

This Statutory Instrument has been made in consequence of a defect in [S.I.2005/547](#) and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2005 No. 910 (C. 39)

**SUPREME COURT OF ENGLAND AND WALES
SUPREME COURT OF NORTHERN IRELAND
COUNTY COURTS, ENGLAND AND WALES
MAGISTRATES COURTS,
ENGLAND AND WALES
COURTS-MARTIAL (APPEALS)
DAMAGES, ENGLAND AND WALES
DAMAGES, NORTHERN IRELAND**

The Courts Act 2003 (Commencement No. 10) Order 2005

Made - - - - 23rd March 2005

The Lord Chancellor, in exercise of the powers conferred upon him by section 110 of the Courts Act 2003(1) hereby makes the following Order:

Citation

1. This Order may be cited as the Courts Act 2003 (Commencement No. 10) Order 2005.

Revocation

2. The Courts Act 2003 (Commencement No. 9, Savings, Consequential and Transitional Provisions) Order 2005(2) is revoked.

Commencement of Provisions of the Courts Act 2003

3. The following provisions of the Courts Act 2003 come into force on the 1st April 2005 –

(1) [2003 c. 39](#).
(2) [S.I. 2005/547](#).

- (a) section 1 (The general duty);
- (b) sections 2 and 3 (Court staff and accommodation);
- (c) section 5 (Functions of courts boards);
- (d) section 6 to the extent not already in force (Abolition of magistrates' courts committees, etc.);
- (e) sections 7 and 8 (The commission of the peace and local justice areas);
- (f) sections 9 to 16 (Lay justices);
- (g) sections 17 and 18 (Chairman and deputy chairmen and the bench);
- (h) sections 19 to 21 (Supplementary provisions about the bench);
- (i) sections 22 to 26 (District Judges (Magistrates' Courts));
- (j) sections 27 to 29 (Justices' clerks and assistant clerks);
- (k) section 30 (Places, dates and times of sittings);
- (l) sections 31 to 35 (Protection and indemnification of justices and justices' clerks);
- (m) sections 36 and 37 (Fines officers and designated officers);
- (n) sections 38 to 40 (Application of receipts of magistrates' courts etc.);
- (o) sections 41 (Miscellaneous);
- (p) sections 43 to 46 and Schedule 3 (Criminal jurisdiction and procedure);
- (q) sections 47 and 48 (Civil jurisdiction and procedure);
- (r) sections 49, 50(1) and (4) (Family proceedings and youth courts);
- (s) sections 51 to 57 (Court security);
- (t) sections 58 to 61 (Inspectors of court administration);
- (u) section 65 (District Judges (Magistrates' Courts) as Crown Court judges etc.);
- (v) sections 88 to 91 (Provisions relating to criminal procedure and appeals and Courts-Martial Appeal Court procedure and appeals);
- (w) sections 100 and 101 (Periodical payments);
- (x) section 105 (Extension of time for criminal appeals to House of Lords: Northern Ireland);
- (y) Schedule 8 (Minor and consequential amendments) in so far as it is not already in force, with the exception of the following—
 - (i) paragraph 91(2) (Maintenance Orders Act 1950⁽³⁾);
 - (ii) paragraph 242 (Magistrates' Courts Act 1980⁽⁴⁾);
 - (iii) paragraph 245(1) and 245(2) (Magistrates' Courts Act 1980) to the extent that it creates an exception in relation to “family proceedings”;
 - (iv) paragraph 245(1) and 245(3) to the extent that it omits the reference to “the President of the Family Division of the High Court” from section 144(2) of the Magistrates' Court Act 1980;
 - (v) paragraph 254 (Magistrates' Courts Act 1980);
 - (vi) paragraph 272 (County Courts Act 1984⁽⁵⁾);
 - (vii) paragraph 278(a) (Matrimonial and Family Proceedings Act 1984⁽⁶⁾);

(3) 1950 c. 37.

(4) 1980 c. 43.

(5) 1984 c. 28.

(6) 1984 c. 42.

- (viii) paragraph 337 (Children Act 1989⁽⁷⁾);
- (ix) paragraph 349 (Courts and Legal Services Act 1990⁽⁸⁾);
- (z) Schedule 9 (Transitional provisions) in so far as it is not already in force, with the exception of paragraph 16;
- (aa) Schedule 10 (Repeals) in so far as it is not already in force, with the exception of the following repeals—
 - (i) the repeal of section 25(1) of the Maintenance Orders Act 1950;
 - (ii) the repeal of sections 137 and 138 of, and Schedule 6 and paragraph 8 of Schedule 7 to, the Magistrates' Courts Act 1980;
 - (iii) the repeal of the reference to “the President of the Family Division of the High Court” in section 144(2) of the Magistrates' Courts Act 1980;
 - (iv) the repeal of sections 73 and 73A of the County Courts Act 1984;
 - (v) the repeal of section 40 of the Matrimonial and Family Proceedings Act 1984;
 - (vi) the repeal of section 97(7)(a) of the Children Act 1989;
 - (vii) the repeal of paragraph 50 of Schedule 18 to the Courts and Legal Services Act 1990;
 - (viii) the repeal of paragraph 11(2) of Schedule 2 to the Maintenance Enforcement Act 1991⁽⁹⁾;
 - (ix) the repeal of section 2(6) to (8) of, and paragraph 3 of Schedule 2 to, the Civil Procedure Act 1997⁽¹⁰⁾;
- (bb) section 109(1), (2) and (3) to the extent necessary for those amendments and repeals.

23rd March 2005

Christopher Leslie
Parliamentary Under Secretary of State
Department for Constitutional Affairs

(7) 1989 c. 41.
(8) 1990 c. 41.
(9) 1991 c. 17.
(10) 1997 c. 12.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order supersedes the Courts Act 2003 (Commencement No.9, Savings, Consequential and Transitional Provisions) Order 2005 (S.I.2005/547) and correctly specifies the minor and consequential amendments, transitional provisions and repeals contained in Schedules 8, 9 and 10 to the Courts Act 2003 (c. 39) that are to be brought into force on 1 April 2005.

This Order brings into force various provisions of the Courts Act 2003 on 1st April 2005, including:

- sections 1 to 3, which place the Lord Chancellor under a general duty to maintain an efficient and effective court system and give him the power to make appropriate arrangements for staff and accommodation.
- section 6, which abolishes magistrates' courts committees, magistrates' courts committee areas and the office of justices' chief executive;
- sections 7 and 8, which provide for there to be a single commission of the peace for England and Wales and for England and Wales to be divided into local justice areas;
- sections 9 to 35, which make provision in relation to justices, justices' clerks and assistant clerks;
- sections 43 to 50(1) and 50(4), which deals with the jurisdiction and procedure in criminal, civil and family proceedings in magistrates courts;
- sections 51 to 57, which makes provision in relation to court security officers;
- sections 58-61 which establish a new body called Her Majesty's Inspectorate of Court Administration;
- sections 100 and 101 which deal with the award of damages for future pecuniary loss in personal injury cases by way of periodical payments.

The commencement of some of the provisions brought into force by this Order is subject to the transitional provisions, savings and consequential provisions contained in the Courts Act 2003 (Transitional Provisions, Savings and Consequential Provisions) Order 2005 (S.I. 2005/911).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 4	1.6.04	2004/798
Section 6 (partially)	1.9.04	2004/2066
Section 62	26.1.04	2003/3345
Section 63	26.1.04	2003/3345
Section 64	26.1.04	2003/3345
Section 66 (partially)	26.1.04	2003/3345
Section 67	26.1.04	2003/3345

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 68	26.1.04	2003/3345
Section 69	1.9.04	2004/2066
Section 70	26.1.04	2003/3345
Section 71	26.1.04	2003/3345
Section 72	1.9.04	2004/2066
Section 73	1.9.04	2004/2066
Section 74	26.1.04	2003/3345
Section 77	26.1.04	2003/3345
Section 78	26.1.04	2003/3345
Section 81	26.1.04	2003/3345
Section 83	26.1.04	2003/3345
Section 84	26.1.04	2003/3345
Section 86	1.5.04	2004/1104
Section 87	1.5.04	2004/1104
Section 92	4.1.05	2004/3123
Section 93	1.2.04	2004/174
Section 95	5.4.04	2004/174
Section 96	5.4.04	2004/174
Section 97 (partially)	23.2.04	2004/174
(partially)	29.3.04	2004/174
(partially)	5.4.04	2004/174
(partially)	1.5.04	2004/1104
(remainder)	21.9.04	2004/2195
Section 98 (partially)	26.1.04	2003/3345
Section 99	15.3.04	2004/401
Section 102	26.1.04	2003/3345
Section 103	1.5.04	2004/1104
Section 104	1.5.04	2004/1104
Section 106	1.5.04	2004/1104
Schedule 1	1.6.04	2004/798
Schedule 2	1.9.04	2004/2066
Schedule 5 (partially)	23.2.04	2004/174
(partially)	29.3.04	2004/174
(remainder)	5.4.04	2004/174

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 6 (partially)	1.5.04	2004/1104
(remainder)	21.9.04	2004/2195
Schedule 7	15.3.04	2004/401
Schedule 8 (and section 109(1) insofar as it relates to the paragraphs specified below) paragraphs 288 (partially) and 289	1.2.04	2004/174
Paragraphs 5, 9, 61 (partially), 62, 63 (partially), 189, 264, 274, 275 and 295-298	15.3.04	2004/401
Paragraphs 67, 71, 83, 107, 122, 126, 145, 172, 173, 182, 183(1) and (3), 186(1) and (2), 190, 207, 219, 233, 234, 238, 245(1) and (2) (partially), 246, 250, 251, 286, 290(1) and (3), 324, 327, 328, 329(1) and (4), 330(1), (2) and (3)(a), 355(a), 362, 364, 377 to 381, 384, 386 and 387, 389 and 390, 403 and 405, 410	01.09.04	2004/2066
Paragraphs 263, 276, 277, 278(b)	4.1.05	2004/3123
Schedule 9 (and section 109(2) insofar as it relates to the paragraph specified below)		
Paragraph 15 (partially)	23.2.04	2004/174
Paragraph 15 (partially)	29.3.04	2004/174
Paragraph 15 (remainder)	5.4.04	2004/174
Schedule 10 (and section 109(3)) (partially)	26.1.04	2003/3345
(partially)	15.3.04	2004/401
(partially) (and section 109(3))	1.5.04	2004/1104
(partially) (and section 109(3))	1.9.04	2004/2066
(partially) (and section 109(3))	4.1.05	2004/3123