

CRIME AND COURTS ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Courts and Justice

Schedule 9: Single county court in England and Wales

291. *Schedule 9* makes amendments, particularly in the 1984 Act itself, but also in a wide range of other legislation referring to the existing county courts, in connection with and in consequence of the establishment of the single county court.

Part 1 of Schedule 9: Amendments of the County Courts Act 1984

292. *Part 1* of the Schedule contains amendments to the 1984 Act, other than the principal provisions establishing the single county court which are contained in section 17. Of particular importance are the amendments made by *paragraphs 2 and 3* in relation to sittings of the single county court, and *paragraphs 4 to 6* in relation to the judges of the single county court.
293. *Paragraph 2* amends section 3 of the 1984 Act by substituting for *subsections (1) and (2)* (which provide for where and when the existing county courts may sit) four subsections which make flexible provision for the single county court to be able to sit anywhere in England and Wales, for sittings to be able to be continuous or intermittent or occasional, for sittings to be able to be simultaneously held in different places, and for the places where the county court sits, and the days and times at which it sits in any place, to be determined in accordance with directions given by the Lord Chancellor after consulting the Lord Chief Justice.
294. *Paragraph 3* amends section 4 of the 1984 Act, which provides for the use of public buildings for individual county courts, so that it provides for the use of such buildings for sittings of the single county court.
295. *Paragraph 4* substitutes for section 5 of the 1984 Act, which makes provision in respect of those judges (other than district judges) who may sit in the county courts, a new section 5. While, in practice, Circuit judges and district judges will remain the principal judges of the county court, the effect of this amendment and, in particular, *subsection (2)* of the new section 5, will be to enable a wider range of other judges to sit, on a flexible basis, in the single county court as “judges of the county court”. The new section 5 does not reproduce those provisions of the present section 5 which provide for the assignment of circuit judges to districts, since, with the establishment of the single county court on a national basis, these are no longer required. *Paragraphs 5 and 6* similarly amend sections 6 and 8 of the 1984 Act to remove those provisions which relate to the assignment to districts of district judges and deputy district judges respectively.
296. *Paragraph 7* amends section 12 of the 1984 Act to replace the provision for the district judge for a district to keep such records as may be prescribed by the Lord Chancellor

in regulations with a provision enabling the Lord Chancellor to provide by regulations for the keeping of records for the single county court.

297. *Paragraphs 8 and 9* make amendments to sections 13 (officers of the court not to act as solicitors of that court) and 14 (penalty for assaulting officers) of the 1984 Act, which make provision in relation to district judges of a county court, so that the provision operates instead in terms of judges of the single county court more generally.
298. *Paragraph 10* makes a large number of amendments to the remainder of the 1984 Act. A number of the amendments repeal existing provisions of the 1984 Act which provide for there to be specific county courts to exercise specialist jurisdictions, such as Admiralty and contentious probate jurisdiction (see sub-paragraph (3) in particular). Any such specialist jurisdiction will instead be conferred on the single county court as a whole, and exercised by such judges and in such locations as are determined under existing allocation powers (such as section 1 of the Courts and Legal Services Act 1990).
299. Other provisions in paragraph 10 remove or amend provisions which confer powers or functions specifically on district judges or circuit judges, so that those provisions instead confer the powers or functions on the court or on a judge of the court without specifying whether this is a district judge, circuit judge or other judge (see, for example, *sub-paragraphs (12) to (20)*). The allocation of powers and functions to tiers of judge in the single county court will then be determined under existing powers of direction.
300. Further, other provisions in *paragraph 10* amend or remove provisions in the 1984 Act which operate by reference to an individual county court, or to a court's jurisdiction in relation to a specific district, so that they operate for the single county court as a whole (see, for example, *sub-paragraphs (35), (36), (42), (48), and (51) to (53)*); and other provisions simply amend references to "a county court" or "a court" or "any court" or to "county courts" or "courts" in the plural so that they refer instead to "the county court" and will operate appropriately in relation to the single county court (see, for example, *sub-paragraphs (63) to (67)*).

Parts 2 to 4 of Schedule 9: Other amendments and repeals

301. *Parts 2 and 3* make consequential amendments to other Acts of Parliament which make reference to county courts and the judges who sit in them. The amendments are similar to those made to the 1984 Act by Part 1 of the Schedule. However, in relation to other Acts, by far the most numerous amendments are those which substitute, for references to "a county court", references to "the county court". Other amendments remove or modify provisions which tie jurisdiction to specific county courts or districts and judges for a district, and a small number of amendments repeal provisions which confer specialist jurisdiction on a specific county court or courts - in particular *paragraph 30*, which repeals those provisions of the Copyright, Designs and Patent Act 1988 which establish a Patents County Court (intellectual property jurisdiction will be re-allocated and structured under existing powers). Part 4 contains consequential repeals.