
Changes to legislation: There are currently no known outstanding effects for the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018, Paragraph 44. (See end of Document for details)

SCHEDULE

AUTHORISED COURT AND TRIBUNAL STAFF: LEGAL ADVICE AND JUDICIAL FUNCTIONS

PART 2

TRIBUNALS

Tribunals, Courts and Enforcement Act 2007

- 44 (1) Paragraph 3 is amended as follows.
- (2) In sub-paragraph (1), for “40(1)” substitute “ 2(1) of the Courts Act 2003 or section 40(1) of this Act ”.
- (3) At the end insert—
- “(3) A person may exercise functions by virtue of this paragraph only if authorised to do so by the Senior President of Tribunals.
- (4) An authorisation under this paragraph—
- (a) may be subject to conditions, and
- (b) may be varied or revoked by the Senior President of Tribunals at any time.
- (5) The Senior President of Tribunals may delegate to one or more of the following the Senior President of Tribunals' functions under the preceding provisions of this paragraph—
- (a) a judicial office holder;
- (b) a person appointed under section 2(1) of the Courts Act 2003 or section 40(1) of this Act.
- (6) A person to whom functions of the Senior President of Tribunals are delegated under sub-paragraph (5)(b) is not subject to the direction of any person other than—
- (a) the Senior President of Tribunals, or
- (b) a judicial office holder nominated by the Senior President of Tribunals,
- when exercising the functions.
- (7) Subsections (3) to (5) of section 8 apply to—
- (a) a delegation under sub-paragraph (5), and
- (b) a nomination under sub-paragraph (6),
- as they apply to a delegation under subsection (1) of that section.
- (8) In this paragraph—
- “function” does not include—
- (a) any function so far as its exercise involves authorising a person's committal to prison or arrest;
- (b) any function of granting an injunction;
- “judicial office holder” has the meaning given by section 109(4) of the Constitutional Reform Act 2005.”

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Commencement Information

- I1** [Sch. para. 44](#) in force at 10.1.2020 for specified purposes by [S.I. 2020/24, reg. 2\(b\)\(iv\)](#)
- I2** [Sch. para. 44](#) in force at 6.4.2020 in so far as not already in force by [S.I. 2020/24, reg. 3\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018, Paragraph 44.