

# CRIMINAL JUSTICE AND COURTS ACT 2015

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 3 – Courts and Tribunals

#### Juries and members of the Court Martial

##### *Section 70: Jurors and electronic communications devices: powers of search etc*

532. *Section 70* inserts a new section 54A into the Courts Act 2003. This new section provides the court with powers to enforce an order made under section 15A of the Juries Act 1974. It provides a specific power allowing a court security officer to search a juror for a device that a judge has ordered be surrendered (subsection (2) of new section 54A). If the search reveals a device which should have been surrendered then the officer must ask the juror to surrender the device, and if the juror refuses to do so, the officer may seize it (subsection (4) of new section 54A).
533. Subsection (3) of new section 54A places limits on the court security officer's power to require a person to remove clothing for the purposes of the search.
534. *Subsection (3)* of section 70 amends section 55 of the Courts Act 2003. It inserts a new subsection (1A) which provides that a court security officer may retain the article that was surrendered or seized until the end of the period specified in the order made under the Juries Act 1974.
535. *Paragraph 1* of Schedule 13 (introduced by section 75) creates a similar power of search for coroners' officers inserting new section 9B into the Coroners and Justice Act 2009. Subsection (8) of that new section makes provision equivalent to that in section 56 of the Courts Act 2003. This ensures that the Lord Chancellor can make regulations (subject to the negative procedure) in relation to the retention and disposal of articles surrendered by, or seized from, juries at inquests in the same way as he can make regulations under the Courts Act 2003 in relation to articles surrendered by, or seized from, other juries.
536. *Paragraph 2* extends court security officers' powers of search so that they can be used in connection with orders under new section 9B of the Coroners and Justice Act 2009.