments**

**F85** Sch. 4 para. 4 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 12 para. 41](#); S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

F86<sup>5</sup> .....

**Textual Amendments**

**F86** Sch. 4 para. 5 repealed (25.8.2000) by [2000 c. 6](#), ss. 165(4), 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

F87<sup>6</sup> .....

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**Textual Amendments**

**F87** Sch. 4 para. 6 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 41**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

**F88**<sup>7</sup> .....

**Textual Amendments**

**F88** Sch. 4 para. 7 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 41**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

*The Attachment of Earnings Act 1971 (c.32)*

**F89**<sup>8</sup> .....

**Textual Amendments**

**F89** Sch. 4 para. 8 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 5 Pt. 2**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

*The Powers of Criminal Courts Act 1973 (c.62)*

**F90**<sup>9</sup> .....

**Textual Amendments**

**F90** Sch. 4 para. 9 repealed (25.8.2000) by [2000 c. 6](#), ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

*The Solicitors Act 1974 (c.47)*

**F91**<sup>10</sup> .....

**Textual Amendments**

**F91** Sch. 4 paras. 10-12 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 5 Pt. 2**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

*The House of Commons Disqualification Act 1975 (c.24)*

**F91**<sup>11</sup> .....

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**Textual Amendments**

**F91** Sch. 4 paras. 10-12 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

*The Northern Ireland Assembly Disqualification Act 1975 (c.25)*

**F91** 12 .....

**Textual Amendments**

**F91** Sch. 4 paras. 10-12 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

*The Sex Discrimination Act 1975 (c.65)*

13 **F92** .....

**Textual Amendments**

**F92** Sch. 4 para. 13 repealed (1.10.2007) by [Equality Act 2006](#) (c. 3), ss. 91, 93, [Sch. 4](#) (with s. 92); S.I. 2007/2603, [art. 2](#)

*The Race Relations Act 1976 (c.74)*

14 **F93** .....

**Textual Amendments**

**F93** Sch. 4 para. 14 repealed (1.10.2007) by [Equality Act 2006](#) (c. 3), ss. 91, 93, [Sch. 4](#) (with s. 92); S.I. 2007/2603, [art. 2](#)

*The Magistrates' Courts Act 1980 (c.43)*

**F94** 15 .....

**Textual Amendments**

**F94** Sch. 4 paras. 15-19 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F94** 16 .....

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#### Textual Amendments

**F94** Sch. 4 paras. 15-19 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F94**17 .....

#### Textual Amendments

**F94** Sch. 4 paras. 15-19 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F94**18 .....

#### Textual Amendments

**F94** Sch. 4 paras. 15-19 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F94**19 .....

#### Textual Amendments

**F94** Sch. 4 paras. 15-19 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

20 **F95** .....

#### Textual Amendments

**F95** Sch. 4 para. 20 repealed (1.4.2005) by [Courts Act 2003](#) (c. 39), ss. 109(3), 110, [Sch. 10](#); S.I. 2005/910, [art. 3\(aa\)\(bb\)](#)

### *The <sup>F96</sup>Senior Courts Act 1981*

#### Textual Amendments

**F96** Sch. 4 para. 21 cross-heading: words wherever they occur in any enactment substituted (1.10.2009) by virtue of [Constitutional Reform Act 2005](#) (c. 4), ss. 59, 148, [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2](#)

21 The <sup>F97</sup>Senior Courts Act 1981] has effect subject to the following amendments.

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**Textual Amendments**

**F97** Sch. 4 para. 21: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2](#)

22 In section 28 (appeal by way of case stated from decisions of Crown Court, other than those relating to trial on indictment), at the end insert—

“(4) In subsection (2)(a) the reference to a decision of the Crown Court relating to trial on indictment does not include a decision relating to an order under section 17 of the Access to Justice Act 1999.”

23 In section 29 (judicial review of decisions of Crown Court, other than matters relating to trial on indictment), at the end insert—

“(6) In subsection (3) the reference to the Crown Court’s jurisdiction in matters relating to trial on indictment does not include its jurisdiction relating to orders under section 17 of the Access to Justice Act 1999.”

<sup>F98</sup>24 .....

**Textual Amendments**

**F98** Sch. 4 para. 24 repealed (25.8.2000) by [2000 c. 6](#), ss. 165(4), 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

*The Criminal Justice Act 1982 (c.48)*

<sup>F99</sup>25 .....

**Textual Amendments**

**F99** Sch. 4 para. 25 repealed (25.8.2000) by [2000 c. 6](#), ss. 165(4), 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))

*The Telecommunications Act 1984 (c.12)*

26 [<sup>F100</sup>In section 52(5) of the Telecommunications Act 1984 (charges to recover costs of assistance in legal proceedings subject to legal aid charges), for paragraph (a) substitute—

“(a) any charge imposed by section 10(7) of the Access to Justice Act 1999 and any provision in, or made under, Part I of that Act for the payment of any sum to the Legal Services Commission;”.]

**Textual Amendments**

**F100** Sch. 4 para. 26 repealed (25.7.2003 for specified purposes and 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406(6)(7), 408, 411, [Sch. 19\(1\)](#) (with [Sch. 18](#), [Sch. 19 Note 1](#));

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S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)

*The Prosecution of Offences Act 1985 (c.23)*

27 The Prosecution of Offences Act 1985 has effect subject to the following amendments.

28 In section 19(2)(b) (in making an order for costs account to be taken of grant of representation under Legal Aid Act 1988), for the words from “or any grant” to the end substitute “ or any grant of a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service; ”.

<sup>F101</sup>29 .....

**Textual Amendments**

**F101** Sch. 4 para. 29 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 5 Pt. 2**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

30 (1) Section 21 (interpretation) is amended as follows.

<sup>F102</sup>(2) .....

(3) In subsection (4A)—

<sup>F103</sup>(a) .....

(b) in paragraph (b), for the words from “and 19” to the end substitute “ , 19 and 19A of this Act, his costs shall be taken to include the cost of representation funded for him by the Legal Services Commission as part of the Criminal Defence Service; ”.

**Textual Amendments**

**F102** Sch. 4 para. 30(2) repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 5 Pt. 2**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F103** Sch. 4 para. 30(3)(a) repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 5 Pt. 2**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

*The Child Abduction and Custody Act 1985 (c.60)*

31 In section 11 of the Child Abduction and Custody Act 1985 (costs of application for child custody or access), for the words from “by virtue of” to “1988,” substitute “by virtue of—

- (a) the provision of any service funded by the Legal Services Commission as part of the Community Legal Service, or
- (b) the grant of legal aid or legal advice and assistance under.”

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*The Administration of Justice Act 1985 (c.61)*

32 The Administration of Justice Act 1985 has effect subject to the following amendments.

F104 33 .....

**Textual Amendments**

**F104** Sch. 4 para. 33 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

34 In section 41(2) (reduction of fees payable in connection with services provided by barristers under Legal Aid Act 1988), for paragraphs (a) and (b) substitute “ otherwise payable by the Legal Services Commission in connection with services provided by him as part of the Community Legal Service or Criminal Defence Service ”.

F105 35 .....

**Textual Amendments**

**F105** Sch. 4 para. 35 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

36 In section 43(3) (reduction of costs payable in connection with services provided by solicitors under Legal Aid Act 1988), for the words from “any costs” to “solicitor” substitute “ any costs otherwise payable by the Legal Services Commission in connection with services provided by the solicitor as part of the Community Legal Service or Criminal Defence Service ”.

*The Housing Act 1985 (c.68)*

37 In section 170(5) of the Housing Act 1985 (charges to recover costs of assistance in legal proceedings subject to any charge for benefit of Legal Aid Board), for the words from “under the Legal Aid Act 1988” to the end substitute “ imposed by section 10(7) of the Access to Justice Act 1999 and any provision in, or made under, Part I of that Act for the payment of any sum to the Legal Services Commission. ”

*The Criminal Justice Act 1987 (c.38)*

F106 38 .....

**Textual Amendments**

**F106** Sch. 4 paras. 38-40 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

F106 39 .....

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**Textual Amendments**

**F106** Sch. 4 paras. 38-40 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F106** 40 .....

**Textual Amendments**

**F106** Sch. 4 paras. 38-40 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

*The Consumer Arbitration Agreements Act 1988 (c.21)*

41 In section 4(3) of the Consumer Arbitration Agreements Act 1988 (availability of legal aid to be considered in determining whether to make reference to arbitration), for “legal aid” substitute “ services funded by the Legal Services Commission as part of the Community Legal Service ”.

*The Housing Act 1988 (c.50)*

42 The Housing Act 1988 has effect subject to the following amendments.

43 In section 82(4) (charge to recover costs of assistance in legal proceedings subject to any charge for benefit of Legal Aid Board), for the words from “under the Legal Aid Act 1988” to the end substitute “ imposed by section 10(7) of the Access to Justice Act 1999 and any provision in, or made under, Part I of that Act for the payment of any sum to the Legal Services Commission. ”

44 In section 107(4) (charge to recover costs of assistance in legal proceedings subject to any charge for benefit of Legal Aid Board), for the words from “under the Legal Aid Act 1988” to the end substitute “ imposed by section 10(7) of the Access to Justice Act 1999 and any provision in, or made under, Part I of that Act for the payment of any sum to the Legal Services Commission. ”

*The Children Act 1989 (c.41)*

**F107** 45 .....

**Textual Amendments**

**F107** Sch. 4 para. 45 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

*The Courts and Legal Services Act 1990 (c.41)*

46 **F108** .....



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**Textual Amendments**

**F108** Sch. 4 para. 46 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 210, 211, [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2](#) (with [art. 9](#))

*The Criminal Justice Act 1991 (c.53)*

**F109**47 .....

**Textual Amendments**

**F109** Sch. 4 para. 47 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, [art. 3\(h\)](#) (with savings and transitional provisions in S.I. 2013/534, [art. 6](#))

*The Social Security Administration Act 1992 (c.5)*

- 48 (1) Section 108(7) of the Social Security Administration Act 1992 (Secretary of State to inform Legal Aid Board if he recovers maintenance arrears for a person who owes money to the Board) is amended as follows.
- (2) For “the Legal Aid Board” substitute “ the Legal Services Commission ”.
- (3) In paragraph (a), for “; and” substitute “; or  
(iii) received services funded by the Legal Services Commission as part of the Community Legal Service; and”.
- (4) In paragraph (b), after paragraph (ii) insert “or  
(iii) by virtue of section 10 of the Access to Justice Act 1999 in respect of services funded by the Legal Services Commission as part of the Community Legal Service.”.

*The Criminal Procedure and Investigations Act 1996 (c.25)*

**F110**49 .....

**Textual Amendments**

**F110** Sch. 4 para. 49 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, [art. 3\(h\)](#) (with savings and transitional provisions in S.I. 2013/534, [art. 6](#))

*The Family Law Act 1996 (c.27)*

**F111**50 .....

**Textual Amendments**

**F111** Sch. 4 paras. 50-52 repealed (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), ss. [18\(3\)\(a\)](#), 139(4)

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F11151 .....

**Textual Amendments**  
**F111** Sch. 4 paras. 50-52 repealed (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 18(3)(a)**, 139(4)

F11252 .....

**Textual Amendments**  
**F112** Sch. 4 para. 52 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 5 Pt. 2**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

*The Crime and Disorder Act 1998 (c.37)*

53 The Crime and Disorder Act 1998 has effect subject to the following amendments.

54 F113 .....

**Textual Amendments**  
**F113** Sch. 4 para. 54 repealed (2.10.2006) by [The Criminal Defence Service \(Representation Orders and Consequential Amendments\) Regulations 2006 \(S.I. 2006/2493\)](#), **reg. 9** (with reg. 6)

F11455 .....

**Textual Amendments**  
**F114** Sch. 4 para. 55 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 5 Pt. 2**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

*The Disability Rights Commission Act 1999 (c. 17)*

56 F115 .....

**Textual Amendments**  
**F115** Sch. 4 para. 56 repealed (1.10.2007) by [Equality Act 2006 \(c. 3\)](#), **ss. 91, 93, Sch. 4** (with s. 92); S.I. 2007/2603, **art. 2**

.....

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**Textual Amendments**

**F116** Sch. 5 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)

SCHEDULE 6

Section 43.

RIGHTS OF AUDIENCE AND RIGHTS TO CONDUCT LITIGATION

*The Solicitors Act 1974 (c.47)*

1 **F117** .....

**Textual Amendments**

**F117** Sch. 6 paras. 1-3 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)

2 **F118** .....

**Textual Amendments**

**F118** Sch. 6 paras. 1-3 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)

3 **F119** .....

**Textual Amendments**

**F119** Sch. 6 paras. 1-3 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)

*The Courts and Legal Services Act 1990 (c.41)*

4 The Courts and Legal Services Act 1990 has effect subject to the following amendments.

5 **F120** .....

**Textual Amendments**

**F120** Sch. 6 paras. 5-8 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)

6 **F121** .....

*Status: Point in time view as at 06/04/2016. This version of this Act contains provisions that are prospective.  
Changes to legislation: Access to Justice Act 1999 is up to date with all changes known to be in force on or before 31 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)*

**Textual Amendments**  
F121 Sch. 6 paras. 5-8 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)

7 F122 .....

**Textual Amendments**  
F122 Sch. 6 paras. 5-8 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)

8 F123 .....

**Textual Amendments**  
F123 Sch. 6 paras. 5-8 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)

9 In section 71 (qualification for judicial appointments), for subsection (6) substitute—

“(6) Any period during which a person had a right of audience but was, as a result of disciplinary proceedings, prevented by the authorised body concerned from exercising it shall not count towards the period mentioned in subsection (5)(b).”

- 10 (1) Section 119(1) (interpretation) is amended as follows.
- (2) In the definition of “right of audience”, for “exercise any of the functions of appearing before and addressing a court including the calling and examining of” substitute “appear before and address a court including the right to call and examine”.
- (3) In the definition of “right to conduct litigation”, for “exercise all or any of the functions of issuing a writ or otherwise commencing” substitute “issue”.

11 F124 .....

**Textual Amendments**  
F124 Sch. 6 para. 11 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)

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## SCHEDULE 7

Section 48.

### POWERS OF LAW SOCIETY

#### *Monitoring of compliance with rules*

- 1 In section 31(1) of the <sup>M59</sup>Solicitors Act 1974 (power of Council of the Law Society to make rules about professional practice, conduct and discipline), insert at the end “ and for empowering the Society to take such action as may be appropriate to enable the Society to ascertain whether or not the provisions of rules made, or of any code or guidance issued, by the Council are being complied with. ”

#### **Marginal Citations**

**M59** 1974 c.47.

#### *Bank and building society accounts*

- 2 In—
- (a) section 32(4) of that Act (power of Council of the Law Society to disclose report or information about solicitor’s accounts to Director of Public Prosecutions for investigation and prosecution of offences), and
  - (b) paragraph 3 of Schedule 2 to the <sup>M60</sup>Administration of Justice Act 1985 (corresponding provision in relation to accounts of incorporated practices),
- omit “to the Director of Public Prosecutions” and “, if the Director thinks fit”.

#### **Marginal Citations**

**M60** 1985 c.61.

- 3 In the Solicitors Act 1974, after section 33 insert—

#### **“33A Inspection of practice bank accounts etc.**

- (1) The Council may make rules, with the concurrence of the Master of the Rolls, empowering the Council to require a solicitor to produce documents relating to any account kept by him at a bank or with a building society—
    - (a) in connection with his practice; or
    - (b) in connection with any trust of which he is or formerly was a trustee,for inspection by a person appointed by the Council pursuant to the rules.
  - (2) The Council shall be at liberty to disclose information obtained in exercise of the powers conferred by rules made under subsection (1) for use in investigating the possible commission of an offence by the solicitor and for use in connection with any prosecution of the solicitor consequent on the investigation.”
- 4 In section 87(1) of that Act (interpretation), in the definition of “building society”, omit “; and a reference to an account with a building society is a reference to a deposit account”.

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- 5 In Schedule 2 to the <sup>M61</sup>Administration of Justice Act 1985, after paragraph 4 insert—

*“ Inspection of bank accounts*

(4A) Where rules made under section 33A(1) of the 1974 Act are applied to recognised bodies in accordance with section 9(2)(f) of this Act, the Council shall be at liberty to disclose information about a recognised body’s accounts obtained in pursuance of the rules for use in investigating the possible commission of an offence by that body and for use in connection with any prosecution of that body consequent on the investigation.”

**Marginal Citations**

**M61** 1985 c.61.

*Intervention for breach of rules on practice, conduct and discipline*

- 6 In Schedule 1 to the <sup>M62</sup>Solicitors Act 1974 (intervention in solicitor’s practice), in paragraph 1(1) (circumstances in which Law Society may intervene), in paragraph (c) (failure to comply with rules made by virtue of section 32 or 37(2) (c)), after “section” insert “ 31, ”.

**Marginal Citations**

**M62** 1974 c.47.

*Solicitors’ employees and consultants*

- 7 (1) Section 43 of that Act (control of employment of clerks) is amended as follows.
- (2) In subsection (1) (power of Law Society to apply to Solicitors Disciplinary Tribunal for order in the case of clerk guilty of an offence of dishonesty or other act which makes it undesirable for him to be employed by solicitor)—
- (a) <sup>F125</sup> .....
  - (b) after “employed” (in both places) insert “ or remunerated ”,
  - (c) for “to whom he is or was clerk” substitute “ by whom he is or was employed or remunerated ”, and
  - (d) for the words from “an application” to the end substitute “ the Society may either make, or make an application to the Tribunal for it to make, an order under subsection (2) with respect to him. ”
- (3) After that subsection insert—
- “(1A) Where the Society investigates whether there are grounds for making, or making an application to the Tribunal for it to make, an order under subsection (2) with respect to a person, the Council may direct him to pay to the Council an amount which—
- (a) is calculated by the Council as the cost to the Society of investigating the matter; or

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- (b) in the opinion of the Council represents a reasonable contribution towards that cost.”
- (4) In subsection (2) (order of Tribunal barring solicitor from employing the clerk)—
  - (a) for the words from the beginning to “an order” substitute “ An order under this subsection made by the Society or the Tribunal shall state ”, and
  - (b) for “application is” substitute “ order is ”.
- (5) For subsection (3) (revocation by Tribunal) substitute—
  - “(3) Where an order has been made under subsection (2) with respect to a person by the Society or the Tribunal—
    - (a) that person or the Society may make an application to the Tribunal for it to be reviewed, and
    - (b) whichever of the Society and the Tribunal made it may at any time revoke it.
  - (3A) On the review of an order under subsection (3) the Tribunal may order—
    - (a) the quashing of the order;
    - (b) the variation of the order; or
    - (c) the confirmation of the order;and where in the opinion of the Tribunal no prima facie case for quashing or varying the order is shown, the Tribunal may order its confirmation without hearing the applicant.”
- (6) In subsection (5) (inspection of orders), for “this section and filed with the Society” substitute “ subsection (2) by the Society, or made, varied or confirmed under this section by the Tribunal and filed with the Society, ”.
- (7) In the sidenote, for “employment of certain clerks” substitute “ solicitors’ employees and consultants ”.

**Textual Amendments**

**F125** Sch. 7 para. 7(2)(a) repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 210, 211, [Sch. 23](#) (with ss. 29, 192, 193); [S.I. 2009/3250](#), [art. 2](#) (with [art. 9](#))

- 8 In section 44(2) of that Act (breach of order by solicitor), for the words from “an order” to the end of paragraph (b) substitute “ an order under section 43(2) is in force in respect of a person ”.
- 9 (1) Section 49 of that Act (appeals from Tribunal) is amended as follows.
  - (2) In subsection (3) (who can appeal)—
    - (a) for “43(2)” substitute “ 43(3A) ”, and
    - (b) for “application” substitute “ order ”.
  - (3) In subsection (6) (finality of appeal), for “43(2)” substitute “ 43(3A) ”.
- 10 <sup>F126</sup> .....

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**Textual Amendments**

**F126** Sch. 7 paras. 10-12 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2** (with art. 9)

*Power to examine files*

11 **F127** .....

**Textual Amendments**

**F127** Sch. 7 paras. 10-12 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2** (with art. 9)

12 **F128** .....

**Textual Amendments**

**F128** Sch. 7 paras. 10-12 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2** (with art. 9)

*Payment of costs by solicitor under investigation*

13 In the Solicitors Act 1974, after section 44B insert—

*“ Costs of investigations*

**44C Payment of costs of investigations.**

Where the Society investigates possible professional misconduct by a solicitor, or a failure or apprehended failure by a solicitor to comply with any requirement imposed by or by virtue of this Act or any rules made by the Council, the Council may direct him to pay to the Council an amount which—

- (a) is calculated by the Council as the cost to the Society of investigating and dealing with the matter; or
- (b) in the opinion of the Council represents a reasonable contribution towards that cost.”

14 In Schedule 2 to the <sup>M63</sup>Administration of Justice Act 1985, after paragraph 14 insert—

*“ Payment of costs of investigations*

14A Where the Society investigates a failure or apprehended failure by a recognised body to comply with any requirement imposed by or by virtue of this Act or any rules applicable to it by virtue of section 9 of this Act, the Council may direct the body to pay to the Council an amount which—



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- (a) is calculated by the Council as the cost to the Society of the investigation; or
- (b) in the opinion of the Council represents a reasonable contribution towards that cost.”

**Marginal Citations**

**M63** 1985 c.61.

*Registered foreign lawyers*

- 15 Subsections (5) to (7) of section 89 of the <sup>M64</sup>Courts and Legal Services Act 1990 power to apply existing provisions to registered foreign lawyers with or without modifications and power to modify existing provisions in their application to recognised bodies whose officers include registered foreign lawyers) apply in relation to the provisions contained in this Schedule as if they were contained in an Act passed before the commencement of that section.

**Marginal Citations**

**M64** 1990 c.41.

<sup>F129</sup>SCHEDULE 8

Section 51.

**Textual Amendments**

**F129** Sch. 8 repealed (6.10.2010) by Legal Services Act 2007 (c. 29), ss. 159(2)(a), 211(2), **Sch. 23** (with ss. 29, 192, 193); S.I. 2010/2089, art. 2(a)(e)(vii)

<sup>F130</sup>SCHEDULE 9

**Textual Amendments**

**F130** Sch. 9 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

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SCHEDULE 10

Section 76.

COMMISSION AREAS AND PETTY SESSIONS AREAS

*The Parochial Libraries Act 1708 (c.14)*

1 F131 .....

**Textual Amendments**

**F131** Sch. 10 para. 1 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 6 Group 5}; and this same provision expressed to be repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Distress for Rent Act 1737 (c.19)*

2 F132 .....

**Textual Amendments**

**F132** Sch. 10 para. 2 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Inclosure Act 1773 (c.81)*

3 F133 .....

**Textual Amendments**

**F133** Sch. 10 para. 3 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Burial Ground Act 1816 (c.141)*

4 F134 .....

**Textual Amendments**

**F134** Sch. 10 para. 4 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Inclosure and Drainage (Rates) Act 1833 (c.35)*

5 F135 .....

*Status:* Point in time view as at 06/04/2016. This version of this Act contains provisions that are prospective.  
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**Textual Amendments**

**F135** Sch. 10 para. 5 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Ordnance Survey Act 1841 (c.30)*

6 **F136** .....

**Textual Amendments**

**F136** Sch. 10 para. 6 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Geological Survey Act 1845 (c.63)*

7 **F137** .....

**Textual Amendments**

**F137** Sch. 10 para. 7 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Inclosure Act 1845 (c.118)*

8 In section 159 of the Inclosure Act 1845 (recovery of penalties), after “county” insert “ or other jurisdiction ”.

*The Hares Act 1848 (c.29)*

9 **F138** .....

**Textual Amendments**

**F138** Sch. 10 para. 9 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Fairs Act 1873 (c.37)*

10 **F139** .....

**Textual Amendments**

**F139** Sch. 10 para. 10 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

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*The Commons Act 1876 (c.56)*

11            F140    .....

**Textual Amendments**

**F140** Sch. 10 para. 11 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

*The Municipal Corporations Act 1882 (c.50)*

12            F141    .....

**Textual Amendments**

**F141** Sch. 10 para. 12 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

*The Local Government Act 1888 (c.41)*

13            In section 28(2) of the Local Government Act 1888 (power of county council to delegate to justices of the county functions relating to contagious diseases of animals), for “county sitting in petty sessions” substitute “ peace for a commission area consisting of or including the whole or part of the county ”.

*The Children and Young Persons Act 1933 (c.12)*

14            F142    .....

**Textual Amendments**

**F142** Sch. 10 para. 14 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

15            F143    .....

**Textual Amendments**

**F143** Sch. 10 para. 15 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

16            F144    .....

**Textual Amendments**

**F144** Sch. 10 para. 16 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

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*The Criminal Justice Act 1948 (c.58)*

F145 17 .....

**Textual Amendments**

F145 Sch. 10 para. 17 repealed (1.4.2001) by 2000 c. 43, s. 75, Sch. 8; S.I. 2001/919, art. 2(g), Table

*The Prevention of Damage by Pests Act 1949 (c.55)*

18 F146 .....

**Textual Amendments**

F146 Sch. 10 para. 18 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The National Parks and Access to the Countryside Act 1949 (c.97)*

19 F147 .....

**Textual Amendments**

F147 Sch. 10 para. 19 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c.65)*

20 F148 .....

**Textual Amendments**

F148 Sch. 10 para. 20 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Prison Act 1952 (c.52)*

21 In section 19(1) of the Prison Act 1952 (right of justice to visit prison)—

- (a) F149 .....
- (b) for “county”, in the second and third places, substitute “ area ”.

**Textual Amendments**

F149 Sch. 10 para. 21(a) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

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*The Maintenance Orders Act 1958 (c.39)*

F150 22 .....

**Textual Amendments**  
F150 Sch. 10 para. 22 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 10 para. 99; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

*The Licensing Act 1964 (c.26)*

23 F151 .....

**Textual Amendments**  
F151 Sch. 10 paras. 23-29 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), 2(2) (with art. 4)

24 F152 .....

**Textual Amendments**  
F152 Sch. 10 paras. 23-29 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), 2(2) (with art. 4)

25 F153 .....

**Textual Amendments**  
F153 Sch. 10 paras. 23-29 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), 2(2) (with art. 4)

26 F154 .....

**Textual Amendments**  
F154 Sch. 10 paras. 23-29 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), 2(2) (with art. 4)

27 F155 .....

**Textual Amendments**  
F155 Sch. 10 paras. 23-29 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), 2(2) (with art. 4)

28 F156 .....

**Status:** Point in time view as at 06/04/2016. This version of this Act contains provisions that are prospective.  
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**Textual Amendments**

**F156** Sch. 10 paras. 23-29 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), 2(2) (with art. 4)

29 **F157** .....

**Textual Amendments**

**F157** Sch. 10 paras. 23-29 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), 2(2) (with art. 4)

*The Administration of Justice Act 1964 (c.42)*

- 30 (1) Section 19 of the Administration of Justice Act 1964 (sheriff of Greater London and under-sheriffs for London commission areas) is amended as follows.
- (2) In subsection (1) (appointment of sheriff of Greater London and under-sheriff for each London commission area), for “and for each London commission area an under-sheriff shall be so appointed” substitute “ and an under-sheriff shall be so appointed for each area of Greater London (not including any part of the City) specified by the Lord Chancellor by order; and an order under this subsection shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament ”
- (3) In subsection (2) (application of enactments to under-sheriffs as if London commission areas were counties), for “London commission area” substitute “ area specified by virtue of subsection (1) of this section ”.
- (4) In subsection (4) (modification of <sup>M71</sup>Sheriffs Act 1887 in its application to Greater London)—
- (a) for “London commission area” substitute “ area specified by virtue of subsection (1) of this section ”,
  - (b) **F158** .....
  - (c) for the words from “shall be sent” to the end substitute “ shall be sent to the officer specified by the Lord Chancellor by order made by statutory instrument. ”

**Textual Amendments**

**F158** Sch. 10 para. 30(4)(b) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

**Marginal Citations**

**M71** 1887 c.55.

*The Sunday Theatre Act 1972 (c.26)*

31 **F159** .....

*Status: Point in time view as at 06/04/2016. This version of this Act contains provisions that are prospective.  
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**Textual Amendments**  
**F159** Sch. 10 para. 31 repealed (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), ss. 199, 201, [Sch. 7](#) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), [2\(2\)](#) (with art. 4)

*The Solicitors Act 1974 (c.47)*

32 **F160** .....

**Textual Amendments**  
**F160** Sch. 10 para. 32 repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(3), 110, [Sch. 10](#); S.I. 2005/910, [art. 3\(aa\)\(bb\)](#)

*The Magistrates' Courts Act 1980 (c.43)*

**F161**33 .....

**Textual Amendments**  
**F161** Sch. 10 para. 33 repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 99](#); S.I. 2014/954, [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

**F162**34 .....

**Textual Amendments**  
**F162** Sch. 10 para. 34 repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 99](#); S.I. 2014/954, [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

35 **F163** .....

**Textual Amendments**  
**F163** Sch. 10 para. 35 repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(3), 110, [Sch. 10](#); S.I. 2005/910, [art. 3\(aa\)\(bb\)](#)

36 **F164** .....

**Textual Amendments**  
**F164** Sch. 10 para. 36 repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(3), 110, [Sch. 10](#); S.I. 2005/910, [art. 3\(aa\)\(bb\)](#)



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*The Public Passenger Vehicles Act 1981 (c.14)*

- 37 In section 82(1) of the Public Passenger Vehicles Act 1981 (interpretation), in the definition of “magistrates’ court” and “petty sessions area”, for “and “petty sessions area” have the same meanings” substitute “ has the same meaning ”.

*The Road Traffic Regulation Act 1984 (c.27)*

- 38 In section 142(1) of the Road Traffic Regulation Act 1984 (interpretation), in the definition of “magistrates’ court” and “petty sessions area”, for “and “petty sessions area” have the same meanings” substitute “ has the same meaning ”.

*The Criminal Justice Act 1991 (c.53)*

- 39 <sup>F165</sup> .....

**Textual Amendments**

**F165** Sch. 10 para. 39 repealed (1.4.2001) by 1999 c. 22, ss. 106, 108(1), Sch. 15 Pt. V(6) (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 2(c); and this same provision expressed to be repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Local Government Finance Act 1992 (c.14)*

- 40 (1) Section 46 of the Local Government Finance Act 1992 (special expenses of precepting authority) is amended as follows.
- (2) In subsection (2)(d) (expenses of the Receiver relating to magistrates’ courts in the inner London area)—
- (a) <sup>F166</sup> .....
- (b) for “that area” substitute “ the inner London area ”.
- (3) In subsection (4) (interpretation), in the definition of “inner London area”, for “has the same meaning as in the Justices of the Peace Act 1997” substitute “ means the area consisting of the inner London boroughs ”.

**Textual Amendments**

**F166** Sch. 10 para. 40(2)(a) repealed (1.4.2001) by 1999 c. 22, ss. 106, 108(1), Sch. 15 Pt. V(6) (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 2

*The Probation Service Act 1993 (c.47)*

- <sup>F167</sup>41 .....

**Textual Amendments**

**F167** Sch. 10 para. 41 repealed (1.4.2001) by 2000 c. 43, s. 75, Sch. 8; S.I. 2001/919, art. 2(g), Table

- <sup>F168</sup>42 .....

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**Textual Amendments**

**F168** Sch. 10 para. 42 repealed (1.4.2001) by 2000 c. 43, s. 75, Sch. 8; S.I. 2001/919, art. 2(g), Table

<sup>F169</sup>43 .....

**Textual Amendments**

**F169** Sch. 10 para. 43 repealed (1.4.2001) by 2000 c. 43, s. 75, Sch. 8; S.I. 2001/919, art. 2(g), Table

<sup>F170</sup>44 .....

**Textual Amendments**

**F170** Sch. 10 para. 44 repealed (1.4.2001) by 2000 c. 43, s. 75, Sch. 8; S.I. 2001/919, art. 2(g), Table

<sup>F171</sup>45 .....

**Textual Amendments**

**F171** Sch. 10 para. 45 repealed (1.4.2001) by 2000 c. 43, s. 75, Sch. 8; S.I. 2001/919, art. 2(g), Table

*The Local Government (Wales) Act 1994 (c.19)*

46 In section 55(3) of the Local Government (Wales) Act 1994 (alteration of areas in Wales in connection with alteration of local government area), for paragraphs (a) to (c) substitute “ the commission areas, petty sessions area or areas of magistrates’ courts committees in Wales. ”

*The Justices of the Peace Act 1997 (c.25)*

47 <sup>F172</sup> .....

**Textual Amendments**

**F172** Sch. 10 para. 47 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

48 <sup>F173</sup> .....

**Textual Amendments**

**F173** Sch. 10 para. 48 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

49 <sup>F174</sup> .....

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**Textual Amendments**

**F174** Sch. 10 para. 49 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

50 **F175** .....

**Textual Amendments**

**F175** Sch. 10 para. 50 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

51 **F176** .....

**Textual Amendments**

**F176** Sch. 10 para. 51 repealed (1.4.2001) by 1999 c. 22, ss. 106, 108(1), Sch. 15 Pt. V(6) (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 2(c)**; and this same provision expressed to be repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

52 **F177** .....

**Textual Amendments**

**F177** Sch. 10 para. 52 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

53 **F178** .....

**Textual Amendments**

**F178** Sch. 10 para. 53 repealed (1.4.2001) by 1999 c. 22, ss. 106, 108(1), Sch. 15 Pt. V(6) (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 2(c)**; and this same provision expressed to be repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

SCHEDULE 11

Section 78.

UNIFICATION AND RENAMING OF STIPENDIARY BENCH

*The Metropolitan Police Act 1839 (c.47)*

1 The Metropolitan Police Act 1839 has effect subject to the following amendments.  
2 In section 52 (prevention of obstruction in neighbourhood of public buildings), for  
“police courts” substitute “ magistrates’ courts ”.  
3 **F179** .....

**Status:** Point in time view as at 06/04/2016. This version of this Act contains provisions that are prospective.  
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#### Textual Amendments

**F179** Sch. 11 para. 3 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

- 4 In section 76 (complaints to be heard and determined by one of the police magistrates), for the words from “by one” to the end substitute “by a District Judge (Magistrates’ Courts)”.

*The Metropolitan Police Courts Act 1840 (c.84)*

- 5 In section 13 of the Metropolitan Police Courts Act 1840 (duties of police magistrates in relation to deserted premises), for “police magistrates” (in both places) substitute “District Judges (Magistrates’ Courts)”.

*The London Hackney Carriages Act 1843 (c.86)*

- 6 In section 24 of the London Hackney Carriages Act 1843 (application for summons to police court of district)—
- (a) <sup>F180</sup> .....
- (b) for “police court”, in each other place, substitute “magistrates’ court”.

#### Textual Amendments

**F180** Sch. 11 para. 6(a) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The London Hackney Carriages Act 1850 (c.7)*

- 7 In section 4 of the London Hackney Carriages Act 1850 (notice of hackney carriage standings to be hung in police courts), for “police courts” substitute “magistrates’ courts acting for an area falling wholly within an inner London borough”.

*The London Hackney Carriage Act 1853 (c.33)*

- 8 In section 18 of the London Hackney Carriage Act 1853 (jurisdiction of police magistrates)—
- (a) for “any one of the police magistrates at any of the Metropolitan Police Courts” substitute “two justices of the peace”, and
- (b) omit the words from “or if the offence,”, in the first place, to “the county;”.

*The Regulation of Railways Act 1871 (c.78)*

- 9 <sup>F181</sup> .....

#### Textual Amendments

**F181** Sch. 11 para. 9 repealed (7.6.2005) by Inquiries Act 2005 (c. 12), ss. 49(2), 51, Sch. 3 (with ss. 44, 50); S.I. 2005/1432, art. 2

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*The Metropolitan Police Courts Act 1897 (c.26)*

10 F182 .....

**Textual Amendments**

**F182** Sch. 11 para. 10 repealed (1.4.2001) by 1999 c. 22, ss. 106, 108(1), Sch. 15 Pt. V(6); S.I. 2001/916, {art, 2}

*The Law of Distress Amendment Act 1908 (c.53)*

11 In section 2 of the Law of Distress Amendment Act 1908 (order by stipendiary magistrate or two justices for restoration of goods illegally distrained by landlord etc.), for the words from “a stipendiary” to “or justices” substitute “ two justices who ”.

*The Children and Young Persons Act 1933 (c.12)*

12 F183 .....

**Textual Amendments**

**F183** Sch. 11 para. 12 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Local Government Act 1948 (c.26)*

- 13 (1) Section 121 of the Local Government Act 1948 (precept for expenses of metropolitan police) is amended as follows.
- (2) In subsection (3) (precepts for expenses of metropolitan police courts and probation system in the metropolitan police court area)—
- (a) for the first paragraph substitute—
- “(3) In relation to expenses of and incidental to magistrates’ courts acting for petty sessions areas falling wholly within the inner London boroughs and the probation system within those petty sessions areas respectively, precepts issued under this section shall be issued to all rating authorities with areas falling wholly within the area comprising those petty sessions areas:”, and
- (b) in the proviso, for “metropolitan police court area” substitute “ the area comprising those petty sessions areas ”.
- (3) In subsection (6) (receipts), for “metropolitan police courts and the probation system within the metropolitan police court area” substitute “ magistrates’ courts acting for petty sessions areas falling wholly within the inner London boroughs and the probation system within those petty sessions areas ”.
- (4) In subsection (7) (receipts exceeding expenses), for “metropolitan police courts or the probation system within the metropolitan police court area” substitute “ magistrates’ courts acting for petty sessions areas falling wholly within the inner London boroughs or the probation system within those petty sessions areas ”.

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*The Metropolitan Magistrates' Courts Act 1959 (c.45)*

14 The Metropolitan Magistrates' Courts Act 1959 (functions of Receiver) has effect subject to the following amendments.

F184 15 .....

**Textual Amendments**

**F184** Sch. 11 para. 15 repealed (1.4.2001) by 2000 c. 43, s. 75, Sch. 8; S.I. 2001/919, art. 2(g), Table

16 In section 4(2) (borrowing power of Receiver), for the words “of the metropolitan magistrates’ courts” substitute “of the magistrates’ courts acting for petty sessions areas falling wholly within the inner London boroughs”.

*The Licensing Act 1964 (c.26)*

17 F185 .....

**Textual Amendments**

**F185** Sch. 11 para. 17 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), 2(2) (with art. 4)

*The Backing of Warrants (Republic of Ireland) Act 1965 (c.45)*

18 F186 .....

**Textual Amendments**

**F186** Sch. 11 para. 18 repealed (1.1.2004) by Extradition Act 2003 (c. 41), ss. 220, 221, Sch. 4; S.I. 2003/3103, art. 2 (subject to arts. 3-5 (as amended by S.I. 2003/3258, art. 2(2) and S.I. 2003/3312, art. 2(2)); and this same provision expressed to be repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Courts Act 1971 (c.23)*

19 In Part IA of Schedule 2 to the Courts Act 1971 (certain office-holders eligible for appointment as Circuit judges), for “Stipendiary magistrate” substitute “ District Judge (Magistrates’ Courts).”

*The Local Government Act 1972 (c.70)*

20 In section 67(2)(b) of the Local Government Act 1972 (which provides that regulations may make provision about the functions or areas of jurisdiction of certain bodies or officers in connection with changes in local government areas in Wales)—

- (a) for “justice of the peace, stipendiary magistrate” substitute “ justice of the peace other than a District Judge (Magistrates’ Courts),” and
- (b) after “police officers” insert “ , and the functions of any District Judge (Magistrates’ Courts),”.

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*The Administration of Justice Act 1973 (c.15)*

- 21 In section 9(1) of the Administration of Justice Act 1973 (judicial salaries charged on and paid out of the Consolidated Fund), for paragraphs (e) and (f) (metropolitan stipendiary magistrates and other stipendiary magistrates) substitute—  
“(e) District Judges (Magistrates’ Courts);”.

*The Juries Act 1974 (c.23)*

- 22 **F187** .....

**Textual Amendments**

**F187** Sch. 11 para. 22 repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, Sch. 37 Pt. 10; S.I. 2004/829, art. 2(1)(2)(j)(I)(iv) (subject to art. 2(3)-(6))

*The Solicitors Act 1974 (c.47)*

- 23 In section 38 of the Solicitors Act 1974 (disqualification of a solicitor who is a justice of the peace), after subsection (3) insert—  
“(3A) Subsection (1) does not apply where a solicitor is a Deputy District Judge (Magistrates’ Courts); but where a solicitor is acting as a Deputy District Judge (Magistrates’ Courts) for any petty sessions area it shall not be lawful for him, or for any partner of his, to act in connection with proceedings before any justice of the peace acting for that area as solicitor or agent for the solicitor of any person concerned in those proceedings.”

*The House of Commons Disqualification Act 1975 (c.24)*

- 24 In Part I of Schedule 1 to the House of Commons Disqualification Act 1975 (judicial offices disqualifying for membership of the House of Commons), for “Stipendiary Magistrate within the meaning of the <sup>M72</sup>Justices of the Peace Act 1997.” substitute “ District Judge (Magistrates’ Courts) (but not Deputy District Judge (Magistrates’ Courts)). ”

**Marginal Citations**

**M72** 1997 c.25.

*The Northern Ireland Assembly Disqualification Act 1975 (c.25)*

- 25 In Part I of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (judicial offices disqualifying for membership of the Northern Ireland Assembly), for “Stipendiary Magistrate within the meaning of the <sup>M73</sup>Justices of the Peace Act 1949.” substitute “ District Judge (Magistrates’ Courts) (but not Deputy District Judge (Magistrates’ Courts)). ”

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**Marginal Citations**

**M73** 1949 c.101.

*The Magistrates' Courts Act 1980 (c.43)*

**F188**26 .....

**Textual Amendments**

**F188** Sch. 11 paras. 26, 27 repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 99**; S.I. 2014/954, [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

**F188**27 .....

**Textual Amendments**

**F188** Sch. 11 paras. 26, 27 repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 99**; S.I. 2014/954, [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

28 **F189** .....

**Textual Amendments**

**F189** Sch. 11 para. 28 repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, [art. 3\(aa\)\(bb\)](#)

29 **F190** .....

**Textual Amendments**

**F190** Sch. 11 para. 29 repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, [art. 3\(aa\)\(bb\)](#)

30 **F191** .....

**Textual Amendments**

**F191** Sch. 11 para. 30 repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, [art. 3\(aa\)\(bb\)](#)

*The Extradition Act 1989 (c.33)*

31 **F192** .....



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**Textual Amendments**

**F192** Sch. 11 paras. 31 repealed (1.1.2004) by Extradition Act 2003 (c. 41), ss. 220, 221, **Sch. 4**; S.I. 2003/3103, **art. 2** (subject to arts. 3-5 (as amended by S.I. 2003/3258, art. 2(2) and S.I. 2003/3312, art. 2(2))

32 **F193** .....

**Textual Amendments**

**F193** Sch. 11 para. 32 repealed (1.1.2004) by Extradition Act 2003 (c. 41), ss. 220, 221, **Sch. 4**; S.I. 2003/3103, **art. 2** (subject to arts. 3-5 (as amended by S.I. 2003/3258, art. 2(2) and S.I. 2003/3312, art. 2(2)); and this same provision expressed to be repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art 3(aa)(bb)**

33 **F194** .....

**Textual Amendments**

**F194** Sch. 11 paras. 33 repealed (1.1.2004) by Extradition Act 2003 (c. 41), ss. 220, 221, **Sch. 4**; S.I. 2003/3103, **art. 2** (subject to arts. 3-5 (as amended by S.I. 2003/3258, art. 2(2) and S.I. 2003/3312, art. 2(2))

34 **F195** .....

**Textual Amendments**

**F195** Sch. 11 paras. 34 repealed (1.1.2004) by Extradition Act 2003 (c. 41), ss. 220, 221, **Sch. 4**; S.I. 2003/3103, **art. 2** (subject to arts. 3-5 (as amended by S.I. 2003/3258, art. 2(2) and S.I. 2003/3312, art. 2(2))

35 **F196** .....

**Textual Amendments**

**F196** Sch. 11 paras. 35 repealed (1.1.2004) by Extradition Act 2003 (c. 41), ss. 220, 221, **Sch. 4**; S.I. 2003/3103, **art. 2** (subject to arts. 3-5 (as amended by S.I. 2003/3258, art. 2(2) and S.I. 2003/3312, art. 2(2))

36 **F197** .....

**Textual Amendments**

**F197** Sch. 11 para. 36 repealed (1.1.2004) by Extradition Act 2003 (c. 41), ss. 220, 221, **Sch. 4**; S.I. 2003/3103, **art. 2** (subject to arts. 3-5 (as amended by S.I. 2003/3258, art. 2(2) and S.I. 2003/3312, art. 2(2)); and Sch. 11 para. 36(3)(4)(a) expressed to be repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art 3(aa)(bb)**

*The Courts and Legal Services Act 1990 (c.41)*

37 In Schedule 11 to the Courts and Legal Services Act 1990 (judges etc. barred from legal practice), for “Stipendiary Magistrate” substitute “ District Judge (Magistrates’ Courts) ”.

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*The Local Government Act 1992 (c.19)*

F198<sup>38</sup> .....

**Textual Amendments**  
F198 Sch. 11 para. 38 repealed (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 146(3), 148(3), Sch. 7 Pt. 3; S.I. 2009/3318, art. 4(hh)

*The Judicial Pensions and Retirement Act 1993 (c. 8)*

- 39 The Judicial Pensions and Retirement Act 1993 has effect subject to the following amendments.
- 40 In Part I of Schedule 1 (qualifying offices), after “County Court Judge in Northern Ireland” insert “ District Judge (Magistrates’ Courts) ”.
- 41 In Schedule 5 (retirement), for “Stipendiary magistrate in England and Wales” substitute “ District Judge (Magistrates’ Courts) ”.

*The Probation Service Act 1993 (c.47)*

F199<sup>42</sup> .....

**Textual Amendments**  
F199 Sch. 11 para. 42 repealed (1.4.2001) by 2000 c. 43, s. 75, Sch. 8; S.I. 2001/919, art. 2(g), Table

*The Justices of the Peace Act 1997 (c.25)*

43 F200 .....

**Textual Amendments**  
F200 Sch. 11 paras. 43 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

44 F201 .....

**Textual Amendments**  
F201 Sch. 11 paras. 44 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

45 F202 .....

**Textual Amendments**  
F202 Sch. 11 paras. 45 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

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46 F203 .....

**Textual Amendments**  
**F203** Sch. 11 paras. 46 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

47 F204 .....

**Textual Amendments**  
**F204** Sch. 11 paras. 47 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

48 F205 .....

**Textual Amendments**  
**F205** Sch. 11 paras. 48 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

49 F206 .....

**Textual Amendments**  
**F206** Sch. 11 paras. 49 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

50 F207 .....

**Textual Amendments**  
**F207** Sch. 11 paras. 50 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

F208F208 SCHEDULE 12

.....

**Textual Amendments**  
**F208** Sch. 12 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

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*Changes to legislation:* Access to Justice Act 1999 is up to date with all changes known to be in force on or before 31 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)

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SCHEDULE 13

Section 90.

FUNCTIONS TRANSFERRED TO JUSTICES’ CHIEF EXECUTIVES

*The London Hackney Carriages Act 1843 (c.86)*

1            F210            .....

**Textual Amendments**

**F210** Sch. 13 para. 1 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Evidence Act 1851 (c.99)*

- 2            (1) Section 13 of the Evidence Act 1851 (proof of previous conviction by copy of record certified by clerk) is amended as follows.
- (2) Number the existing provision as subsection (1) and for the words from “under the hand” to “such clerk or other officer,” substitute “ by the proper officer of the court where such conviction or acquittal took place ”.
- (3) After that subsection insert—
- “(2) In subsection (1) “proper officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to any other court, the clerk of the court or other officer having the custody of the records of the court, or the deputy of such clerk or other officer.”

*The Criminal Procedure Act 1865 (c.18)*

- 3            (1) Section 6 of the Criminal Procedure Act 1865 (proof of previous conviction of witness by certificate signed by clerk) is amended as follows.
- (2) Number the existing provision as subsection (1) and for the words from “the clerk” to “such clerk or officer,” substitute “ the proper officer of the court where the offender was convicted ”.
- (3) After that subsection insert—
- “(2) In subsection (1) “proper officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to any other court, the clerk of the court or other officer having the custody of the records of the court, or the deputy of such clerk or other officer.”

*The Prevention of Crimes Act 1871 (c.112)*

- 4            (1) Section 18 of the Prevention of Crimes Act 1871 (evidence of previous conviction by record signed by clerk) is amended as follows.

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- (2) For the words from “clerk of the court” to “such clerk or officer;” substitute “ proper officer of the court by which such conviction was made; ”.
- (3) For “clerk or other officer” substitute “ proper officer ”.
- (4) At the end of that section insert—
  - “In this section “proper officer” means—
  - (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
  - (b) in relation to any other court, the clerk of the court or other officer having the custody of the records of the court, or the deputy of such clerk or other officer.”

*The Fairs Act 1873 (c.37)*

5 F211 .....

**Textual Amendments**

F211 Sch. 13 para. 5 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Public Health Acts Amendment Act 1907 (c.53)*

6 F212 .....

**Textual Amendments**

F212 Sch. 13 para. 6 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Maintenance Orders (Facilities for Enforcement) Act 1920 (c.33)*

7 F213 .....

**Textual Amendments**

F213 Sch. 13 para. 7 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Children and Young Persons Act 1933 (c.12)*

8 The Children and Young Persons Act 1933 has effect subject to the following amendments.

9 In section 42(2)(b) (transmission of deposition of child), for “clerk” substitute “ proper officer ”.

10 F214 .....

*Status: Point in time view as at 06/04/2016. This version of this Act contains provisions that are prospective.*  
*Changes to legislation: Access to Justice Act 1999 is up to date with all changes known to be in force on or before 31 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)*

**Textual Amendments**  
F214 Sch. 13 para. 10 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

11 F215 .....

**Textual Amendments**  
F215 Sch. 13 para. 11 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Maintenance Orders Act 1950 (c.37)*

12 Part II of the Maintenance Orders Act 1950 (enforcement of certain maintenance orders made in another part of the United Kingdom) has effect subject to the following amendments.

- 13 (1) Section 18 (enforcement of registered orders) is amended as follows.
- (2) F216 .....
- (3) In subsection (2A) (requirement of person liable under order to notify change of address to clerk of the court), for “clerk” substitute “ proper officer ”.
- (4) After that subsection insert—
  - “(2B) In subsection (2A) of this section “proper officer” means—
  - (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
  - (b) in relation to a court of summary jurisdiction in Northern Ireland, the clerk of the court.”

**Textual Amendments**  
F216 Sch. 13 para. 13(2) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

14 F217 .....

**Textual Amendments**  
F217 Sch. 13 para. 14 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

15 F218 .....

**Textual Amendments**  
F218 Sch. 13 para. 15 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

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*The Army Act 1955 (c.18)*

- 16 The Army Act 1955 has effect subject to the following amendments.
- 17 (1) Section 189 (delivery into military custody of person dealt with by court of summary jurisdiction as illegally absent) is amended as follows.
- (2) In subsection (1) (fee payable to clerk of the court), for “clerk” substitute “ proper officer ”.
- (3) After subsection (3) insert—
- “(3A) In subsection (1) of this section “proper officer” means—
- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to a court of summary jurisdiction elsewhere, the clerk of the court.”
- 18 (1) Section 199 (proof of outcome of civil trial) is amended as follows.
- (2) In subsections (1), (2) and (3) (certificate signed by clerk is proof of outcome), for “clerk” substitute “ proper officer ”.
- (3) For subsection (4) substitute—
- “(4) In this section “proper officer” means—
- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to any other court, the clerk of the court, his deputy or any other person having the custody of the records of the court.”

*The Air Force Act 1955 (c.19)*

- 19 The Air Force Act 1955 has effect subject to the following amendments.
- 20 (1) Section 189 (delivery into air-force custody of person dealt with by court of summary jurisdiction as illegally absent) is amended as follows.
- (2) In subsection (1) (fee payable to clerk of the court), for “clerk” substitute “ proper officer ”.
- (3) After subsection (3) insert—
- “(3A) In subsection (1) of this section “proper officer” means—
- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to a court of summary jurisdiction elsewhere, the clerk of the court.”
- 21 (1) Section 199 (proof of outcome of civil trial) is amended as follows.
- (2) In subsections (1), (2) and (3) (certificate signed by clerk is proof of outcome), for “clerk” substitute “ proper officer ”.
- (3) For subsection (4) substitute—
- “(4) In this section “proper officer” means—

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- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to any other court, the clerk of the court, his deputy or any other person having the custody of the records of the court.”

*The Naval Discipline Act 1957 (c.53)*

- 22 The Naval Discipline Act 1957 has effect subject to the following amendments.
- 23 (1) Section 110 (delivery into naval custody of person dealt with by court of summary jurisdiction as illegally absent) is amended as follows.
- (2) In subsection (2) (fee payable to clerk of the court), for “clerk” substitute “ proper officer ”.
- (3) After subsection (2) insert—
- “(2A) In subsection (2) of this section “proper officer” means—
- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
  - (b) in relation to a court of summary jurisdiction elsewhere, the clerk of the court.”
- 24 (1) Section 129B (proof of outcome of civil trial) is amended as follows.
- (2) In subsections (1), (2) and (3) (certificate signed by clerk is proof of outcome), for “clerk” substitute “ proper officer ”.
- (3) For subsection (4) substitute—
- “(4) In this section “proper officer” means—
- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
  - (b) in relation to any other court, the clerk of the court, his deputy or any other person having the custody of the records of the court.”

*The Maintenance Orders Act 1958 (c.39)*

25 F219 .....

**Textual Amendments**  
**F219** Sch. 13 para. 25 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

26 F220 .....

**Textual Amendments**  
**F220** Sch. 13 para. 26 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

27 F221 .....



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**Textual Amendments**

**F221** Sch. 13 para. 27 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

28 **F222** .....

**Textual Amendments**

**F222** Sch. 13 para. 28 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

29 **F223** .....

**Textual Amendments**

**F223** Sch. 13 para. 29 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

30 **F224** .....

**Textual Amendments**

**F224** Sch. 13 para. 30 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

31 **F225** .....

**Textual Amendments**

**F225** Sch. 13 para. 31 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

*The Betting, Gaming and Lotteries Act 1963 (c.2)*

32 **F226** .....

**Textual Amendments**

**F226** Sch. 13 paras. 32-35 repealed (1.9.2007) by Gambling Act 2005 (c. 19), ss. 356(4)(5), 358, **Sch. 17** (with ss. 352, 354); S.I. 2006/3272, **art. 2(4)** (with art. 6, Sch. 4)

33 **F227** .....

**Textual Amendments**

**F227** Sch. 13 paras. 32-35 repealed (1.9.2007) by Gambling Act 2005 (c. 19), ss. 356(4)(5), 358, **Sch. 17** (with ss. 352, 354); S.I. 2006/3272, **art. 2(4)** (with art. 6, Sch. 4)

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34 F228 .....

**Textual Amendments**  
**F228** Sch. 13 paras. 32-35 repealed (1.9.2007) by Gambling Act 2005 (c. 19), ss. 356(4)(5), 358, **Sch. 17** (with ss. 352, 354); S.I. 2006/3272, **art. 2(4)** (with art. 6, Sch. 4)

35 F229 .....

**Textual Amendments**  
**F229** Sch. 13 paras. 32-35 repealed (1.9.2007) by Gambling Act 2005 (c. 19), ss. 356(4)(5), 358, **Sch. 17** (with ss. 352, 354); S.I. 2006/3272, **art. 2(4)** (with art. 6, Sch. 4)

*The Licensing Act 1964 (c.26)*

36 F230 .....

**Textual Amendments**  
**F230** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

37 F231 .....

**Textual Amendments**  
**F231** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

38 F232 .....

**Textual Amendments**  
**F232** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

39 F233 .....

**Textual Amendments**  
**F233** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

40 F234 .....

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**Textual Amendments**

**F234** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

41 **F235** .....

**Textual Amendments**

**F235** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

42 **F236** .....

**Textual Amendments**

**F236** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

43 **F237** .....

**Textual Amendments**

**F237** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

44 **F238** .....

**Textual Amendments**

**F238** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

45 **F239** .....

**Textual Amendments**

**F239** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

46 **F240** .....

**Textual Amendments**

**F240** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

47 **F241** .....

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**Textual Amendments**

**F241** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

48 **F242** .....

**Textual Amendments**

**F242** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

49 **F243** .....

**Textual Amendments**

**F243** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

50 **F244** .....

**Textual Amendments**

**F244** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

51 **F245** .....

**Textual Amendments**

**F245** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

52 **F246** .....

**Textual Amendments**

**F246** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

53 **F247** .....

**Textual Amendments**

**F247** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

54 **F248** .....

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**Textual Amendments**

**F248** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), 2(2) (with art. 4)

55 **F249** .....

**Textual Amendments**

**F249** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), 2(2) (with art. 4)

56 **F250** .....

**Textual Amendments**

**F250** Sch. 13 paras. 36-56 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), 2(2) (with art. 4)

*The Gaming Act 1968 (c.65)*

57 The Gaming Act 1968 has effect subject to the following amendments.

- 58 (1) Schedule 2 (grant etc. of licences) is amended as follows.
- (2) In paragraph 1(1) (licensing authority), at the end insert “ and references to the proper officer of a licensing authority shall be construed accordingly ”.
  - (3) In paragraphs 5(2) and 6(2) (procedure for application), for “clerk to” substitute “ proper officer of ”.
  - (4) In paragraph 7 (public notice of application)—
    - (a) in sub-paragraph (1), for “clerk to” substitute “ proper officer of ”,
    - (b) in sub-paragraph (2), for “clerk to” substitute “ proper officer of ” and for “if the clerk” substitute “ if the proper officer ”, and
    - (c) in sub-paragraphs (3) and (4), for “clerk to” substitute “ proper officer of ”.
  - (5) In paragraph 12(1) (making of application for renewal), for “clerk to” substitute “ proper officer of ”.
  - (6) In paragraph 13 (notification of application for renewal)—
    - (a) in sub-paragraphs (2) and (3), for “clerk to” substitute “ proper officer of ”,
    - (b) in sub-paragraph (4), for “clerk to” substitute “ proper officer of ” and for “clerk”, in the other two places, substitute “ proper officer ”, and
    - (c) in sub-paragraph (5), for “clerk to” substitute “ proper officer of ”.
  - (7) In paragraph 14(2)(a) (proceedings on application for grant or renewal), for “clerk to” substitute “ proper officer of ”.
  - (8) In paragraph 15 (objections)—
    - (a) for “clerk to” substitute “ proper officer of ”, and
    - (b) in paragraph (b), for “clerk” substitute “ proper officer ”.

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- (9) In—
  - (a) paragraph 28 (notification of Board’s advice),
  - (b) paragraph 29(1) (in both places) and (2) (appeal by applicant),
  - (c) paragraph 31(1) and (2) (appeal by Board),
  - (d) paragraph 33(1) (appeal in Scotland),
  - (e) paragraph 35(5) (revocation of certificate of consent), and
  - (f) paragraphs 36(1) and (3) and 37 (cancellation),
 for “clerk to” substitute “ proper officer of ”.
- (10) In paragraph 46(1) (notice of appeal), for “clerk” substitute “ proper officer ”.
- (11) In paragraph 48 (cancellation of licence where holder convicted of offence)—
  - (a) in sub-paragraph (4), for “clerk of” and for “clerk to” (in both places) substitute “ proper officer of ”, and
  - (b) after that sub-paragraph insert—
    - “(5) In sub-paragraph (4) of this paragraph, “the proper officer of the court” means—
      - (a) in relation to a magistrates’ court, the justices’ chief executive for the court, and
      - (b) in relation to any other court, the clerk of the court.”
- (12) In paragraphs 57(4) and 58(1) (transfer of licence), for “clerk to” substitute “ proper officer of ”.
- (13) In paragraph 63 (fees)—
  - (a) in sub-paragraph (1), for “clerk to” substitute “ proper officer of ”, and
  - (b) in sub-paragraph (2), for “clerk to” substitute “ proper officer of ”.
- (14) In paragraphs 64(1) and 65(1) and (2) (notification of corporate changes), for “clerk to” substitute “ proper officer of ”.
- 59 (1) Schedule 3 (registration of members’ clubs in England and Wales) is amended as follows.
  - (2) <sup>F251</sup> .....
  - (3) In paragraph 17 (cancellation pursuant to conviction)—
    - (a) <sup>F252</sup> .....
    - (b) after that sub-paragraph insert—
      - “(4) In sub-paragraph (3) of this paragraph the “proper officer of the court” means—
        - (a) in relation to a magistrates’ court, the justices’ chief executive for the court, and
        - (b) in relation to the Crown Court, the appropriate officer of the court.”
  - (4) <sup>F253</sup> .....

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**Textual Amendments**

- F251** Sch. 13 para. 59(2) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**
- F252** Sch. 13 para. 59(3)(a) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**
- F253** Sch. 13 para. 59(4) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

60 **F254** .....

**Textual Amendments**

- F254** Sch. 13 para. 60 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

61 **F255** .....

**Textual Amendments**

- F255** Sch. 13 para. 61 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

*The Late Night Refreshment Houses Act 1969 (c.53)*

62 **F256** .....

**Textual Amendments**

- F256** Sch. 13 para. 62 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

*The Children and Young Persons Act 1969 (c.54)*

**F257** 63 .....

**Textual Amendments**

- F257** Sch. 13 para. 63 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. 1** (with Sch. 11 paras. 1, 2)

*The Attachment of Earnings Act 1971 (c.32)*

64 The Attachment of Earnings Act 1971 has effect subject to the following amendments.

65 **F258** .....

*Status: Point in time view as at 06/04/2016. This version of this Act contains provisions that are prospective.*  
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**Textual Amendments**  
**F258** Sch. 13 para. 65 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

66            **F259** .....

**Textual Amendments**  
**F259** Sch. 13 para. 66 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

67            In section 17(3)(d) (power to require court officer to deal with payments under consolidated attachment order as directed by court or rules), for “clerk or registrar” substitute “ officer ”.

68            **F260** .....

**Textual Amendments**  
**F260** Sch. 13 para. 68 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

69            **F261** .....

**Textual Amendments**  
**F261** Sch. 13 para. 69 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Immigration Act 1971 (c.77)*

70            (1) Schedule 2 to the Immigration Act 1971 (administrative provisions) is amended as follows.

                  (2) In sub-paragraph (1) of paragraph 23, in paragraph (b) (particulars of recognizance to be given to clerk), for “clerk” substitute “ proper officer ”.

                  (3) After that sub-paragraph insert—

                          “(1A) In sub-paragraph (1) “proper officer” means—

- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to a court of summary jurisdiction in Northern Ireland, the clerk of the court.”

                  (4) In sub-paragraph (3) of paragraph 31 (particulars of forfeited recognizance to be given to clerk), for “clerk” substitute “ proper officer ”.

                  (5) After that sub-paragraph insert—

                          “(3A) In sub-paragraph (3) “proper officer” means—



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- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to a court of summary jurisdiction in Northern Ireland, the clerk of the court.”

*The Maintenance Orders (Reciprocal Enforcement) Act 1972 (c.18)*

71 The Maintenance Orders (Reciprocal Enforcement) Act 1972 has effect subject to the following amendments.

72 F262 .....

**Textual Amendments**

**F262** Sch. 13 para. 72 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

73 F263(1) .....

F263(2) .....

F263(3) .....

F264(4) .....

**Textual Amendments**

**F263** Sch. 13 para. 73(1)-(3) repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 para. 210; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

**F264** Sch. 13 para. 73(4) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

74 F265 .....

**Textual Amendments**

**F265** Sch. 13 para. 74 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

75 (1) Section 23 (maintenance orders registered in High Court under Maintenance Orders (Facilities for <sup>M76</sup>Enforcement) Act 1920) is amended as follows.

(2) In subsections (2), (3) and (4) (procedure), for “clerk” substitute “ appropriate officer ”.

(3) After subsection (5) insert—

“(6) In this section “appropriate officer” means—

- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to a magistrates’ court in Northern Ireland, the clerk of the court.”

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**Marginal Citations**

**M76** 1920 c.33.

76 In section 26 (application for recovery of maintenance in convention country), for subsections (6) and (7) substitute—

- “(6) The appropriate officer for the purposes of this section is—
- (a) where the applicant is residing in England and Wales, the justices’ chief executive for the petty sessions area;
  - (b) where the applicant is residing in Northern Ireland, the clerk of the court for the petty sessions district; and
  - (c) where the applicant is residing in Scotland, the sheriff clerk or sheriff clerk depute of the sheriff court within the jurisdiction of which the applicant is residing.”

77 F266 .....

**Textual Amendments**

**F266** Sch. 13 para. 77 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

78 F267 .....

**Textual Amendments**

**F267** Sch. 13 para. 78 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

F26879 .....

**Textual Amendments**

**F268** Sch. 13 para. 79 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 para. 210; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F26980 .....

**Textual Amendments**

**F269** Sch. 13 para. 80 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 para. 210; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

81 F270 .....

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**Textual Amendments**

**F270** Sch. 13 para. 81 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

*The Matrimonial Causes Act 1973 (c.18)*

82 **F271** .....

**Textual Amendments**

**F271** Sch. 13 para. 82 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

*The Powers of Criminal Courts Act 1973 (c.62)*

**F272**83 .....

**Textual Amendments**

**F272** Sch. 13 para. 83 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

**F273**84 .....

**Textual Amendments**

**F273** Sch. 13 para. 84 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

**F274**85 .....

**Textual Amendments**

**F274** Sch. 13 para. 85 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

*The Salmon and Freshwater Fisheries Act 1975 (c.51)*

- 86 (1) Schedule 4 to the Salmon and Freshwater Fisheries Act 1975 (procedure relating to offences) is amended as follows.
- (2) In paragraphs 10 and 12 (delivery of licence and certificate of conviction), for “clerk” substitute “proper officer”.
- (3) After paragraph 13 insert—
- “14 In paragraphs 10 and 12 above “proper officer” means—
- (a) in relation to a magistrates’ court, the justices’ chief executive for the court; and

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(b) in relation to the Crown Court, the appropriate officer.”

*The Lotteries and Amusements Act 1976 (c.32)*

87 F275 .....

**Textual Amendments**

**F275** Sch. 13 para. 87 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

*The Adoption Act 1976 (c.36)*

88 F276 .....

**Textual Amendments**

**F276** Sch. 13 para. 88 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), ss. 139(2)(3), 148, **Sch. 5** (with Sch. 4 paras. 6-8); S.I. 2005/2897, **art. 2(b)** (with arts. 3-16)

*The Bail Act 1976 (c.63)*

89 F277 .....

**Textual Amendments**

**F277** Sch. 13 para. 89 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

*The Domestic Proceedings and Magistrates' Courts Act 1978 (c.22)*

90 F278 .....

**Textual Amendments**

**F278** Sch. 13 para. 90 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

91 F279 .....

**Textual Amendments**

**F279** Sch. 13 para. 91 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

92 F280 .....

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**Textual Amendments**

**F280** Sch. 13 para. 92 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

93 **F281** .....

**Textual Amendments**

**F281** Sch. 13 para. 93 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

*The Licensed Premises (Exclusion of Certain Persons) Act 1980 (c.32)*

94 <sup>F282</sup>(1) Section 4 of the Licensed Premises (Exclusion of Certain Persons) Act 1980 (supplemental) is amended as follows.

(2) In subsection (3) (copy of exclusion order to be sent to licensee of relevant premises), for the words from “clerk” to “may be,” substitute “ proper officer of the court ”.

(3) After that subsection insert—

“(4) For the purposes of subsection (3) above—

- (a) the proper officer of a magistrates’ court in England and Wales is the justices’ chief executive for the court;
- (b) the proper officer of the Crown Court is the appropriate officer; and
- (c) the proper officer of a court in Scotland is the clerk of the court.”]

**Textual Amendments**

**F282** Sch. 13 para. 94 repealed (S.) (1.2.2008) by Licensing (Scotland) Act 2005 (asp 16), ss. 149, 150, **Sch. 7** (with s. 143); S.S.I. 2007/472, **art. 2**, Schs. 1, 2; and this same provision otherwise repealed (prosp.) by Violent Crime Reduction Act 2006 (c. 38), ss. 65, 66(2), **Sch. 5**

*The Magistrates’ Courts Act 1980 (c.43)*

95 The Magistrates’ Courts Act 1980 has effect subject to the following amendments.

96 **F283** .....

**Textual Amendments**

**F283** Sch. 13 para. 96 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**; and this same provision expressed to be repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 4**; S.I. 2012/1320, **art. 4(1)(d)(2)(3)** (with **art. 5**) (see S.I. 2012/2574, **art. 4(2)** and S.I. 2013/1103, **art. 4**); S.I. 2012/2574, **art. 2(2)(3)(d)**, **Sch.** (with **arts. 3, 4**) (as amended (4.11.2012) by S.I. 2012/2761, **art. 2**) (with S.I. 2013/1103, **art. 4**); S.I. 2013/1103, **art. 2(1)(d)(2)(3)** (with **arts. 3, 4**)

97 **F284** .....

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**Textual Amendments**  
F284 Sch. 13 para. 97 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

98 F285 .....

**Textual Amendments**  
F285 Sch. 13 para. 98 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

99 F286 .....

**Textual Amendments**  
F286 Sch. 13 para. 99 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

100 F287 .....

**Textual Amendments**  
F287 Sch. 13 para. 100 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

101 F288 .....

**Textual Amendments**  
F288 Sch. 13 para. 101 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

102 F289 .....

**Textual Amendments**  
F289 Sch. 13 para. 102 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

103 F290 .....

**Textual Amendments**  
F290 Sch. 13 para. 103 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

104 F291 .....

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**Textual Amendments**

**F291** Sch. 13 para. 104 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

105 **F292** .....

**Textual Amendments**

**F292** Sch. 13 para. 105 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

106 **F293** .....

**Textual Amendments**

**F293** Sch. 13 para. 106 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

107 **F294** .....

**Textual Amendments**

**F294** Sch. 13 para. 107 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

108 **F295** .....

**Textual Amendments**

**F295** Sch. 13 para. 108 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

109 **F296** .....

**Textual Amendments**

**F296** Sch. 13 para. 109 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

110 **F297** .....

**Textual Amendments**

**F297** Sch. 13 para. 110 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

111 **F298** .....

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**Textual Amendments**

**F298** Sch. 13 para. 111 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**; and this same provision expressed to be repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(d), **Sch.** (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(d)(2)(3) (with arts 3. 4)

112 **F299** .....

**Textual Amendments**

**F299** Sch. 13 para. 112 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

113 In section 114 (payment to clerk of fees and recognizances on case stated), for “him the fees payable for the case and for the recognizances” substitute “ the fees payable for the case and for the recognizances to the justices’ chief executive for the court ”.

114 **F300** .....

**Textual Amendments**

**F300** Sch. 13 para. 114 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

115 **F301** .....

**Textual Amendments**

**F301** Sch. 13 para. 115 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

116 **F302** .....

**Textual Amendments**

**F302** Sch. 13 para. 116 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

117 **F303** .....

**Textual Amendments**

**F303** Sch. 13 para. 117 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**



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*The Highways Act 1980 (c.66)*

118 F304 .....

**Textual Amendments**

**F304** Sch. 13 para. 118 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Betting and Gaming Duties Act 1981 (c.63)*

119 The Betting and Gaming Duties Act 1981 has effect subject to the following amendments.

120 F305 .....

**Textual Amendments**

**F305** Sch. 13 para. 120 repealed (with effect in accordance with Sch. 25 of the amending Act) by Finance Act 2007 (c. 11), s. 114, {Sch. 27 Pt. 6(3) Note}

- 121 (1) Paragraph 15 of Schedule 4 (register of permits) is amended as follows.
- (2) In sub-paragraph (1) (registers of permits etc.), for “clerk to” substitute “ proper officer of”.
- (3) After sub-paragraph (2) insert—
- “(3) In sub-paragraph (1) above “proper officer of the appropriate authority” means—
- (a) where the appropriate authority is a committee of the justices acting for a petty sessions area, the chief executive to the justices; and
- (b) in any other case, the clerk to the authority.”

*The Civil Jurisdiction and Judgments Act 1982 (c.27)*

- 122 (1) Section 5 of the <sup>M77</sup>Civil Jurisdiction and Judgments Act 1982 (recognition and enforcement of maintenance orders) is amended as follows.
- (2) F306 .....
- (3) In subsection (7) (requirement of payer to notify change of address to clerk of the court), for “clerk” substitute “ proper officer ”.
- (4) After that subsection insert—
- “(8) In subsection (7) “proper officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to a magistrates’ court in Northern Ireland, the clerk of the court.”

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**Textual Amendments**  
F306 Sch. 13 para. 122(2) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

**Marginal Citations**  
M77 1980 c.43.

*The Criminal Justice Act 1982 (c.48)*

F307 123 .....

**Textual Amendments**  
F307 Sch. 13 para. 123 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

*The Licensing (Occasional Permissions) Act 1983 (c.24)*

124 F308 .....

**Textual Amendments**  
F308 Sch. 13 para. 124 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), 2(2) (with art. 4)

*The Police and Criminal Evidence Act 1984 (c.60)*

125 The Police and Criminal Evidence Act 1984 has effect subject to the following amendments.

126 F309 .....

**Textual Amendments**  
F309 Sch. 13 para. 126 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

127 F310 .....

**Textual Amendments**  
F310 Sch. 13 para. 127 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

128 (1) Section 73 (proof of conviction) is amended as follows.  
(2) In subsection (2) (certificate of conviction to be signed by clerk), for “clerk” (in each place) substitute “proper officer”.

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*Changes to legislation: Access to Justice Act 1999 is up to date with all changes known to be in force on or before 31 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)*

(3) For subsection (3) substitute—

“(3) In subsection (2) above “proper officer” means—

- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to any other court, the clerk of the court, his deputy or any other person having custody of the court record.”

*The Prosecution of Offences Act 1985 (c.23)*

129 F311 .....

**Textual Amendments**

**F311** Sch. 13 para. 129 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

130 F312 .....

**Textual Amendments**

**F312** Sch. 13 para. 130 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

131 F313 .....

**Textual Amendments**

**F313** Sch. 13 para. 131 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

*The Sporting Events (Control of Alcohol etc.) Act 1985 (c.57)*

132 F314 .....

**Textual Amendments**

**F314** Sch. 13 para. 132 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, arts. 1(2), **2(2)** (with art. 4)

*The Insolvency Act 1986 (c.45)*

133 In sections 9(1) and 124(1) of the Insolvency Act 1986 (applications for administration order and winding up), for “the clerk of a magistrates’ court” substitute “ a justices’ chief executive ”.

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*The Public Order Act 1986 (c.64)*

- 134 In section 34(1) and (2) of the Public Order Act 1986 (notification by clerk of making or termination of exclusion order), for “clerk of” substitute “justices’ chief executive for”.

*The Coroners Act 1988 (c.13)*

- 135 **F315** .....

**Textual Amendments**

**F315** Sch. 13 para. 135 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

*The Criminal Justice Act 1988 (c.33)*

- 136 **F316** .....

**Textual Amendments**

**F316** Sch. 13 para. 136 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

- 137 **F317** .....

**Textual Amendments**

**F317** Sch. 13 para. 137 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb); and this same provision expressed to be repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(d)(2)(3) (with arts 3, 4)

- 138 **F318** .....

**Textual Amendments**

**F318** Sch. 13 para. 138 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

- 139 **F319** .....

**Textual Amendments**

**F319** Sch. 13 para. 139 repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), ss. 457, 458, **Sch. 12**; S.I. 2003/333, art. 2, Sch. (subject to arts. 3-14 (as amended by S.I. 2003/531, arts. 3, 4))

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*The Road Traffic Offenders Act 1988 (c.53)*

- 140 The Road Traffic Offenders Act 1988 has effect subject to the following amendments.
- 141 (1) Section 7 (duty of accused to provide licence to clerk of court) is amended as follows.
- (2) Number the existing provision as subsection (1) and, in paragraph (a) of that provision, for “clerk” substitute “ proper officer ”.
- (3) After that provision insert—
- “(2) In subsection (1) above “proper officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court, and
- (b) in relation to any other court, the clerk of the court.”
- 142 In sections 8(a) and 25(2)(a) (notification to clerk of date of birth and sex), for “to the clerk of a court in pursuance of section 12(2)” substitute “ to a justices’ chief executive in pursuance of section 12(4) ”.
- 143 (1) Section 26 (interim disqualification) is amended as follows.
- (2) In subsection (7), in paragraph (b) (licence of person subject to interim disqualification to be sent to clerk), for “clerk” substitute “ proper officer ”.
- (3) After that subsection insert—
- “(2) In subsection (7) above “proper officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court, and
- (b) in relation to any other court, the clerk of the court.”
- 144 (1) Section 27 (production of licence) is amended as follows.
- (2) In subsection (4) (exceptions), for “clerk” (in both places) substitute “ proper officer ”.
- (3) After that subsection insert—
- “(5) In subsection (4) above “proper officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court, and
- (b) in relation to any other court, the clerk of the court.”
- 145<sup>F320</sup>(1) Section 34B (certificate of completion of course) is amended as follows.
- (2) In subsections (1), (2) (in both places), (6) and (7), for “clerk” substitute “ proper officer ”.
- (3) In subsection (9)—
- (a) for “clerk of a court” substitute “ proper officer of a court ”, and
- (b) for “clerk or” substitute “ officer or ”.]

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**Textual Amendments**

**F320** Sch. 13 para. 145 repealed (21.12.2012 for specified purposes, 24.6.2013 for specified purposes) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 7(8); S.I. 2012/2938, art. 2(2)(a)(b)

146 [F321 In section 34C(2) (interpretation), after the definition of “petty sessions area” insert—  
““proper officer” means—  
(a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court, and  
(b) in relation to a sheriff court in Scotland, the clerk of the court;”.]

**Textual Amendments**

**F321** Sch. 13 para. 146 repealed (21.12.2012 for specified purposes, 24.6.2013 for specified purposes) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 7(8); S.I. 2012/2938, art. 2(2)(a)(b)

147 F322 .....

**Textual Amendments**

**F322** Sch. 13 para. 147 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

148 F323 .....

**Textual Amendments**

**F323** Sch. 13 para. 148 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

149 F324 .....

**Textual Amendments**

**F324** Sch. 13 para. 149 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

150 (1) Section 71 (registration of sums payable in default) is amended as follows.  
(2) For subsections (1) and (2) substitute—  
“(1) Where, in England and Wales, a justices’ chief executive receives a registration certificate issued under section 70 of this Act in respect of any sum payable in default—  
(a) if it appears to him that the defaulter resides in a petty sessions area for which he is the justices’ chief executive, he must register that sum for enforcement as a fine in that area by entering it in the register of a magistrates’ court acting for that area,

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- (b) if it appears to him that the defaulter resides in any other petty sessions area in England and Wales, he must send the certificate to the justices’ chief executive for that area, or
  - (c) if it appears to him that the defaulter resides in Scotland, he must send the certificate to the clerk of the court of summary jurisdiction for the area in which the defaulter appears to him to reside.
- (2) Where, in Scotland, the clerk of a court receives a registration certificate issued under section 70 of this Act in respect of any sum payable in default—
- (a) if it appears to him that the defaulter resides in the area of the court, he must register that sum for enforcement as a fine by that court,
  - (b) if it appears to him that the defaulter resides in the area of any other court of summary jurisdiction in Scotland, he must send the certificate to the clerk of that court, or
  - (c) if it appears to him that the defaulter resides in England and Wales, he must send the certificate to the justices’ chief executive for the petty sessions area in which the defaulter appears to him to reside.
- (2A) Subsections (1) and (2) apply to executives and clerks who receive certificates pursuant to the provision they contain as they apply to the original recipients.”
- (3) <sup>F325</sup> .....

**Textual Amendments**

**F325** Sch. 13 para. 150(3) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

- 151 In sections 72(1) and (6) and 73(1)(b) and (7) (invalidity of registration notice), for “clerk” substitute “ proper officer ”.
- 152 (1) Section 74 (supplementary) is amended as follows.
- (2) In subsection (4) (service of statutory declaration), for “clerk” substitute “ proper officer ”.
- (3) In subsection (5) (interpretation), for paragraph (b) substitute—
- “(b) references to the proper officer of the relevant court are—
  - (i) in the case of a magistrates’ court, references to the justices’ chief executive for that court, and
  - (ii) in the case of a court of summary jurisdiction in Scotland, references to the clerk of the court, and”.
- 153 In section 75(6) (definition of “fixed penalty clerk” for purposes of conditional offers)—
- (a) <sup>F326</sup> .....
  - (b) for “that clerk” substitute “ he ”.

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**Textual Amendments**  
**F326** Sch. 13 para. 153(a) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

154 **F327** . . . . .

**Textual Amendments**  
**F327** Sch. 13 para. 154 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

155 **F328** . . . . .

**Textual Amendments**  
**F328** Sch. 13 para. 155 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

156 **F329** . . . . .

**Textual Amendments**  
**F329** Sch. 13 para. 156 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

*The Prevention of Terrorism (Temporary Provisions) Act 1989 (c.4)*

- 157 (1) Schedule 4 to the Prevention of Terrorism (Temporary Provisions) Act 1989 (forfeiture orders) is amended as follows.
- (2) In paragraph 1(5) (meaning of “proper officer”), for “clerk of”, in the first three places, substitute “ justices’ chief executive for ”.
- (3) In paragraph 9(4) (functions of clerk to be exercised by appropriate officer of High Court in case of order made elsewhere in British Islands), for “the clerk of a magistrates’ court” substitute “ a justices’ chief executive ”.

*The Football Spectators Act 1989 (c.37)*

158 In sections <sup>F330</sup> . . . 18(1) of the Football Spectators Act 1989 (duties of clerk in relation to notices of conviction and restriction orders), for “clerk of” substitute “ justices’ chief executive for ”.

**Textual Amendments**  
**F330** Words in Sch. 13 para. 158 repealed (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 65, 66(2), **Sch. 5**; S.I. 2007/858, **art. 2**



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*The Children Act 1989 (c.41)*

159 F331 .....

**Textual Amendments**

**F331** Sch. 13 para. 159 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

160 F332 .....

**Textual Amendments**

**F332** Sch. 13 para. 160 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

161 F333 .....

**Textual Amendments**

**F333** Sch. 13 para. 161 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

162 F334 .....

**Textual Amendments**

**F334** Sch. 13 para. 162 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2005/910, art. 3(aa)(bb)

*The Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c.25)*

163 (1) Schedule 2 to the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (supervision and treatment orders) is amended as follows.

(2) In paragraph 3(4) (clerk to receive copy of supervision and treatment order), for “clerk to the justices” substitute “justices’ chief executive”.

(3) In paragraph 10(1) (clerk to send copy of revocation of supervision and treatment order to supervising officer), for “clerk to” substitute “justices’ chief executive for”.

(4) In paragraph 11 (amendment of orders), in sub-paragraph (1), for “clerk to the justices” (in both places) substitute “justices’ chief executive” and after that sub-paragraph insert—

“(1A) Where the justices’ chief executive for the court making the order is also the justices’ chief executive for the new petty sessions area—

(a) sub-paragraph (1)(b) above does not apply; but

(b) the justices’ chief executive shall give copies of the amending order to the supervising officer.”

(5) In that paragraph, in sub-paragraph (2), after “(1)” insert “or (1A)”.

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*The Criminal Justice Act 1991 (c.53)*

164 The Criminal Justice Act 1991 has effect subject to the following amendments.

165 F335 .....

**Textual Amendments**  
F335 Sch. 13 para. 165 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

F336 166 .....

**Textual Amendments**  
F336 Sch. 13 para. 166 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

*The Social Security Administration Act 1992 (c.5)*

167 F337 .....

**Textual Amendments**  
F337 Sch. 13 para. 167 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

168 F338 .....

**Textual Amendments**  
F338 Sch. 13 para. 168 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

169 F339 .....

**Textual Amendments**  
F339 Sch. 13 para. 169 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9)*

170 In section 14(5)(b) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (Secretary of State to send supervised release order to clerk to the justices), for “clerk” substitute “ chief executive ”.

*The Pension Schemes Act 1993 (c.48)*

171 F340 .....

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**Textual Amendments**

**F340** Sch. 13 para. 171 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

*The Drug Trafficking Act 1994 (c.37)*

172 **F341** .....

**Textual Amendments**

**F341** Sch. 13 para. 172 repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), ss. 457, 458, Sch. 12; S.I. 2003/333, art. 2, Sch. (subject to arts. 3-14 (as amended by S.I. 2003/531, arts. 3, 4))

*The Road Traffic (New Drivers) Act 1995 (c.13)*

- 173 (1) Paragraph 3 of Schedule 1 to the Road Traffic (New Drivers) Act 1995 (duty to provide test certificate) is amended as follows.
- (2) In sub-paragraph (3), in paragraph (b) (certificate not previously supplied to clerk), for “clerk” substitute “ proper officer ”.
- (3) After that sub-paragraph insert—
- “(3A) In sub-paragraph (3) “proper officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court, and
  - (b) in relation to any other court, the clerk of the court.”

*The Merchant Shipping Act 1995 (c.21)*

- 174 (1) Section 68 of the Merchant Shipping Act 1995 (power to summon witness) is amended as follows.
- (2) In subsection (4) (particulars of fine to be given to clerk), for “clerk” substitute “ proper officer ”.
- (3) After that subsection insert—
- “(4A) In subsection (1) above “proper officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court, and
  - (b) in relation to a magistrates’ court in Northern Ireland, the clerk of the court.”

*The Criminal Procedure (Scotland) Act 1995 (c.46)*

- 175 In section 234(9) of the Criminal Procedure (Scotland) Act 1995 (copies of probation order relating to person resident in England and Wales to be sent to clerk of relevant area), for “clerk to the justices” substitute “ justices’ chief executive ”.

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*The Reserve Forces Act 1996 (c.14)*

- 176 The Reserve Forces Act 1996 has effect subject to the following amendments.
- 177 (1) Paragraph 7 of Schedule 2 (delivery into military, air-force or naval custody of person dealt with by court of summary jurisdiction as illegally absent) is amended as follows.
- (2) In sub-paragraph (3) (fee payable to clerk of the court), for “clerk” substitute “proper officer”.
- (3) After that sub-paragraph insert—
- “(3A) In sub-paragraph (3) “proper officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to any other court, the clerk of the court.”
- 178 (1) Paragraph 9 of Schedule 3 (proof of outcome of civil trial) is amended as follows.
- (2) In sub-paragraphs (1), (2) and (3) (certificate signed by clerk is proof of outcome), for “clerk” substitute “proper officer”.
- (3) For sub-paragraph (4) substitute—
- “(4) In this paragraph “proper officer” means—
- (a) in relation to a court of summary jurisdiction in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to any other court, the clerk of the court, his deputy or any other person having the custody of the records of the court.”

*The Crime and Disorder Act 1998 (c.37)*

- 179 (1) Schedule 3 to the Crime and Disorder Act 1998 (procedure where no committal proceedings for indictable-only offence) is amended as follows.
- (2) In paragraph 4(9), (10) and (11) (power of justice to take depositions etc), for “clerk of” substitute “chief executive to”.
- (3) In paragraph 6(7) (Crown Court to inform clerk of magistrates’ court of outcome of trial), for “clerk of” substitute “justices’ chief executive for”.

SCHEDULE 14

Section 105.

TRANSITIONAL PROVISIONS AND SAVINGS

**PART I**

GENERAL

- 1 (1) The Lord Chancellor [<sup>F342</sup>or Secretary of State] may by order made by statutory instrument make such transitional provisions and savings he considers appropriate in connection with the coming into force of any provision of this Act.
- (2) Nothing in the following provisions of this Schedule limits sub-paragraph (1).

**Status:** Point in time view as at 06/04/2016. This version of this Act contains provisions that are prospective.  
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(3) Nothing in this Schedule limits the operation of sections 16 and 17 of the <sup>M78</sup>Interpretation Act 1978 (effect of repeals).

**Textual Amendments**

**F342** Words in Sch. 14 para. 1(1) inserted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 11(4)

**Modifications etc. (not altering text)**

**C8** Sch. 14 para. 1(1): certain functions transferred (28.2.2003) to the Scottish Ministers by The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2003 (S.I. 2003/415), arts. 1, 2, Sch. (with art. 5)

**Marginal Citations**

**M78** 1978 c.30.

<sup>F343</sup>**PART II**

**LEGAL SERVICES COMMISSION**

**Textual Amendments**

**F343** Sch. 14 Pt. 2 omitted (1.4.2013) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 5 para. 51(b); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

*Replacement of Legal Aid Board by Legal Services Commission*

- 2 .....
- 3 .....
- 4 .....
- 5 .....

*Winding-down of Legal Aid Board*

- 6 .....

*Abolition of Legal Aid Board*

- 7 .....

*Further provision for Legal Aid Board and Legal Services Commission*

- 8 .....

*Funding of representation by Lord Chancellor*

- 9 .....

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### PART III

#### LEGAL SERVICES

##### *Conditional fee agreements*

- 10 Any order made under section 58(4) or (5) of the <sup>M79</sup>Courts and Legal Services Act 1990 and in force immediately before the time when section 27 of this Act comes into force shall have effect after that time (until revoked) as if made under section 58(4) as substituted by that section.

#### Marginal Citations

**M79** 1990 c.41.

- 11 Any regulations made under section 58(1)(c) of the Courts and Legal Services Act 1990 and in force immediately before the time when section 27 of this Act comes into force shall have effect after that time (until revoked) as if made under section 58(3)(c) as substituted by that section.

##### *Legal aid in Scotland*

- 12 If section 33 of this Act comes into force before section 1 of the <sup>M80</sup>Tax Credits Act 1999, the reference in section 33 to disabled person's tax credit shall, until section 1 of the Tax Credits Act 1999 comes into force, have effect as a reference to disability working allowance.

#### Marginal Citations

**M80** 1999 c.10.

##### *Abolition of ACLEC*

- 13 The Lord Chancellor may by order made by statutory instrument make provision in connection with the abolition of the Lord Chancellor's Advisory Committee on Legal Education and Conduct (including, in particular, provision about its staff and property).

##### *Regulations and rules for barristers and solicitors*

- 14 <sup>F344</sup> .....

#### Textual Amendments

**F344** Sch. 14 para. 14 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2 (with art. 9)

- 15 Where a person was called to the Bar or admitted as a solicitor before the coming into force of section 36 of this Act, he shall be taken for the purposes of determining for how many years he has had one of the qualifications listed in section 71(3) of

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the Courts and Legal Services Act 1990 as having been granted a right of audience before every court in relation to all proceedings on his call or admission.

*Existing rights of solicitors in certain Crown Court centres*

- 16 (1) If section 36 of this Act comes into force before the repeal by this Act of section 83 of the [F345Senior Courts Act 1981], section 83 shall have effect until that repeal comes into force subject to the modifications specified in sub-paragraphs (2) and (3).
- (2) Subsection (1) shall have effect as if for “may have rights of audience in the Crown Court” there were substituted “ shall be entitled to exercise their right of audience in the Crown Court even though they do not satisfy the regulations of the Law Society relating to the education and training which solicitors must receive in order to exercise their right of audience in the Crown Court ”.
- (3) Subsection (3) shall have effect as if for “with” there were substituted “ who may exercise ”.

**Textual Amendments**

**F345** Sch. 14 para. 16: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2](#)

*Authorised bodies*

- 17 (1) An Order in Council made pursuant to a recommendation under section 29 of the Courts and Legal Services Act 1990 and in force immediately before the time when Schedule 5 to this Act comes into force shall have effect after that time (unless revoked) as if made pursuant to a recommendation under Part I of Schedule 4 to that Act as substituted by Schedule 5 to this Act.
- (2) Any approval under Part II of Schedule 4 to the Courts and Legal Services Act 1990 in force immediately before the time when Schedule 5 to this Act comes into force shall have effect after that time as an approval under that Part of that Schedule as substituted by Schedule 5 to this Act.

**PART IV**

**REPORTING OF PROCEEDINGS ABOUT CHILDREN**

- 18 Section 97(2) of the M81Children Act 1989 (as amended by section 72 of this Act) shall not apply in relation to proceedings before a county court or the High Court which have begun before the coming into force of that section.

**Marginal Citations**

**M81** 1989 c.41.

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## PART V

### MAGISTRATES AND MAGISTRATES' COURTS

#### *Commission areas*

- 19 The first order under section 1 of the <sup>M82</sup>Justices of the Peace Act 1997, as substituted by section 74 of this Act, shall specify each of the areas which was a commission area immediately before the time when that section comes into force; and those areas shall continue to be commission areas from that time until the coming into force of that first order.

#### **Marginal Citations**

**M82** 1997 c.25.

#### *Petty sessions areas*

- 20 The first order under section 4 of the Justices of the Peace Act 1997, as substituted by section 75 of this Act, shall specify each of the areas which was a petty sessions area immediately before the time when that section comes into force; and those areas shall continue to be petty sessions areas from that time until the coming into force of that first order.

#### *Lord Mayor and aldermen of City of London*

- 21 The person who is the Lord Mayor of London, and the persons who are aldermen of the City of London, at the end of the period of two months beginning with the day on which this Act is passed shall be treated as having at that time been appointed in accordance with section 5 of the Justices of the Peace Act 1997 as justices of the peace for the commission area which includes the City of London; and, accordingly, subsection (1A) of section 6 of that Act (inserted by paragraph 48 of Schedule 10 to this Act) has effect in relation to them.

#### *District Judges (Magistrates' Courts): appointment*

- 22 Any person who is a stipendiary magistrate or a metropolitan stipendiary magistrate immediately before the time when section 78 of this Act comes into force shall be treated as having been appointed to be a District Judge (Magistrates' Courts) at that time (unless he would have been required by reason of age to vacate his office at that time).
- 23 Any person who, immediately before the time when section 78 of this Act comes into force, is authorised under section 13(1)(a) or 19 of the Justices of the Peace Act 1997 to act as a stipendiary magistrate or metropolitan stipendiary magistrate shall be treated as having been appointed to be a Deputy District Judge (Magistrates' Courts) at that time for the remainder of the period for which he is so authorised.

#### *District Judges (Magistrates' Courts): pensions*

- 24 (1) For the purposes specified in sub-paragraph (2), a person who—



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- (a) is a stipendiary magistrate or metropolitan stipendiary magistrate immediately before the time when section 78 of this Act comes into force, and
- (b) is at that time a member of a judicial pension scheme constituted by the <sup>M83</sup>Judicial Pensions Act 1981,

shall not be regarded as having been appointed (by virtue of paragraph 22) to be a District Judge (Magistrates' Courts) but shall instead be regarded as if he continued to be a stipendiary magistrate or metropolitan stipendiary magistrate.

- (2) The purposes referred to in sub-paragraph (1) are those of—
  - (a) the Judicial Pensions Act 1981,
  - (b) any scheme constituted by that Act, and
  - (c) any enactment made by or under an Act which applies to such a scheme or to rights arising under such a scheme.

**Marginal Citations**

**M83** 1981 c.20.

*District Judges (Magistrates' Courts): retirement*

- 25 For the purposes of section 26 of and Schedule 7 to the <sup>M84</sup>Judicial Pensions and Retirement Act 1993 (date of retirement for holders of a relevant office immediately before the time when section 26 came into force) a person who held the office of stipendiary magistrate or metropolitan stipendiary magistrate at any time during the period beginning when section 26 came into force and ending when Schedule 11 to this Act comes into force shall be treated as having held a relevant office at that time in spite of the amendment made to Schedule 5 to the Judicial Pensions and Retirement Act 1993 by Schedule 11 to this Act.

**Marginal Citations**

**M84** 1993 c.8.

*District Judges (Magistrates' Courts): legal aid*

- 26 If paragraph 36 of Schedule 11 to this Act comes into force before the repeal by this Act of section 19(5) of the <sup>M85</sup>Legal Aid Act 1988, that provision shall have effect as if, in the definition of “proceedings for dealing with an offender as a fugitive offender”, the reference to a metropolitan stipendiary magistrate were to a District Judge (Magistrates' Courts).

**Marginal Citations**

**M85** 1988 c.34.

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### *Committals for sentence*

- 27 Section 79 of, and Part V(4) of Schedule 15 to, this Act do not apply to any hearing of proceedings on committal to the Crown Court if those proceedings have begun before the coming into force of that section and that Part of that Schedule.

### *Youth courts*

- 28 (1) Subject to any order under paragraph 6 of the Second Schedule to the <sup>M86</sup>Children and Young Persons Act 1933 (as amended by this Act), there shall from the coming into force of section 77 of this Act be a combined youth court panel for the area consisting of the inner London boroughs and the City of London (in spite of paragraph 3 of that Schedule).
- [<sup>F346</sup>(2) If section 77 of this Act comes into force before section 83 of this Act, then until section 83 comes into force paragraph 9 of the Second Schedule to the Children and Young Persons Act (as amended by this Act) shall not prevent there being a combined youth panel for the City of London and any other area.]

#### **Textual Amendments**

**F346** Sch. 14 para. 28(2) repealed (1.4.2001) by 1999 c.22, ss. 106, 108(1), Sch. 15 Pt. V(6); S.I. 2001/916, art. 2(c)(i)

#### **Marginal Citations**

**M86** 1933 c.12.

### *Magistrates' courts committee areas*

- 29 The first order under section 27A(2) of the <sup>M87</sup>Justices of the Peace Act 1997, as substituted by section 81 of this Act, shall specify each of the areas outside Greater London which was a magistrates' courts committee area immediately before the time when that section comes into force; and those areas shall continue to be magistrates' courts committee areas from that time until the coming into force of that first order.

#### **Marginal Citations**

**M87** 1997 c.25.

### *Magistrates' courts committees in Greater London*

- 30 (1) From the end of the period of two months beginning with the day on which this Act is passed until the Greater London Magistrates' Courts Authority becomes the magistrates' courts committee for Greater London, the Justices of the Peace Act 1997 shall continue to have effect in relation to magistrates' courts committees in Greater London without—
- (a) the amendments made by sections 81 and 82 of this Act, and
  - (b) the repeal of sections 32 and 38(6) of that Act made by Part V(5) of Schedule 15 to this Act,
- but subject to the modifications specified in sub-paragraphs (2) to (5).

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- (2) Section 28 shall have effect as if—
- (a) in subsection (1), for “to (4)” there were substituted “ and (3) ”,
  - (b) in subsection (2), for “Not more than two other” there were substituted “ Other ”,
  - (c) for subsections (3) and (4) there were substituted—
    - “(3) The inner London magistrates’ courts committee shall include either—
      - (a) the Senior District Judge (Chief Magistrate) and two District Judges (Magistrates’ Courts) appointed by him; or
      - (b) (if he decides not to be a member) three District Judges (Magistrates’ Courts) appointed by him.”,
    - and
    - (d) in subsection (5), for “subsections (3) and (4)” there were substituted “ subsection (3) ”.
- (3) Section 29 shall have effect as if—
- (a) in subsection (3), for “, (3) and (4)” there were substituted “ and (3) ”, and
  - (b) after that subsection there were inserted—
    - “(3A) The regulations may make provision for the payment of remuneration to members of a magistrates’ courts committee co-opted or appointed under section 28(2) above.”
- (4) Section 30 shall have effect as if the words “Subject to subsection (2) below,” in subsection (1) and subsection (2) were omitted.
- (5) Section 38(6) shall have effect as if—
- (a) for the words “chief metropolitan stipendiary magistrate” there were substituted “ Senior District Judge (Chief Magistrate) (if he is a member) ”, and
  - (b) for “28(3) and (4)” there were substituted “ 28(3) ”.
- (6) This paragraph has effect subject to paragraph 31.
- 31 (1) If section 78 of this Act has not come into force at the end of the period of two months beginning with the day on which this Act is passed, paragraph 30 shall apply as follows until that section comes into force.
- (2) The subsection (3) treated as substituted by sub-paragraph (2)(c) of that paragraph shall have effect as if—
- (a) for “Senior District Judge (Chief Magistrate)” there were substituted “ chief metropolitan stipendiary magistrate ”, and
  - (b) for “District Judges (Magistrates’ Courts)” (in both places) there were substituted “ metropolitan stipendiary magistrates ”.
- (3) Sub-paragraph (5) of that paragraph shall have effect as if paragraph (a) read—
- “(a) after the words “chief metropolitan stipendiary magistrate” there were inserted “(if he is a member)”, and”.

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*The Greater London Magistrates' Courts Authority*

- 32 (1) The Lord Chancellor may by order made by statutory instrument make provision in connection with the establishing of the Greater London Magistrates' Courts Authority, including—
- (a) provision for the Authority to incur liabilities and to exercise any function before the time when it becomes the magistrates' courts committee for Greater London, and
  - (b) provision for the abolition of the magistrates' courts committees for areas in Greater London immediately before that time.
- (2) For the purposes of sections 39A and 39B of the <sup>M88</sup>Justices of the Peace Act 1997 (inserted by section 86 of this Act) the Authority shall be treated as a magistrates' courts committee until it actually becomes the magistrates' courts committee for Greater London.

**Marginal Citations**

**M88** 1997 c.25.

*Schemes for transfer of property etc. to GLMCA*

- 33 (1) The Lord Chancellor may make one or more schemes for the transfer to the Greater London Magistrates' Courts Authority of such of the property, rights and liabilities of—
- (a) a magistrates' courts committee,
  - (b) the Receiver for the Metropolitan Police District,
  - (c) the council of an outer London borough, or
  - (d) the Common Council of the City of London,
- as appear to him to be appropriate to be transferred for the performance of the Authority's functions.
- (2) In this paragraph references to the "transferor", in relation to a scheme, are to the person mentioned in sub-paragraph (1) from whom property is transferred under the scheme.
- (3) A scheme under this paragraph may—
- (a) provide for transfers under the scheme to be on such terms (including terms requiring payment to the transferor) as the Lord Chancellor thinks fit,
  - (b) apportion or create rights and liabilities in relation to any property transferred, and
  - (c) make any appropriate, consequential, incidental or supplementary provisions.
- (4) On the day appointed by a scheme, the property, rights and liabilities which are the subject of the scheme shall, by virtue of this sub-paragraph, and in spite of any provision (of whatever nature) which would otherwise prevent or restrict the transfer, be transferred in accordance with the scheme.
- (5) Anything done (or having effect as if done) by or in relation to the transferor before the time when a scheme comes into effect for the purposes of, or in connection with,

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anything transferred under the scheme shall, so far as is required for continuing its effect after that time, have effect as if done by or in relation to the Authority.

- (6) Any reference to the transferor in any document, including any enactment, constituting or relating to anything transferred under a scheme shall, so far as is required for giving effect to the scheme, be construed as a reference to the Authority.
- (7) Where rights and liabilities under a contract of employment are transferred under a scheme under this paragraph—
- (a) for the purposes of Part XI of the <sup>M89</sup>Employment Rights Act 1996 (redundancy payments etc.), the employee shall not be regarded as having been dismissed by virtue of the transfer, and
  - (b) for the purposes of that Act, the employee's period of employment with the transferor shall count as a period of employment with the Authority, and the change of employment shall not break the continuity of the period of employment.

**Marginal Citations**

**M89** 1996 c.18.

*Stamp duty on transfer schemes*

- 34 (1) Stamp duty shall not be chargeable—
- (a) on any scheme under paragraph 33, or
  - (b) on any instrument or agreement which is certified to the Commissioners of Inland Revenue by the Lord Chancellor as made in pursuance of such a scheme.
- (2) No such scheme, and no instrument or agreement which is certified as mentioned in sub-paragraph (1)(b), shall be taken to be duly stamped unless—
- (a) it has, in accordance with section 12 of the <sup>M90</sup>Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with that duty or that it is duly stamped, or
  - (b) it is stamped with the duty to which it would be liable, apart from this paragraph.
- (3) Section 12 of the <sup>M91</sup>Finance Act 1895 shall not operate to require—
- (a) the delivery to the Inland Revenue of a copy of this Act, or
  - (b) the payment of stamp duty under that section on any copy of this Act,
- and shall not apply in relation to any instrument on which, by virtue of sub-paragraph (1), stamp duty is not chargeable.

**Marginal Citations**

**M90** 1891 c.39.

**M91** 1895 c.16.

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*[<sup>F347</sup>Transfer schemes: stamp duty land tax*

**Textual Amendments**

**F347** Sch. 14 para. 34A and heading inserted (1.12.2003) by [The Stamp Duty Land Tax \(Consequential Amendment of Enactments\) Regulations 2003 \(S.I. 2003/2867\)](#), reg. 2, **Sch. para. 29**

- 34A (1) For the purposes of stamp duty land tax, a land transaction effected by or in pursuance of a scheme under paragraph 33 is exempt from charge.
- (2) Relief under this paragraph must be claimed in a land transaction return or an amendment of such a return.
- (3) In this paragraph—  
     “land transaction” has the meaning given by section 43(1) of the Finance Act 2003;  
     “land transaction return” has the meaning given by section 76(1) of that Act.]

*Continuing provision of court-houses, accommodation etc*

- 35 (1) The Lord Chancellor may by regulations provide that any petty sessional court-house or other accommodation specified in the regulations which immediately before the time when paragraph 33 comes into force was provided by—
- (a) the council of an outer London borough, or
  - (b) the Common Council of the City of London,
- pursuant to section 55 of the <sup>M92</sup>Justices of the Peace Act 1997 (and is not transferred under a scheme under paragraph 33) shall after that time be provided by that council to the Greater London Magistrates’ Courts Authority for the performance of the functions referred to in section 59A(1) of that Act.
- (2) Regulations under sub-paragraph (1) may—
- (a) prescribe terms and conditions, including conditions as to payment, on which any court-house or other accommodation is to be provided, and
  - (b) prohibit a council providing a court-house or other accommodation under sub-paragraph (1) from altering or extending it without the consent of the Lord Chancellor.
- (3) Any duty imposed on a council by regulations under sub-paragraph (1) may at any time be—
- (a) varied or restricted by agreement between the council and the Lord Chancellor, or
  - (b) terminated by the Lord Chancellor after consulting the council.
- (4) Regulations under sub-paragraph (1) shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Marginal Citations**

**M92** [1997 c.25](#).

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*Pensions of inner London court staff*

- 36 (1) The Lord Chancellor may by order made by statutory instrument make provision about the provision of pensions for or in respect of persons who are or have been members of the inner London court staff.
- (2) An order under this paragraph may include provision for, or in connection with—
- (a) enabling persons to participate, or continue to participate, in any pension scheme and requiring their employers to make contributions under that scheme, and
  - (b) the administration or management of pension schemes or pension funds.
- (3) Provision of the kind specified in sub-paragraph (2)(a) may—
- (a) with the consent of the Minister for the Civil Service, include provision for section 1 of the <sup>M93</sup>Superannuation Act 1972 (pensions of civil servants etc.) to apply to persons who are or have been members of the inner London court staff, or
  - (b) include provision for persons who have been members of the inner London court staff but who are employees of the Greater London Magistrates' Courts Authority by virtue of a scheme under paragraph 33 to be regarded as continuing to be members of the metropolitan civil staffs for the purposes of section 15 of the <sup>M94</sup>Superannuation (Miscellaneous Provisions) Act 1967 (pensions of metropolitan civil staffs).
- (4) An order under this paragraph containing provision of the kind specified in sub-paragraph (3)(a) may also contain provision for such body or person as may be specified in the order to pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of the increase attributable to such provision (so far as referable to that body or person) in the sums payable under the Superannuation Act 1972 out of money provided by Parliament.
- (5) Where an order is made under this paragraph containing provision of the kind specified in sub-paragraph (3)(a), the Minister for the Civil Service may, to such extent and subject to such conditions as he thinks fit—
- (a) delegate to any person the function of administering a scheme made under section 1 of the Superannuation Act 1972, so far as relating to persons who are or have been members of the inner London court staff, or
  - (b) authorise the exercise of that function (so far as so relating) by, or by employees of, any person.
- (6) A person to whom the function of administering a scheme made under section 1 of the Superannuation Act 1972 is delegated under sub-paragraph (5)(a) may, to such extent and subject to such conditions as he may determine, authorise the exercise of that function by, or by employees of, any person.
- (7) Where a person is authorised under sub-paragraph (5)(b) or (6) to exercise the function of administering a scheme made under section 1 of the Superannuation Act 1972, anything done or omitted to be done by or in relation to him (or an employee of his) in, or in connection with, the exercise or purported exercise of the function shall be treated for all purposes as done or omitted to be done by the person who authorised him.
- (8) Sub-paragraph (7) does not apply for the purposes of—

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- (a) any criminal proceedings against the authorised person (or any employee of his), or
  - (b) any contract between him and the person who authorised him, so far as relating to the function.
- (9) An order under this paragraph may provide that any enactment repealed by this Act shall continue to have effect for any purpose specified in the order with such modifications as may be so specified.
- (10) A statutory instrument containing an order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) In this paragraph the “inner London court staff” means—
- (a) the justices’ chief executive employed by the magistrates’ courts committee for the area consisting of the inner London boroughs,
  - (b) any justices’ clerk for that area, and
  - (c) staff of the magistrates’ courts committee for that area.

**Marginal Citations**

**M93** 1972 c.11.

**M94** 1967 c.28.

*Justices’ chief executives*

- 37 (1) If section 90 of this Act comes into force before the repeal by this Act of Schedule 3 to the <sup>M95</sup>Legal Aid Act 1988, that Schedule shall have effect until that repeal comes into force subject to the modifications specified in sub-paragraphs (2) and (3).
- (2) Paragraphs 3(1) and (2) and 4(1) shall have effect as if for “clerk of” there were substituted “justices’ chief executive for”.
- (3) Paragraph 4(2) shall have effect—
- (a) as if for “clerk of” there were substituted “justices’ chief executive for”, and
  - (b) as if the words from “and section” to the end were omitted.

**Marginal Citations**

**M95** 1988 c.34.



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## SCHEDULE 15

Section 106.

### REPEALS AND REVOCATIONS

#### PART I

##### LEGAL SERVICES COMMISSION

###### Commencement Information

**I6** Sch. 15 Pt. I wholly in force; Sch. 15 Pt. I not in force at Royal Assent see s. 108; Sch. 15 Pt. I in force for specified purposes (1.4.2000) by S.I. 2000/774, art. 2(c)(i), Sch.; Sch. 15 Pt. I in force insofar as not already in force at 2.4.2001 by S.I. 2001/916, art. 3(b)

Reference	Short title or title	Extent of repeal or revocation
1967 c. 13.	The Parliamentary Commissioner Act 1967.	In Schedule 2, the entry relating to the Legal Aid Board.
1971 c. 32.	The Attachment of Earnings Act 1971.	In section 25(1), the definition of “legal aid contribution order”.
1973 c. 62.	The Powers of Criminal Courts Act 1973.	In section 21(2), the words from “, and in subsection” to the end.
1974 c. 47.	The Solicitors Act 1974.	In section 47, in subsection (2C), the words “excluding any person from legal aid work”, in subsection (2D), the words “from such work” and subsection (6).
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 1, in Part III, the entries relating to the chairman of the Legal Aid Board and a member of the Legal Aid Board.
1975 c. 25.	The Northern Ireland Assembly Disqualification Act 1975.	In Schedule 1, in Part III, the entries relating to the chairman of the Legal Aid Board and a member of the Legal Aid Board.
1982 c. 48.	The Criminal Justice Act 1982.	In section 3(2), the words from “, and in subsection” to the end.
1985 c. 61.	The Administration of Justice Act 1985.	Section 41(3).

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		In section 42, in subsection (3), the words “from such work” and subsection (4)(b) and the preceding “and”. Section 43(4). Section 44(4).
1988 c. 34.	The Legal Aid Act 1988.	Sections 1 to 32. Sections 34 to 43. Section 45. Section 46. Schedules 1 to 3. In Schedule 5, paragraphs 2, 3, 4, 5, 6(a), 7(a), 8, 9, 10, 12, 16, 18, 19(b) and the preceding “and”, 20, 21 and 22. Schedules 6 to 8.
1989 c. 41.	The Children Act 1989.	Section 99. In Schedule 12, paragraph 45. In Schedule 14, paragraph 40.
S.I. 1989/549.	The Civil Legal Aid (Matrimonial Proceedings) Regulations 1989.	The whole instrument.
1990 c. 41.	The Courts and Legal Services Act 1990.	Section 59. In Schedule 17, paragraph 19. In Schedule 18, paragraphs 59 to 63.
1991 c. 53.	The Criminal Justice Act 1991.	In Schedule 6, paragraph 9. In Schedule 11, paragraph 40(2)(q).
S.I. 1991/1924.	The Legal Aid Act 1988 (Children Act 1989) Order 1991.	The whole instrument.
S.I. 1991/1997.	The Companies Act 1989 (Eligibility for Appointment as Company Auditor) (Consequential Amendments) Regulations 1991.	In the Schedule, paragraph 69.
S.I. 1991/2036.	The Civil Legal Aid (General) (Amendment) (No.2) Regulations 1991.	Regulation 3.
1992 c. 6.	The Social Security (Consequential Provisions) Act 1992.	In Schedule 2, paragraph 97.
1992 c. 53.	The Tribunals and Inquiries Act 1992.	In Schedule 3, paragraph 21.

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1993 c. 19.	The Trade Union Reform and Employment Rights Act 1993.	In Schedule 8, paragraph 39.
S.I. 1993/1354.	The Civil Legal Aid (Scope) Regulations 1993.	The whole instrument.
S.I. 1994/2768.	The Legal Aid (Scope) Regulations 1994.	Regulation 2.
1995 c. 35.	The Criminal Appeal Act 1995.	In Schedule 2, paragraph 17.
1996 c. 18.	The Employment Rights Act 1996.	In Schedule 1, paragraph 36.
1996 c. 25.	The Criminal Procedure and Investigations Act 1996.	Section 46(2).
1996 c. 27.	The Family Law Act 1996.	Section 23(9). Part III. In Schedule 8, in Part I, paragraph 39 and Part II.
1997 c. 25.	The Justices of the Peace Act 1997.	In Schedule 5, paragraph 24.
1998 c. 37.	The Crime and Disorder Act 1998.	Section 49(1)(j). Section 50(5). In Schedule 8, paragraph 67.
1999 c. 23.	The Youth Justice and Criminal Evidence Act 1999.	Section 40(2).

## PART II

### PROVISION OF LEGAL SERVICES

#### Commencement Information

**I7** Sch. 15 Pt. II wholly in force at 31.7.2000; Sch. 15 Pt. II not in force at Royal Assent see s. 108(1); Sch. 15 Pt. II in force for certain purposes at 27.9.1999 and for certain further purposes at 1.11.1999 by S.I. 1999/2657, arts. 2(d)(ii)(a), 3(b), Sch. 2 Pt. II; Sch. 15 Pt. II in force for certain further purposes at 1.1.2000 by S.I. 1999/3344, art. 2(d), Sch. 1 (with art. 4); Sch. 15 Pt. II in force at 31.7.2000 insofar as not already in force by S.I. 2000/1920, art. 2(c)

Chapter	Short title	Extent of repeal
41 Geo. 3 c. 79.	The Public Notaries Act 1801.	Section 13.
6 & 7 Vict. c. 90.	The Public Notaries Act 1843.	Section 6.
1974 c. 47.	The Solicitors Act 1974.	In section 32(4), the words “to the Director of Public

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		Prosecutions” and the words “, if the Director thinks fit,”.
		In section 87(1), in the definition of “building society”, the words “; and a reference to an account with a building society is a reference to a deposit account”.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 1, in Part II, the entry relating to the Lord Chancellor’s Advisory Committee on Legal Education and Conduct.
1975 c. 25.	The Northern Ireland Assembly Disqualification Act 1975.	In Schedule 1, in Part II, the entry relating to the Lord Chancellor’s Advisory Committee on Legal Education and Conduct.
1981 c. 54.	The [ <sup>F348</sup> Senior Courts Act 1981].	Section 83.
1985 c. 23.	The Prosecution of Offences Act 1985.	Section 4(1) to (3E).
1985 c. 61.	The Administration of Justice Act 1985.	Section 9(2)(g). Section 65. In Schedule 2, in paragraph 3, the words “to the Director of Public Prosecutions” and the words “, if the Director thinks fit,” and, in paragraph 11(2), the words from the beginning to “those provisions,”.
1987 c. 38.	The Criminal Justice Act 1987.	Section 1(9) to (11).
1990 c. 41.	The Courts and Legal Services Act 1990.	Sections 19 and 20 (and the heading preceding section 19). Section 24(3). Section 27, in subsection (2) (a)(ii), the words “the granting of” and subsections (3) and (6). In section 28, in subsection (2)(a)(ii), the words “the granting of”, subsection (3) and, in subsection (5), in the definition of “authorised body”, the word “and” at the end of paragraph (a).

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		Section 57(11). Section 67. Section 71(7) and (8). In section 113, in subsection (1), in the definition of “general notary”, paragraph (b) and the preceding “or” and, in subsection (10), paragraph (d) and the preceding “and”. Section 123(1)(f) and (2)(e). Schedules 1 and 2. In Schedule 3— in paragraph 3, in subparagraph (1) the words “with the approval of the Treasury” and, in subparagraph (2), the words “, with the consent of the Treasury,”, in paragraph 4(2), the words “given with the consent of the Treasury”, and in paragraph 9(3), the words “with the approval of the Treasury”. In Schedule 18, paragraph 51. In Schedule 19, paragraphs 2 and 3.
1996 c. 27.	The Family Law Act 1996.	In Schedule 8, paragraph 61.

#### Textual Amendments

**F348** Sch. 15 Pt. II: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2](#)

### PART III

#### APPEALS, COURTS, JUDGES AND COURT PROCEEDINGS

Chapter	Short title	Extent of repeal
23 Geo.5 c. 12.	The Children and Young Persons Act 1933.	In section 36, the proviso.
8 & 9 Eliz.2 c. 65.	The Administration of Justice Act 1960.	In section 13(2)(a), the words “a Divisional Court of”. Section 14(1). Section 15(2).

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1981 c. 54.	The [ <sup>F349</sup> Senior Courts Act 1981].	In the Second Schedule, in Part I, paragraph 2. Section 18(1A) and (1B). Section 54(6), (7) and (10). In Schedule 2, in Part II of the list, the entry 10 relating to the Registrar of Civil Appeals.
1984 c. 28.	The County Courts Act 1984.	In section 77, subsections (2) to (4) and, in subsection (8), the definition of “the relevant county court limit” and the preceding “and”.
1985 c. 61.	The Administration of Justice Act 1985.	In section 53, subsection (3) and, in subsection (6), the words “(except subsection (3))”.
1986 c. 45.	The Insolvency Act 1986.	In section 375(2), the words “, with the leave of the judge or of the Court of Appeal,”.
1990 c. 41.	The Courts and Legal Services Act 1990.	Section 7(3) and (4). Section 42(3).
1993 c. 50.	The Statute Law (Repeals) Act 1993.	In Schedule 2, paragraph 9.
1996 c. 25.	The Criminal Procedure and Investigations Act 1996.	Section 13(1)(cc).
1997 c. 12.	The Civil Procedure Act 1997.	In Schedule 2, paragraph 1(2).
1998 c. 37.	The Crime and Disorder Act 1998.	In Schedule 3, in paragraph 1(1), the words “on or before the relevant date”. In Schedule 8, paragraph 127(a).

#### Textual Amendments

**F349** Sch. 15 Pt. III: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2](#)

## PART IV

### ENFORCEMENT OF COMMUNITY ORDERS

Chapter	Short title	Extent of repeal
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1991 c. 53.	The Criminal Justice Act 1991.	In Schedule 2, paragraph 7(6) and, in paragraph 8A— in sub-paragraph (3), the words “and the probation order was made by a magistrates’ court”, sub-paragraphs (4) and (5), and in sub-paragraph (6), in the words treated as substituted in section 1A(1) of the Powers of Criminal Courts Act 1973, the words “or (5)”.
1998 c. 37.	The Crime and Disorder Act 1998.	In Schedule 4, paragraphs 3 and 7(1).

## PART V

### MAGISTRATES AND MAGISTRATES’ COURTS

#### Commencement Information

**I8** Sch. 15 Pt. V partly in force; Sch. 15 Pt. V not in force at Royal Assent see s. 108(1); Sch. 15 Pt. V(1) (5) in force for certain purposes at 27.9.1999 see s. 108(3)(f)(4); Sch. 15 Pt. V(7) in force for certain purposes at 27.9.1999 by S.I. 1999/2657, art. 2(d)(ii)(c); Sch. 15 Pt. V(4) in force for certain purposes at 12.11.1999 by S.I. 1999/2657, art. 4; Sch. 15 Pt. V(6) in force for certain purposes at 1.3.2000 by S.I. 1999/3344, art. 3(b) (with art. 4); Sch. 15 Pt. V(3) in force at 31.8.2000 by S.I. 2000/1920, art. 3(c); Sch. 15 Pt. V(8) in force for certain purposes at 8.1.2001 by S.I. 2000/3280, art. 2(e); Sch. 15 Pt. V(8) in force insofar as not already in force at 19.2.2001 by S.I. 2001/168, art. 2(b); Sch. 15 Pt. V(6)(7) in force insofar as not already in force at 1.4.2001 by S.I. 2001/916, art. 2(c)(i)(ii)

(1)

#### Areas

Reference	Short title or title	Extent of repeal or revocation
6 & 7 Vict. c. 86.	The London Hackney Carriages Act 1843.	In section 24, the words from “, or, if he shall dwell” to “the said city,”, the words “or justice” and the words “, or to some justice as aforesaid,”.
16 & 17 Vict. c. 33.	The London Hackney Carriage Act 1853.	In section 18, the words from “or if the offence,”, in the second place, to the end.
31 & 32 Vict. c. 72.	The Promissory Oaths Act 1868.	In the Second Part of the Schedule, the words “for counties and boroughs”.

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50 & 51 Vict. c. 55.	The Sheriffs Act 1887.	In section 38, the words from “(within” to “1997”.
60 & 61 Vict. c. 26.	The Metropolitan Police Courts Act 1897.	Section 7(1).
10 & 11 Geo.5 c. 33.	The Maintenance Orders (Facilities for Enforcement) Act 1920.	In section 3(4), the words from “(within” to “1997”.
23 Geo.5 c. 12.	The Children and Young Persons Act 1933.	Section 48(5). In the Second Schedule, in Part I, paragraph 8A.
2 & 3 Geo.6 c. xcvi.	The London Building Acts (Amendment) Act 1939.	In section 151(1)(bb), the word “the” immediately preceding “magistrates’ courts”, the words from “in the inner” to “London)” and the words “in that area”.
11 & 12 Geo.6 c. 29.	The National Assistance Act 1948.	In section 43(4), the words from “(within” to “1997”.
12, 13 & 14 Geo.6 c. 76.	The Marriage Act 1949.	In section 3(5), the words from “(within” to “1997”.
14 & 15 Geo.6 c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	In Part II of Schedule 2, paragraph 5(b) and, in paragraph 6(b), in the third column, the words from “and where” to the end.
7 & 8 Eliz.2 c. 7.	The Manœuvres Act 1958.	In section 9, the definition of “petty sessions area”.
1964 c. 26.	The Licensing Act 1964.	In section 2, in subsection (1), the words from “, within” to the end and subsection (2A).
1964 c. 42.	The Administration of Justice Act 1964.	In section 12(1), the words from the beginning to “reference to the inner London area,”. In section 38(1), the definition beginning “London commission areas”. In Schedule 3, paragraph 29.
1969 c. 54.	The Children and Young Persons Act 1969.	In section 70(1), in the definition of “petty sessions area”, the words “has the same meaning as in the Magistrates’ Courts Act 1980, except that” and the word “it”.



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1973 c. 18.	The Matrimonial Causes Act 1973.	In section 35(3), the words from “(within” to “1997”.
1974 c. 47.	The Solicitors Act 1974.	Section 38(4).
1978 c. 22.	The Domestic Proceedings and Magistrates’ Courts Act 1978.	In section 88(1), the definitions of “commission area” and “petty sessions area”.
1980 c. 43.	The Magistrates’ Court Act 1980.	In section 52, the second sentence. In section 67, in subsection (4), the second sentence and subsection (8). In section 150(1), the definitions of “commission area”, “London commission area” and “petty sessions area”. In Schedule 7, paragraphs 27 and 85.
1980 c. 66.	The Highways Act 1980.	In section 329(1), the definition of “petty sessions area”.
1984 c. 37.	The Child Abduction Act 1984.	In the Schedule, in paragraph 5(b), the words from “(within” to “1997”.
S.I. 1985/1383.	The Local Government (Magistrates’ Courts etc.) Order 1985.	In the Schedule, paragraphs 1 and 2.
1988 c. 52.	The Road Traffic Act 1988.	In section 192(1), the definition of “petty sessions area”.
1988 c. 53.	The Road Traffic Offenders Act 1988.	In section 34C(2), the definition of “petty sessions area”. In section 89(1), the definition of “petty sessions area”, apart from the word “and” at the end.
1989 c. 41.	The Children Act 1989.	In Schedule 1, in paragraph 10(6), the words from “(within” to “1997”. In Schedule 11, in paragraph 8(d), the words “and (8)”.
1990 c. 18.	The Computer Misuse Act 1990.	Section 11(6).

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1992 c. 19.	The Local Government Act 1992.	In section 19(2)(d)(i), the words from “(within” to “1997”.
1993 c. 47.	The Probation Service Act 1993.	In Schedule 1, paragraph 6(4).
1994 c. 19.	The Local Government (Wales) Act 1994.	In section 55(2)(a), the words from “(within” to “1997”.
1994 c. 29.	The Police and Magistrates’ Courts Act 1994.	In Schedule 8, paragraph 35.
S.I. 1996/674.	The Local Government Changes for England (Magistrates’ Courts) Regulations 1996.	In the Schedule, paragraphs 2(1), (3) and (7) and 5.
S.I. 1996/675.	The Magistrates’ Courts (Wales) (Consequences of Local Government Changes) Order 1996.	In Part II of the Schedule, paragraph 7.
1997 c. 25.	The Justices of the Peace Act 1997.	<p>Section 5(2)(b) and the preceding “and”.</p> <p>In section 7(3), the words from “(whether” to “acting Chief Magistrate”.</p> <p>Section 21 (and the preceding heading).</p> <p>Section 23.</p> <p>In section 25, in subsection (1), the words “, other than the City of London,” and subsection (3).</p> <p>In section 34(1)(a)(ii) and (3)(c), the words “any existing petty sessional division in”.</p> <p>Sections 35 and 36.</p> <p>Section 68(2).</p> <p>In section 70, in subsection (1), the words from the beginning to “above,” the words “or to county justices” and the words “or justices for the City” and, in subsection (2), the words “or to justices or magistrates for a county or non-metropolitan county” and the words “or to justices or magistrates for the City”.</p> <p>Section 71.</p> <p>In section 72, in subsection (1), the definition of “commission area”,</p>

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the definition of “London commission areas”, “inner London area” and “outer London areas” and the definitions of “petty sessions areas”, “preserved county” and “retained county”, and subsection (2).  
Schedules 1 and 2.  
In Schedule 4, paragraph 6.  
In Schedule 5, paragraphs 1 to 8, 14, 16(b) and the preceding “and”, 18, 19(3)(a) and (b) and (5), 20, 27, 28, 30, 31, 34 and 35.

(2)

Constitution of youth courts

Chapter	Short title	Extent of repeal
23 Geo.5 c. 12.	The Children and Young Persons Act 1933.	In the Second Schedule, in Part I, the headings “Outside Metropolitan Area” and “Youth court panels”, paragraph 1 and, in paragraph 10(a), the words “(except where the committee’s area is a borough)” and Part II.
1964 c. 42.	The Administration of Justice Act 1964.	Section 12.
1969 c. 54.	The Children and Young Persons Act 1969.	In section 70(1), the definition of “petty sessions area”.
1980 c. 43.	The Magistrates’ Courts Act 1980.	In section 146, in subsection (4), the words from “with respect to the making” to the end and subsection (5).
1985 c. 61.	The Administration of Justice Act 1985.	Section 61.
1991 c. 53.	The Criminal Justice Act 1991.	In Schedule 11, paragraph 40(2)(f) and (p).
1998 c. 37.	The Crime and Disorder Act 1998.	Section 48.
1999 c. 22.	The Access to Justice Act 1999.	In Schedule 10, paragraphs 16(2) and (4) and 35.

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## (3)

## Unification and renaming of stipendiary bench

<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
3 & 4 Vict. c. 84.	The Metropolitan Courts Act 1840.	Section 6.
16 & 17 Vict. c. 33.	The London Hackney Carriage Act 1853.	In section 18, the words from “or if the offence,” in the second place, to “for the county,”.
33 & 34 Vict. c. 78.	The Tramways Act 1870.	In section 3, the words from “The term “two justices”” to the end.
34 & 35 Vict. c. 78.	The Regulation of Railways Act 1871.	In section 2, the words “metropolitan police magistrate,”.
35 & 36 Vict. c. 50.	The Railway Rolling Stock Protection Act 1872.	In section 2, the words “metropolitan police magistrate,”.
46 & 47 Vict. c. 3.	The Explosive Substances Act 1883.	In section 6(1), the words “police court, or”.
57 & 58 Vict. c. 2.	The Behring Sea Award Act 1894.	Section 519 of the Merchant Shipping Act 1854 set out in the Second Schedule.
8 Edw.7 c. 53.	The Law of Distress Amendment Act 1908.	In section 4, in the proviso, the words from “a stipendiary magistrate” to “magistrate for”.
1964 c. 42.	The Administration of Justice Act 1964.	In section 38(1), the definition of “stipendiary magistrates”. In Schedule 3, in Part I, paragraphs 2 to 4.
1980 c. 43.	The Magistrates’ Courts Act 1980.	Section 67(7). Section 137(6).
1985 c. 23.	The Prosecution of Offences Act 1985.	In section 21(6)(a), the words “for any area”.
1989 c. 33.	The Extradition Act 1989.	Section 8(1)(b)(i) and (2). In section 9(1), the words from “consisting” to the end. In section 35(1), the definitions of “designated metropolitan magistrate” and “metropolitan magistrate”. In Schedule 1, in paragraph 5(1)(b), the words “a

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		metropolitan magistrate or” and paragraph 13(2).
1989 c. 41.	The Children Act 1989.	In Schedule 11, in paragraph 8, in sub-paragraph (c), the words “66(1) and (2),” and, in sub-paragraph (d), the words “66(2),” and “and (7)”.
1994 c. 19.	The Local Government (Wales) Act 1994.	In section 55(2)(a), the words “stipendiary magistrate,”.
1997 c. 25.	The Justices of the Peace Act 1997.	Section 22(5). In section 24(1), the words “(other than metropolitan stipendiary magistrates)”. In section 55(8), the words “Subject to section 14(1) above,”. In section 72(1), the definition of “stipendiary magistrate”. In Schedule 4, in Part II, paragraphs 9 and 12. In Schedule 5, paragraphs 13(3) and 17.
1997 c. 50.	The Police Act 1997.	In section 6(5), the words “appointed for an area”. In section 52(5), the words “appointed for an area”.

(4)

Justices not to sit on committal for sentence

Chapter	Short title	Extent of repeal
1981 c. 54.	The [ <sup>F350</sup> Senior Courts Act 1981].	In section 74, in subsection (1), paragraph (b) and the preceding “or” and, in subsection (7), paragraph (b) and, in paragraph (c), the words “or on committal to the Crown Court for sentence”.

**Textual Amendments**

**F350** Sch. 15 Pt. V: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2](#)

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## (5)

## Magistrates' courts committees

<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
1972 c. 70.	The Local Government Act 1972.	In Schedule 12A, in Part I, in paragraph 2(a), the words “, within the meaning of the Justices of the Peace Act 1997”.
1997 c. 25.	The Justices of the Peace Act 1997.	Section 32. Section 38(6). Section 49. In section 72(1), the definition of “magistrates' courts committee areas”. In Schedule 5, paragraph 11.

## (6)

## Greater London Magistrates' Courts Authority

<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
60 & 61 Vict. c. 26.	The Metropolitan Police Courts Act 1897.	Sections 3 and 4.
2 & 3 Geo.6 c. xcvi.	The London Building Acts (Amendment) Act 1939.	In section 151(1)(bb), the words “magistrates' courts”.
1965 c. 63.	The Public Works Loans Act 1965.	In section 2(1)(a), the word “and” at the end of sub-paragraph (iii).
1967 c. 28.	The Superannuation (Miscellaneous Provisions) Act 1967.	Section 15(1)(a)(ii) and (9).
1968 c. 13.	The National Loans Act 1968.	In Schedule 4, in paragraph 1(a), the word “and” at the end of sub-paragraph (iii).
1971 c. 56.	The Pensions (Increase) Act 1971.	In Schedule 6, paragraph (d).
1991 c. 53.	The Criminal Justice Act 1991.	Section 76(5).
1994 c. 29.	The Police and Magistrates' Courts Act 1994.	In Schedule 8, paragraphs 24, 25 and 33(5).
1997 c. 25.	The Justices of the Peace Act 1997.	In section 10(8), the words “the City of London, a London borough,” and the words from “and for” to the end. In section 54(9), the definition of “local funds”.

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1999 c. 22.	The Access to Justice Act 1999.	In section 55, subsection (8) and, in subsection (10), in the definition of “responsible authority”, paragraph (d) and the words from “or the” to the end. Section 56(4). In section 72(1), the definition of “inner London area”. Schedule 3. In Schedule 4, paragraphs 7, 8, 10 and 11. In Schedule 10, paragraphs 39, 40(2)(a), 51, 52(2) and 53. In Schedule 11, paragraph 10. In Schedule 14, paragraph 28(2).
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(7)

Justices’ chief executives

Chapter	Short title	Extent of repeal
10 & 11 Geo.5 c. 33.	The Maintenance Orders (Facilities for Enforcement) Act 1920.	In section 4(6A)(b), the words from “and as if” to the end.
14 Geo.6 c. 37.	The Maintenance Orders Act 1950.	In section 22(1E)(a), the words from “and as if” to the end. In section 28(1), in the definition of “collecting officer”, the words from “in”, in the first place, to “and”.
6 & 7 Eliz.2 c. 39.	The Maintenance Orders Act 1958.	In section 4(5B)(a), the words from “and as if” to the end. In section 21(1), the definition of “proper officer”.
1964 c. 26.	The Licensing Act 1964.	In section 22(4), the words from ““as in” to “magistrates’ court”. Section 30(2).
1968 c. 65.	The Gaming Act 1968.	In Schedule 2, in paragraph 2(2), the definition of “the clerk to the licensing authority”.
1971 c. 32.	The Attachment of Earnings Act 1971.	In section 25(1), the words from “and, in relation to” to the end.

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1972 c. 18.	The Maintenance Orders (Reciprocal Enforcement) Act 1972.	In section 9(1ZA)(b), the words from “and as if” to the end.
1986 c. 64.	The Public Order Act 1986.	Section 34(3).
1988 c. 33.	The Criminal Justice Act 1988.	Section 41(13). Section 81(10).
1988 c. 53.	The Road Traffic Offenders Act 1988.	In section 34C(2), the words from “and any reference” to the end. Section 71(4) and (5). In section 89(1), the definition of “justices’ clerk”.
1989 c. 4.	The Prevention of Terrorism (Temporary Provisions) Act 1989.	In Schedule 4, in paragraph 1(5), the words from “and in this sub-paragraph” to the end.
1994 c. 37.	The Drug Trafficking Act 1994.	Section 30(9).
1997 c. 25.	The Justices of the Peace Act 1997.	Section 31(2). Section 40(5). Section 46. In section 60, in subsection (1), paragraph (b) (ii) and the preceding “and” and subsection (4). In Schedule 4, in Part II, paragraphs 15 and 18. In Schedule 5, in paragraph 23, paragraph (b) and the preceding “and” and, in paragraph 36, paragraph (b) and the preceding “and”.
1998 c. 37.	The Crime and Disorder Act 1998.	In Schedule 3, paragraph 6(11).

(8)

## Warrants

Reference	Short title or title	Extent of repeal or revocation
6 & 7 Eliz.2 c. 39.	The Maintenance Orders Act 1958.	In section 2(4), paragraph (b), apart from the word “and” at the end. In section 5(4), paragraph (b), apart from the word “and” at the end.
1980 c. 43.	The Magistrates’ Courts Act 1980.	Section 83(4).



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**Status:** Point in time view as at 06/04/2016. This version of this Act contains provisions that are prospective.

**Changes to legislation:** Access to Justice Act 1999 is up to date with all changes known to be in force on or before 31 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)

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		In section 125, in subsection (2), the second paragraph and subsections (3) and (4).
1984 c. 60.	The Police and Criminal Evidence Act 1984.	Section 33.
1988 c. 33.	The Criminal Justice Act 1988.	Section 65.
1990 c. 41.	The Courts and Legal Services Act 1990.	In Schedule 17, paragraph 11.
1996 c. 14.	The Reserve Forces Act 1996.	In Schedule 10, paragraph 18.
S.I.1997/1898.	The Family Law Act 1996 (Modification of Enactments) Order 1997.	Article 3.
1998 c. 37.	The Crime and Disorder Act 1998.	In Schedule 8, paragraph 44.
1999 c. 23.	The Youth Justice and Criminal Evidence Act 1999.	In Schedule 4, paragraph 8.

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## PART VI

### IMMUNITY AND INDEMNITY

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Chapter	Short title	Extent of repeal
1997 c. 25.	The Justices of the Peace Act 1997.	In section 54(1)(a)(i), the words “against him”.

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**Status:**

Point in time view as at 06/04/2016. This version of this Act contains provisions that are prospective.

**Changes to legislation:**

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