

# Courts Bill [HL]

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[AS AMENDED ON REPORT]

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A  
**B I L L**

[AS AMENDED ON REPORT]

TO

Make provision about the courts and their procedure and practice; about judges and magistrates; about fines and the enforcement processes of the courts; about periodical payments of damages; and for connected purposes.

**B**E 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:—

**PART 1**

MAINTAINING THE COURT SYSTEM

*The general duty*

**1 The general duty**

- (1) The Lord Chancellor is under a duty to ensure that there is an efficient and effective system to support the carrying on of the business of— 5
- (a) the Supreme Court,
  - (b) county courts, and
  - (c) magistrates’ courts,
- and that appropriate services are provided for those courts. 10
- (2) In this Part—
- (a) “the Supreme Court” includes the district probate registries, and
  - (b) “magistrates’ court” includes a committee of justices.
- (3) In this Part references to the Lord Chancellor’s general duty in relation to the courts are to his duty under this section. 15
- (4) The Lord Chancellor must, within 18 months of the coming into force of this section, and afterwards annually, prepare and lay before both Houses of

Parliament a report as to the way in which he has discharged his general duty in relation to the courts.

*Court staff and accommodation*

**2 Court officers, staff and services**

- (1) The Lord Chancellor may appoint such officers and other staff as appear to him appropriate for the purpose of discharging his general duty in relation to the courts. 5
- (2) The civil service pension arrangements for the time being in force apply (with any necessary adaptations) to persons appointed under subsection (1) as they apply to other persons employed in the civil service of the State. 10
- (3) “The civil service pension arrangements” means –
- (a) the principal civil service pension scheme (within the meaning of section 2 of the Superannuation Act 1972 (c. 11)), and
  - (b) any other superannuation benefits for which provision is made under or by virtue of section 1 of the 1972 Act for or in respect of persons in employment in the civil service of the State. 15
- (4) Subject to subsections (5) and (6), the Lord Chancellor may enter into such contracts with other persons for the provision, by them or their sub-contractors, of officers, staff or services as appear to him appropriate for the purpose of discharging his general duty in relation to the courts. 20
- (5) The Lord Chancellor may not enter into contracts for the provision of officers and staff to discharge functions which involve making judicial decisions or exercising any judicial discretion.
- (6) The Lord Chancellor may not enter into contracts for the provision of officers and staff to carry out the administrative work of the courts unless an order made by the Lord Chancellor authorises him to do so. 25
- (7) Before making an order under subsection (6) the Lord Chancellor must consult –
- (a) the Lord Chief Justice,
  - (b) the Master of the Rolls,
  - (c) the President of the Family Division, and
  - (d) the Vice-Chancellor,
- as to what effect (if any) the order might have on the proper and efficient administration of justice. 30
- (8) An order under subsection (6) may authorise the Lord Chancellor to enter into contracts for the provision of officers or staff to discharge functions – 35
- (a) wholly or to the extent specified in the order,
  - (b) generally or in cases or areas specified in the order, and
  - (c) unconditionally or subject to the fulfilment of conditions specified in the order. 40



### 3 Provision of accommodation

- (1) The Lord Chancellor shall provide, equip, maintain and manage such court-houses, offices and other accommodation as appear to him appropriate for the purpose of discharging his general duty in relation to the courts.
- (2) The Lord Chancellor may enter into such arrangements for the provision, equipment, maintenance or management of court-houses, offices or other accommodation as appear to him appropriate for the purpose of discharging his general duty in relation to the courts. 5
- (3) The powers under –
  - (a) section 2 of the Commissioners of Works Act 1852 (c. 28) (acquisition by agreement), and 10
  - (b) section 228(1) of the Town and Country Planning Act 1990 (c. 8) (compulsory acquisition),to acquire land necessary for the public service are to be treated as including power to acquire land for the purpose of its provision under arrangements entered into under subsection (2). 15
- (4) “Court-house” means any place where a court sits, including the precincts of any building in which it sits.

#### *Courts boards*

### 4 Establishment of courts boards

20

- (1) England and Wales is to be divided into areas for each of which there is to be a courts board.
- (2) The areas are to be those specified by an order made by the Lord Chancellor.
- (3) Each area established by an order under subsection (2) is to be known by such name as is specified in the order (but subject to subsection (4)). 25
- (4) The Lord Chancellor may make orders altering the areas.
- (5) “Altering”, in relation to an area, includes (as well as changing its boundaries) –
  - (a) combining it with one or more other areas,
  - (b) dividing it between two or more other areas, and 30
  - (c) changing its name.
- (6) Before making an order under subsection (4), the Lord Chancellor must consult any courts board affected by the proposed order.
- (7) Schedule 1 contains provisions about the constitution and procedure of courts boards. 35

### 5 Functions of courts boards

- (1) Each courts board is under a duty, in accordance with guidance under this section –
  - (a) to scrutinise, review and make recommendations about the way in which the Lord Chancellor is discharging his general duty in relation to the courts with which the board is concerned, and 40

- (b) for the purposes mentioned in paragraph (a), to consider draft and final business plans relating to those courts.
- (2) In discharging his general duty in relation to the courts, the Lord Chancellor must give due consideration to recommendations provided by the boards under subsection (1). 5
- (3) If the Lord Chancellor rejects a recommendation made by a courts board about a final business plan under subsection (1) he shall give to the board written reasons for so doing.
- (4) The courts with which a courts board is concerned are – 10
- (a) the Crown Court,
  - (b) county courts, and
  - (c) magistrates' courts,
- in the board's area.
- (5) The Lord Chancellor must prepare and issue the boards with guidance about how they should carry out their functions under subsection (1). 15
- (6) The guidance may in particular contain provisions –
- (a) about the procedures to be followed in connection with draft and final business plans;
  - (b) conferring on the boards functions supplementing their functions under subsection (1). 20
- (7) The Lord Chancellor may from time to time issue the boards with revised guidance and revoke previous guidance.
- (8) Guidance issued under this section must be laid before both Houses of Parliament.

*Abolition of magistrates' courts committees* 25

**6 Abolition of magistrates' courts committees, etc.**

- (1) The Greater London Magistrates' Courts Authority (the magistrates' courts committee for Greater London) and all the magistrates' courts committees for areas of England and Wales outside Greater London are abolished.
- (2) In consequence of that – 30
- (a) England and Wales outside Greater London is no longer divided into magistrates' courts committee areas, and
  - (b) the office of justices' chief executive is abolished.
- (3) Schedule 2 (abolition of magistrates' courts committees: transfers) has effect.
- (4) The Justices of the Peace Act 1997 (c. 25) ceases to have effect. 35

## PART 2

### JUSTICES OF THE PEACE

#### *The commission of the peace and local justice areas*

#### **7 The commission of the peace for England and Wales**

- There shall be a commission of the peace for England and Wales – 5
- (a) issued under the Great Seal, and
  - (b) addressed generally, and not by name, to all such persons as may from time to time hold office as justices of the peace for England and Wales.

#### **8 Local justice areas**

- (1) England and Wales is to be divided into areas to be known as local justice areas. 10
- (2) The areas are to be those specified by an order made by the Lord Chancellor.
- (3) Each local justice area established by order under subsection (2) is to be known by such name as is specified in the order (but subject to subsection (4)).
- (4) The Lord Chancellor may make orders altering local justice areas.
- (5) “Altering”, in relation to a local justice area, includes (as well as changing its boundaries) – 15
  - (a) combining it with one or more other local justice areas,
  - (b) dividing it between two or more other local justice areas, and
  - (c) changing its name.
- (6) Before making an order under subsection (4) in relation to a local justice area the Lord Chancellor must consult – 20
  - (a) the justices of the peace assigned to the local justice area,
  - (b) any court administration council whose area includes the local justice area or a part of the local justice area, and
  - (c) unless the alteration consists only of a change of name, any local 25
    - authorities whose area includes the local justice area or a part of the local justice area.
- (7) “Local authority” means – 30
  - (a) any council of a county, a county borough, a London borough or a council of a district, or
  - (b) a police authority established under section 3 of the Police Act 1996 (c. 16) or the Metropolitan Police Authority.

#### *Lay justices*

#### **9 Meaning of “lay justice”**

- In this Act “lay justice” means a justice of the peace who is not a District Judge (Magistrates’ Courts). 35

- 
- 10 Appointment of lay justices etc.**
- (1) Lay justices are to be appointed for England and Wales by the Lord Chancellor by instrument on behalf and in the name of Her Majesty.
- (2) The Lord Chancellor –
- (a) must assign each lay justice to one or more local justice areas, and 5
  - (b) may change an assignment so as to assign the lay justice to a different local justice area or to different local justice areas.
- (3) Every lay justice is, by virtue of his office, capable of acting as such in any local justice area (whether or not he is assigned to it); but he may do so only in accordance with arrangements made by or on behalf of the Lord Chancellor. 10
- (4) Rules may make provision about the training courses to be completed before a person may exercise functions as a lay justice in any proceedings or class of proceedings specified in the rules.
- (5) Subsection (3) is subject to section 12 (the supplemental list).
- 11 Resignation and removal of lay justices** 15
- (1) A lay justice may resign his office at any time.
- (2) The Lord Chancellor may remove a lay justice from his office by an instrument on behalf and in the name of Her Majesty –
- (a) on the ground of incapacity or misbehaviour,
  - (b) on the ground of a persistent failure to meet such standards of competence as are prescribed by a direction given by the Lord Chancellor, or 20
  - (c) if he is satisfied that the lay justice is declining or neglecting to take a proper part in the exercise of his functions as a justice of the peace.
- 12 The supplemental list** 25
- (1) A list, to be known as “the supplemental list”, must be kept in the office of the Clerk of the Crown in Chancery.
- (2) A lay justice whose name is entered in the supplemental list is not qualified as a justice of the peace to do any act or to be a member of a committee or other body. 30
- (3) No act or appointment is invalidated by reason of the disqualification of a lay justice under subsection (2).
- 13 Entry of names in the supplemental list**
- (1) Subject to subsections (2) and (3), the name of a lay justice who has reached 70 must be entered in the supplemental list. 35
- (2) The name of a lay justice who, when he reaches 70, is chairman of the lay justices assigned to a local justice area need not be entered in the supplemental list until the term for which he is serving as chairman has ended.
- (3) Where –
- (a) proceedings are, or are expected to be, in progress on the day on which the lay justice reaches 70, and 40

- 
- (b) the lay justice is exercising functions in those proceedings as a justice of the peace,  
the Lord Chancellor may direct that the name of the lay justice need not be entered in the supplemental list until the proceedings have ended.
- (4) The name of a lay justice must be entered in the supplemental list if – 5
- (a) he applies for it to be entered, and
  - (b) the application is approved by the Lord Chancellor.
- (5) The Lord Chancellor may direct that the name of a lay justice is to be entered in the supplemental list on the ground of incapacity.
- 14 Removal of names from the supplemental list 10**
- (1) A person’s name must be removed from the supplemental list if he ceases to be a justice of the peace.
- (2) A person’s name must be removed from the supplemental list if –
- (a) his name is in the list as a result of section 13(4) or (5), and
  - (b) the Lord Chancellor directs its removal. 15
- 15 Lay justices’ allowances**
- (1) A lay justice is entitled to payments by way of –
- (a) travelling allowance,
  - (b) subsistence allowance, and
  - (c) financial loss allowance. 20
- (2) Allowances under this section are to be paid by the Lord Chancellor at rates determined by him.
- (3) A lay justice’s travelling allowance is an allowance in respect of expenditure –
- (a) which is incurred by him on travelling, and
  - (b) which is necessarily incurred for the purpose of enabling him to perform his duties. 25
- (4) A lay justice’s subsistence allowance is an allowance in respect of expenditure –
- (a) which is incurred by him on subsistence, and
  - (b) which is necessarily incurred for the purpose of enabling him to perform his duties. 30
- (5) A lay justice’s financial loss allowance is an allowance in respect of –
- (a) any other expenditure incurred by reason of the performance of his duties, and
  - (b) any loss of earnings or social security benefits suffered by reason of the performance of his duties. 35
- (6) A lay justice is not entitled to a payment under this section in respect of the performance of his duties if –
- (a) a payment of a similar kind in respect of those duties may be made to him apart from this section, or
  - (b) entitlement to the payment is excluded by regulations made by the Lord Chancellor. 40

- (7) For the purposes of this section the performance of a lay justice's duties includes taking a training course provided by or on behalf of the Lord Chancellor.
- (8) The Lord Chancellor may by regulations make provision about the way in which this section is to be administered and may in particular make provision—
- (a) prescribing sums (including tax credits) that are to be treated as social security benefits for the purposes of financial loss allowances,
  - (b) prescribing the particulars to be provided for claiming payment of allowances, and
  - (c) for avoiding duplication between payments under this section and under other arrangements where expenditure is incurred for more than one purpose.

## 16 Records of lay justices

- (1) The Lord Chancellor—
- (a) must appoint a person to be keeper of the rolls for each local justice area, and
  - (b) may appoint the same person to be keeper of the rolls for more than one local justice area.
- (2) The keeper of the rolls for a local justice area must be notified, in such manner as the Lord Chancellor may direct, of—
- (a) any assignment of a lay justice to the area,
  - (b) any change in an assignment of a lay justice as a result of which he ceases to be assigned to the area, and
  - (c) the fact that a lay justice assigned to the area has ceased to be a justice of the peace or that his name has been entered in or removed from the supplemental list.
- (3) The keeper of the rolls for a local justice area must ensure that an accurate record is maintained of all lay justices for the time being assigned to the area.

*Chairman and deputy chairmen and the bench* 30

## 17 Chairman and deputy chairmen: selection

- (1) For each local justice area there is to be—
- (a) a chairman of the lay justices assigned to the area, and
  - (b) one or more deputy chairmen of those lay justices, chosen by them from among their number.
- (2) Rules may make provision—
- (a) subject to subsection (3), as to the term of office of the chairman and deputy chairmen, and
  - (b) as to the number of deputy chairmen to be elected for any area.
- (3) The Lord Chancellor, or a person acting on his behalf, may authorise a lay justice to continue to hold office as chairman or deputy chairman for the purposes of specified proceedings which are, or are expected to be, in progress on the day on which the lay justice's office would otherwise end.

- (4) Any contested election for choosing the chairman or a deputy chairman is to be held by secret ballot.
- (5) Rules may make provision for the purposes of this section and may in particular make provision –
  - (a) about the procedure for nominating candidates for election as a chairman or a deputy chairman; 5
  - (b) about the procedure at such an election;
  - (c) in relation to a contested election, restricting the right of lay justices to vote, with a view to securing that the election is made by those experienced as lay justices in the local justice area for which the election is held. 10

## 18 Rights to preside and size of bench

- (1) If the chairman for a local justice area is present at a sitting or other meeting of lay justices assigned to or acting in the area, he must preside.
- (2) If, in the absence of the chairman, one or more of the deputy chairmen for a local justice area is present at a sitting or other meeting of lay justices assigned to or acting in that area he (or the most senior of them) must preside. 15
- (3) Neither subsection (1) nor subsection (2) applies if, in accordance with rules, the chairman or (as the case may be) the deputy chairman asks another of the lay justices to preside. 20
- (4) Subsections (1) and (2) do not confer on the chairman or a deputy chairman a right to preside in court if, under rules, he is ineligible to do so.
- (5) Subsections (1) and (2) do not confer on the chairman or a deputy chairman a right to preside –
  - (a) in a youth court or family proceedings court, 25
  - (b) at meetings of a committee or other body of justices of the peace which has its own chairman, or
  - (c) at sittings when a District Judge (Magistrates' Courts) is engaged as such in administering justice.
- (6) Rules may make provision for the purposes of subsections (3) and (4) and may in particular make provision – 30
  - (a) as to training courses to be completed by lay justices before they may preside in court,
  - (b) as to –
    - (i) the approval of lay justices, in accordance with the rules, before they may preside in court, 35
    - (ii) the lay justices who may be so approved, and
    - (iii) the courts to which the approval relates, and
  - (c) as to circumstances in which a lay justice may preside in court even though requirements imposed under paragraph (a) or (b) are not met in relation to him. 40
- (7) Rules may also make provision –
  - (a) specifying the maximum number of lay justices who may sit to deal with a case as a magistrates' court, and
  - (b) as to the arrangements to be made for securing the presence on the bench of enough, but not more than enough, lay justices. 45

*Supplementary provisions about the bench***19 Training, development and appraisal of lay justices**

- (1) Rules may (in addition to making provision under sections 10(4) and 18(6)) make provision for, or in connection with, the training, development and appraisal of lay justices. 5
- (2) Such rules may make provision for committees, constituted in accordance with the rules, to have such functions as may be specified in the rules, including, in particular—
- (a) providing advice and support to lay justices in connection with their functions as lay justices; 10
  - (b) identifying the training needs of lay justices;
  - (c) appraising lay justices and reporting on the results of appraisals;
  - (d) giving or withholding approval for the purposes of section 18;
  - (e) advising the Lord Chancellor in relation to authorisations of lay justices as members of family proceedings courts or youth courts; 15
  - (f) granting or revoking such authorisations on behalf of the Lord Chancellor.
- (3) The Lord Chancellor must ensure that appropriate training and training materials are provided for lay justices with a view to enabling them to comply with requirements as to training imposed by rules under section 10 or 18 or this section. 20

**20 Rules**

- (1) In sections 10, 17, 18 and 19 “rules” means rules made by the Lord Chancellor.
- (2) Before making any rules for the purposes of section 10, 17, 18 or 19 the Lord Chancellor must consult— 25
- (a) the Criminal Procedure Rule Committee,
  - (b) the Family Procedure Rule Committee, and
  - (c) the Magistrates’ Courts Rule Committee.

**21 Duty to consult lay justices on matters affecting them etc.**

- The Lord Chancellor must take all reasonable and practicable steps— 30
- (a) for ensuring that lay justices acting in a local justice area are kept informed of matters affecting them in the performance of their duties, and
  - (b) for ascertaining their views on such matters.

*District Judges (Magistrates’ Courts)* 35

**22 Appointment etc.**

- (1) Her Majesty may, on the recommendation of the Lord Chancellor, appoint a person who has a 7 year general qualification to be a District Judge (Magistrates’ Courts).



- (2) A District Judge (Magistrates' Courts) must, before acting as such, take the oath of allegiance and judicial oath in accordance with the Promissory Oaths Act 1868 (c. 72) and the Promissory Oaths Act 1871 (c. 48).
- (3) The Lord Chancellor may pay to a District Judge (Magistrates' Courts) such allowances as he may determine. 5
- (4) Any such allowances are in addition to the salary charged on and paid out of the Consolidated Fund under section 9 of the Administration of Justice Act 1973 (c. 15).
- (5) The Lord Chancellor may remove a District Judge (Magistrates' Courts) from office on the ground of incapacity or misbehaviour. 10

### **23 Senior District Judge (Chief Magistrate)**

The Lord Chancellor –

- (a) may designate one of the District Judges (Magistrates' Courts) to be Senior District Judge (Chief Magistrate), and
- (b) if he does so, may designate another of them to be the deputy of the Senior District Judge (Chief Magistrate). 15

### **24 Deputy District Judges (Magistrates' Courts)**

- (1) The Lord Chancellor may appoint a person who has a 7 year general qualification to be a Deputy District Judge (Magistrates' Courts) for such period as the Lord Chancellor considers appropriate (but subject to subsection (4)). 20
- (2) A Deputy District Judge (Magistrates' Courts) must, before acting as such, take the oath of allegiance and judicial oath in accordance with the Promissory Oaths Act 1868 and the Promissory Oaths Act 1871.
- (3) The Lord Chancellor may pay to a Deputy District Judge (Magistrates' Courts) such remuneration and allowances as he may determine. 25
- (4) The Lord Chancellor may remove a Deputy District Judge (Magistrates' Courts) from office on the ground of incapacity or misbehaviour.
- (5) During the period of his appointment, a Deputy District Judge (Magistrates' Courts) – 30
  - (a) is to act as a District Judge (Magistrates' Courts), and
  - (b) is to be treated for all purposes (apart from appointment, tenure, remuneration, allowances and pensions) as if he were a District Judge (Magistrates' Courts).

### **25 District Judges (Magistrates' Courts) as justices of the peace** 35

- (1) A District Judge (Magistrates' Courts) is by virtue of his office a justice of the peace for England and Wales.
- (2) It is the duty of a District Judge (Magistrates' Courts) to act as a justice of the peace in any local justice area in accordance with arrangements made by or on behalf of the Lord Chancellor. 40

**26 District Judges (Magistrates' Courts) able to act alone**

- (1) Nothing in the 1980 Act –
- (a) requiring a magistrates' court to be composed of two or more justices, or
  - (b) limiting the powers of a magistrates' court when composed of a single justice,
- applies to a District Judge (Magistrates' Courts). 5
- (2) A District Judge (Magistrates' Courts) may –
- (a) do any act, and
  - (b) exercise alone any jurisdiction,
- which can be done or exercised by two justices, apart from granting or transferring a licence. 10
- (3) Any enactment making provision ancillary to the jurisdiction exercisable by two justices of the peace also applies to the jurisdiction of a District Judge (Magistrates' Courts), unless the provision relates to granting or transferring a licence. 15
- (4) This section does not apply to the hearing or determination of family proceedings (as defined by section 65 of the 1980 Act).
- (5) "The 1980 Act" means the Magistrates' Courts Act 1980 (c. 43).

*Justices' clerks and assistant clerks* 20

**27 Justices' clerks and assistant clerks**

- (1) A justices' clerk is a person who is –
- (a) appointed by the Lord Chancellor under section 2(1), and
  - (b) designated by the Lord Chancellor as a justices' clerk.
- (2) A person may be designated as a justices' clerk only if he – 25
- (a) has a 5 year magistrates' court qualification,
  - (b) is a barrister or solicitor who has served for not less than 5 years as an assistant to a justices' clerk, or
  - (c) has previously been a justices' clerk.
- (3) The Lord Chancellor – 30
- (a) must assign each justices' clerk to one or more local justice areas, and
  - (b) subject to subsection (4), may change an assignment so as to assign the justices' clerk to a different local justice area or to different local justice areas.
- (4) Before changing an assignment of a justices' clerk so that he is no longer assigned to a local justice area, the Lord Chancellor must consult – 35
- (a) the chairman of the lay justices assigned to that area, or
  - (b) if it is not possible or not practicable to consult the chairman, the deputy chairman or such of the lay justices assigned to or acting in the area as appear to the Lord Chancellor appropriate. 40
- (5) An assistant to a justices' clerk is a person who is –
- (a) appointed by the Lord Chancellor under section 2(1) or provided under a contract made by virtue of section 2(4), and

- (b) designated by the Lord Chancellor as an assistant to a justices' clerk.
- (6) The Lord Chancellor may by regulations provide that, subject to such exceptions as may be prescribed by the regulations, a person may be designated as an assistant to a justices' clerk only if he –
  - (a) has a 5 year magistrates' court qualification, or
  - (b) has such qualifications as may be prescribed by, or approved by the Lord Chancellor in accordance with, the regulations.
- (7) In this Part “assistant clerk” is short for “assistant to a justices' clerk”.

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## 28 Functions

- (1) Rules may make provision enabling things authorised to be done by, to or before a single justice of the peace to be done instead by, to or before a justices' clerk. 10
- (2) Rules may also make provision enabling things authorised to be done by, to or before a justices' clerk (whether by virtue of subsection (1) or otherwise) to be done instead by, to or before an assistant clerk. 15
- (3) An enactment or rule of law which –
  - (a) regulates the exercise of any jurisdiction or powers of justices of the peace, or
  - (b) relates to things done in the exercise or purported exercise of any such jurisdiction or powers,applies in relation to the exercise or purported exercise of any such jurisdiction or powers by a justices' clerk by virtue of subsection (1) as if he were a justice of the peace. 20
- (4) The functions of a justices' clerk include giving advice to any or all of the justices of the peace to whom he is clerk about matters of law (including procedure and practice) on questions arising in connection with the discharge of their functions, including questions arising when the clerk is not personally attending on them. 25
- (5) The powers of a justices' clerk include, at any time when he thinks he should do so, bringing to the attention of any or all of the justices of the peace to whom he is clerk any point of law (including procedure and practice) that is or may be involved in any question so arising. 30
- (6) For the purposes of subsections (4) and (5) the functions of justices of the peace do not include functions as a judge of the Crown Court.
- (7) Subsections (4) and (5) do not limit – 35
  - (a) the powers and duties of a justices' clerk, or
  - (b) the matters on which justices of the peace may obtain assistance from their clerk.
- (8) In this section “rules” means rules made by the Lord Chancellor.
- (9) Before making any rules for the purposes of this section the Lord Chancellor must consult – 40
  - (a) the Criminal Procedure Rule Committee,
  - (b) the Family Procedure Rule Committee, and
  - (c) the Magistrates' Courts Rule Committee.

**29 Independence**

- (1) A justices' clerk exercising—
- (a) a function exercisable by one or more justices of the peace,
  - (b) a function specified in section 28(4) or (5) (advice on matters of law, including procedure and practice), or
  - (c) a function as a member of the Criminal Procedure Rule Committee or the Family Procedure Rule Committee,
- is not subject to the direction of the Lord Chancellor or any other person. 5
- (2) An assistant clerk who is exercising any such function is not subject to the direction of any person other than a justices' clerk. 10

*Places, dates and times of sittings***30 Places, dates and times of sittings**

- (1) The Lord Chancellor may give directions as to the places in England and Wales at which magistrates' courts may sit.
- (2) In exercising his powers under subsection (1), the Lord Chancellor shall have regard to the need to ensure that court-houses are locally accessible by persons resident in each local justice area. 15
- (3) The Lord Chancellor may, with the concurrence of the Lord Chief Justice, give directions as to the distribution and transfer of the general business of magistrates' courts between the places specified in directions under subsection (1). 20
- (4) Directions under subsection (3) may, in particular, contain provision that, where a person is charged with an offence and is being required to appear before a magistrates' court, the place where he is required to appear is one of the places described in subsection (5). 25
- (5) The places are—
- (a) a place in the local justice area in which the offence is alleged to have been committed;
  - (b) a place in the local justice area in which the person charged with the offence resides;
  - (c) a place in the local justice area in which the witnesses, or the majority of the witnesses, reside;
  - (d) a place where other cases raising similar issues are being dealt with. 30
- (6) "The general business of magistrates' courts" does not include family proceedings (as defined in section 65 of the 1980 Act). 35
- (7) The Lord Chancellor may give directions as to the days on which and times at which magistrates' courts may sit.
- (8) Subject to any directions under subsection (7), the business of magistrates' courts may be conducted on any day and at any time.

*Protection and indemnification of justices and justices' clerks*

**31 Immunity for acts within jurisdiction**

- (1) No action lies against a justice of the peace in respect of what he does or omits to do –
  - (a) in the execution of his duty as a justice of the peace, and 5
  - (b) in relation to a matter within his jurisdiction.
- (2) No action lies against a justices' clerk or an assistant clerk in respect of what he does or omits to do –
  - (a) in the execution of his duty as a justices' clerk or assistant clerk exercising, by virtue of an enactment, a function of a single justice of the peace, and 10
  - (b) in relation to a matter within his jurisdiction.

**32 Immunity for certain acts beyond jurisdiction**

- (1) An action lies against a justice of the peace in respect of what he does or omits to do – 15
  - (a) in the purported execution of his duty as a justice of the peace, but
  - (b) in relation to a matter not within his jurisdiction, if, but only if, it is proved that he acted in bad faith.
- (2) An action lies against a justices' clerk or an assistant clerk in respect of what he does or omits to do – 20
  - (a) in the purported execution of his duty as a justices' clerk or assistant clerk exercising, by virtue of an enactment, a function of a single justice of the peace, but
  - (b) in relation to a matter not within his jurisdiction, if, but only if, it is proved that he acted in bad faith. 25

**33 Striking out proceedings where action prohibited**

- (1) If an action is brought in circumstances in which section 31 or 32 provides that no action lies, a judge of the court in which the action is brought may, on the application of the defendant, strike out the proceedings in the action.
- (2) If a judge strikes out proceedings under subsection (1), he may if he thinks fit order the person bringing the action to pay costs. 30

**34 Costs in legal proceedings**

- (1) A court may not order a justice of the peace to pay costs in any proceedings in respect of what he does or omits to do in the execution (or purported execution) of his duty as a justice of the peace. 35
- (2) A court may not order –
  - (a) a justices' clerk, or
  - (b) an assistant clerk,to pay costs in any proceedings in respect of what he does or omits to do in the execution (or purported execution) of his duty as a justices' clerk or assistant clerk exercising, by virtue of an enactment, a function of a single justice of the peace. 40

- 
- (3) But subsections (1) and (2) do not apply in relation to any proceedings in which a justice of the peace, justices' clerk or assistant clerk –
- (a) is being tried for an offence or is appealing against a conviction, or
  - (b) is proved to have acted in bad faith in respect of the matters giving rise to the proceedings. 5
- (4) A court which is prevented by subsection (1) or (2) from ordering a justice of the peace, justices' clerk or assistant clerk to pay costs in any proceedings may instead order the Lord Chancellor to make a payment in respect of the costs of a person in the proceedings.
- (5) The Lord Chancellor may make regulations specifying – 10
- (a) circumstances in which a court must or must not exercise the power conferred on it by subsection (4), and
  - (b) how the amount of any payment ordered under subsection (4) is to be determined.
- 35 Indemnity 15**
- (1) “Indemnifiable amounts”, in relation to a justice of the peace, justices' clerk or assistant clerk, means –
- (a) costs which he reasonably incurs in or in connection with proceedings in respect of anything done or omitted to be done in the exercise (or purported exercise) of his duty as a justice of the peace, justices' clerk or assistant clerk, 20
  - (b) costs which he reasonably incurs in taking steps to dispute a claim which might be made in such proceedings,
  - (c) damages awarded against him or costs ordered to be paid by him in such proceedings, or 25
  - (d) sums payable by him in connection with a reasonable settlement of such proceedings or such a claim.
- (2) Indemnifiable amounts relate to criminal matters if the duty mentioned in subsection (1)(a) relates to criminal matters.
- (3) The Lord Chancellor must indemnify a justice of the peace, justices' clerk or assistant clerk in respect of – 30
- (a) indemnifiable amounts which relate to criminal matters, unless it is proved, in respect of the matters giving rise to the proceedings or claim, that he acted in bad faith, and
  - (b) other indemnifiable amounts if, in respect of the matters giving rise to the proceedings or claim, he acted reasonably and in good faith. 35
- (4) The Lord Chancellor may indemnify a justice of the peace, justices' clerk or assistant clerk in respect of other indemnifiable amounts unless it is proved, in respect of the matters giving rise to the proceedings or claim, that he acted in bad faith. 40
- (5) Any question whether, or to what extent, a person is to be indemnified under this section is to be determined by the Lord Chancellor.
- (6) The Lord Chancellor may, if the person claiming to be indemnified so requests, make a determination for the purposes of this section with respect to – 45
- (a) costs such as are mentioned in subsection (1)(a) or (b), or
  - (b) sums such as are mentioned in subsection (1)(d),

before the costs are incurred or the settlement in connection with which the sums are payable is made.

- (7) But a determination under subsection (6) before costs are incurred –
- (a) is subject to such limitations (if any) as the Lord Chancellor thinks proper and to the subsequent determination of the costs reasonably incurred, and
  - (b) does not affect any other determination which may fall to be made in connection with the proceedings or claim in question.

*Fines officers and designated officers*

**36 Fines officers** 10

- (1) Any reference in an enactment to a fines officer is to a person who is –
- (a) appointed by the Lord Chancellor under section 2(1), and
  - (b) designated as a fines officer by the Lord Chancellor.
- (2) Schedule 3 contains provisions about collection of fines by fines officers.
- (3) But Schedule 3 is to have effect only in accordance with –
- (a) subsections (4) and (5) (pilot schemes), or
  - (b) subsections (6) to (8) (power to make scheme, or modified version of scheme, permanent after completion of pilots).
- (4) The Lord Chancellor may by order provide that Schedule 3 is to have effect for the period specified in the order in relation to a local justice area, or in relation to particular local justice areas, specified in the order.
- (5) An order under subsection (4) may make provision modifying Schedule 3, or any enactment in connection with the operation of Schedule 3, in relation to the specified local justice area or areas and the specified period.
- (6) The Lord Chancellor may, at the end of the relevant period, by order provide that Schedule 3 is to have effect –
- (a) in all local justice areas, and
  - (b) indefinitely.
- (7) “The relevant period” means –
- (a) if one order has been made under subsection (4), the end of the period specified in the order;
  - (b) if more than one order has been made under subsection (4), the end of the latest specified period.
- (8) An order under subsection (6) may make such amendments of –
- (a) Schedule 3, and
  - (b) any other enactments,
- as appear to the Lord Chancellor appropriate in the light of the operation of the Schedule in accordance with the order made under subsection (4) (pilot schemes).

**37 Designated officers and magistrates' courts**

- (1) Any reference in an enactment to the designated officer, in relation to a magistrates' court, justice of the peace or local justice area, is to a person who is –
- (a) appointed by the Lord Chancellor under section 2(1) or provided under a contract made by virtue of section 2(4), and 5
  - (b) designated by the Lord Chancellor in relation to that court, justice of the peace or area.
- (2) In this section “magistrates' court” includes –
- (a) a committee of justices, and 10
  - (b) when exercising a function exercisable by one or more justices of the peace –
    - (i) a justices' clerk, and
    - (ii) an assistant clerk.

*Application of receipts of magistrates' courts etc.* 15

**38 Application of receipts of designated officers**

- (1) The following are to be paid to the Lord Chancellor –
- (a) fines imposed by a magistrates' court,
  - (b) sums which –
    - (i) become payable by virtue of an order of a magistrates' court, and 20
    - (ii) are by an enactment made applicable as fines (or any description of fines) imposed by a magistrates' court, and
  - (c) all other sums received by –
    - (i) a designated officer for a magistrates' court, or 25
    - (ii) a designated officer for a local justice area, in his capacity as such.
- (2) “Fine” includes –
- (a) any pecuniary penalty, pecuniary forfeiture or pecuniary compensation payable under a conviction, and 30
  - (b) any pecuniary forfeiture on conviction by, or under any order of, a magistrates' court so far as the forfeiture is converted into or consists of money.
- (3) For the purposes of this section anything done by the Crown Court on appeal from a magistrates' court is to be treated as done by the magistrates' court. 35
- (4) Any sums received by the Lord Chancellor under this section are to be paid by him into the Consolidated Fund.

**39 Limits to requirements about application of receipts**

- (1) Section 38(1) is subject to section 139 of the 1980 Act (sums paid on summary conviction applied for payment of compensation and costs). 40
- (2) Paragraphs (a) and (b) of section 38(1) do not apply to sums which, by or under any enactment, are directed to be paid to –



- 
- (a) the Commissioners of Customs and Excise, or
  - (b) officers of, or persons appointed by, the Commissioners.
- (3) Those paragraphs also do not apply to sums which, by or under any enactment, are directed –
- (a) to be paid to or for the benefit of – 5
    - (i) the party aggrieved or injured or a person described in similar terms, or
    - (ii) the family or relatives of a person described in any such terms or of a person dying in consequence of an act or event which constituted or was the occasion of an offence, 10
  - (b) to be applied in making good any default or repairing any damage or reimbursing any expenses (other than those of the prosecution), or
  - (c) to be paid to any person, if the enactment refers in terms to awarding or reimbursing a loss or to damages, compensation or satisfaction for loss, damage, injury or wrong. 15
- (4) Paragraph (c) of section 38(1) does not apply to –
- (a) sums to which a person other than the Lord Chancellor is by law entitled and which are paid to that person, or
  - (b) sums received by a designated officer on account of his salary or expenses as such. 20
- (5) Any sum paid to the Lord Chancellor by virtue of paragraph (c) of section 38(1) is to be paid to him subject to being repaid to any person establishing his title to it.
- 40 Regulations about payments, accounting and banking by designated officers**
- (1) The Lord Chancellor may, with the concurrence of the Treasury, make regulations – 25
- (a) as to the times at which, and the manner in which, a designated officer is to pay sums payable by him in his capacity as such to the Lord Chancellor or any other person,
  - (b) requiring the keeping of accounts by designated officers in respect of sums received by them, 30
  - (c) as to the production, inspection and audit of accounts required to be kept, and
  - (d) requiring designated officers to use – 35
    - (i) specified banking arrangements or facilities, or
    - (ii) banking arrangements or facilities of a specified description, in relation to sums received by them.
- (2) Regulations under this section may make different provision in relation to different descriptions of designated officer.
- Miscellaneous* 40
- 41 Disqualification of lay justices who are members of local authorities**
- (1) A lay justice who is a member of a local authority may not act as a member of the Crown Court or a magistrates' court in proceedings brought by or against, or by way of an appeal from a decision of –

- 
- (a) that local authority,  
 (b) a committee or officer of that local authority, or  
 (c) if that local authority is operating executive arrangements (within the meaning of Part 2 of the Local Government Act 2000 (c. 22))—  
     (i) the executive of that local authority (within the meaning of that Part), or  
     (ii) any person acting on behalf of that executive. 5
- (2) A lay justice who is a member of the Common Council of the City of London may not act as a member of the Crown Court or a magistrates' court in proceedings brought by or against, or by way of an appeal from a decision of— 10  
 (a) the Corporation of the City,  
 (b) the Common Council, or  
 (c) a committee or officer of the Corporation or the Common Council.
- (3) A joint committee, joint board, joint authority or other combined body— 15  
 (a) of which a local authority, the Corporation or the Common Council is a member, or  
 (b) on which the local authority, the Corporation or the Council is represented,  
 is to be regarded for the purposes of this section as a committee of the local authority, Corporation or Common Council. 20
- (4) Any reference in this section to an officer of—  
 (a) a local authority,  
 (b) the Corporation, or  
 (c) the Common Council,  
 is to a person employed or appointed by, or by a committee of, the local authority, Corporation or Common Council in the capacity in which he is employed or appointed to act. 25
- (5) No act is invalidated merely because of the disqualification under this section of the person by whom it is done.
- (6) “Local authority” means— 30  
 (a) a local authority within the meaning of the Local Government Act 1972 (c. 70),  
 (b) a local authority constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39),  
 (c) a police authority established under section 3 of the Police Act 1996 (c. 16), the Metropolitan Police Authority, the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad, 35  
 (d) the London Fire and Emergency Planning Authority,  
 (e) a joint authority established under Part 4 of the Local Government Act 1985 (c. 51), 40  
 (f) a National Park Authority,  
 (g) the Broads Authority, or  
 (h) a housing action trust established under Part 3 of the Housing Act 1988 (c. 50). 45

**42 Effect of Act of Settlement on existing justices of the peace**

Nothing in section 3 of the Act of Settlement (1700 c. 2) (certain persons born outside the United Kingdom) invalidates –

- (a) any appointment before 31st January 2002 of a justice of the peace, or
- (b) any act done by virtue of such an appointment. 5

**PART 3**

**MAGISTRATES' COURTS**

*Criminal jurisdiction and procedure*

**43 Summons or warrant for suspected offender**

- (1) For section 1(1) of the 1980 Act (issue of summons to accused or warrant for his arrest), substitute – 10

“(1) On an information being laid before a justice of the peace that a person has, or is suspected of having, committed an offence, the justice may issue –

- (a) a summons directed to that person requiring him to appear before a magistrates' court to answer the information, or 15
- (b) a warrant to arrest that person and bring him before a magistrates' court.”

- (2) Omit section 1(2), (5) and (8) of the 1980 Act.

**44 Trial of summary offences** 20

For section 2 of the 1980 Act substitute –

**“2 Trial of summary offences**

- (1) A magistrates' court has jurisdiction to try any summary offence.
- (2) A magistrates' court has jurisdiction as examining justices over any offence committed by a person who appears or is brought before the court. 25
- (3) Subject to –
  - (a) sections 18 to 22, and
  - (b) any other enactment (wherever contained) relating to the mode of trial of offences triable either way, 30a magistrates' court has jurisdiction to try summarily any offence which is triable either way.
- (4) A magistrates' court has jurisdiction, in the exercise of its powers under section 24, to try summarily an indictable offence.
- (5) This section does not affect any jurisdiction over offences conferred on a magistrates' court by any enactment not contained in this Act.” 35

**45 Power to make rulings at pre-trial hearings**

- (1) Schedule 4 contains amendments of the 1980 Act relating to rulings at pre-trial hearings in magistrates' courts.
- (2) The amendments made by the Schedule apply in relation to pre-trial hearings beginning on or after the day on which it comes into force.

5

**46 Power to transfer criminal cases**

- (1) After section 27 of the 1980 Act insert –

*“Transfer of criminal proceedings***27A Power to transfer criminal proceedings**

- (1) Where a person appears or is brought before a magistrates' court – 10
  - (a) to be tried by the court for an offence, or
  - (b) for the court to inquire into the offence as examining justices, the court may transfer the matter to another magistrates' court.
- (2) The court may transfer the matter before or after beginning the trial or inquiry. 15
- (3) But if the court transfers the matter after it has begun to hear the evidence and the parties, the court to which the matter is transferred must begin hearing the evidence and the parties again.
- (4) The power of the court under this section to transfer any matter must be exercised in accordance with any directions given under section 30(3) of the Courts Act 2003.” 20
- (2) Omit section 3B of the 1980 Act (transfer of trials of summary offences).

*Civil jurisdiction and procedure***47 Jurisdiction to issue summons and deal with complaints**

- (1) For section 51 of the 1980 Act (issue of summons on complaint) substitute – 25

**“51 Issue of summons on complaint**

Where a complaint relating to a person is made to a justice of the peace, the justice of the peace may issue a summons to the person requiring him to appear before a magistrates' court to answer to the complaint.”

- (2) For section 52 of the 1980 Act (jurisdiction to deal with complaints) substitute – 30

**“52 Jurisdiction to deal with complaints**

- (1) A magistrates' court has jurisdiction to hear any complaint.
- (2) But subsection (1) is subject to provision made by any enactment.”

**48 Power to transfer civil proceedings (other than family proceedings)**

After section 57 of the 1980 Act insert –

*“Transfer of civil proceedings (other than family proceedings)*

**57A Power to transfer civil proceedings (other than family proceedings)**

- (1) A magistrates’ court may at any time, whether before or after beginning to hear a complaint, transfer the hearing to another magistrates’ court. 5
- (2) But if the court transfers the matter after it has begun to hear the evidence and the parties, the court to which the matter is transferred must begin hearing the evidence and the parties again. 10
- (3) This section does not apply to family proceedings.
- (4) The power of the court under this section to transfer a hearing must be exercised in accordance with any directions given under section 30(3) of the Courts Act 2003.”

*Family proceedings courts and youth courts* 15

**49 Family proceedings courts**

- (1) For section 67 of the 1980 Act (family proceedings courts and panels) substitute –

**“67 Family proceedings courts**

- (1) Magistrates’ courts – 20
  - (a) constituted in accordance with this section or section 66 of the Courts Act 2003 (judges having powers of District Judges (Magistrates’ Courts)), and
  - (b) sitting for the purpose of hearing family proceedings, are to be known as family proceedings courts. 25
- (2) A justice of the peace is not qualified to sit as a member of a family proceedings court to hear family proceedings of any description unless he has an authorisation extending to the proceedings.
- (3) He has an authorisation extending to the proceedings only if he has been authorised by the Lord Chancellor or a person acting on his behalf to sit as a member of a family proceedings court to hear – 30
  - (a) proceedings of that description, or
  - (b) all family proceedings.
- (4) The Lord Chancellor may by rules make provision about – 35
  - (a) the grant and revocation of authorisations,
  - (b) the appointment of chairmen of family proceedings courts, and
  - (c) the composition of family proceedings courts.
- (5) Rules under subsection (4) may confer powers on the Lord Chancellor with respect to any of the matters specified in the rules.

- 
- (6) Rules under subsection (4) may be made only after consultation with the Family Procedure Rule Committee.
- (7) Rules under subsection (4) are to be made by statutory instrument.
- (8) A statutory instrument containing rules under subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament.” 5
- (2) Omit section 68 of the 1980 Act (combined family panels for two or more petty sessions areas).
- 50 Youth courts**
- (1) For section 45 of the 1933 Act (constitution of youth courts) substitute— 10
- “45 Youth courts**
- (1) Magistrates' courts—
- (a) constituted in accordance with this section or section 66 of the Courts Act 2003 (judges having powers of District Judges (Magistrates' Courts)), and 15
- (b) sitting for the purpose of—
- (i) hearing any charge against a child or young person or
- (ii) exercising any other jurisdiction conferred on youth courts by or under this or any other Act,
- are to be known as youth courts. 20
- (2) A justice of the peace is not qualified to sit as a member of a youth court for the purpose of dealing with any proceedings unless he has an authorisation extending to the proceedings.
- (3) He has an authorisation extending to the proceedings only if he has been authorised by the Lord Chancellor or a person acting on his behalf 25 to sit as a member of a youth court to deal with—
- (a) proceedings of that description, or
- (b) all proceedings dealt with by youth courts.
- (4) The Lord Chancellor may by rules make provision about— 30
- (a) the grant and revocation of authorisations,
- (b) the appointment of chairmen of youth courts, and
- (c) the composition of youth courts.
- (5) Rules under subsection (4) may confer powers on the Lord Chancellor with respect to any of the matters specified in the rules.
- (6) Rules under subsection (4) may be made only after consultation with the Criminal Procedure Rule Committee. 35
- (7) Rules under subsection (4) are to be made by statutory instrument.
- (8) A statutory instrument containing rules under subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament.” 40
- (2) Omit Schedule 2 to the 1933 Act (constitution of youth courts).

- (3) Omit section 146 of the 1980 Act (rules relating to youth court panels and the composition of youth courts).
- (4) “The 1933 Act” means the Children and Young Persons Act 1933 (c. 12).

#### PART 4

#### COURT SECURITY

5

#### 51 Court security officers

- (1) A court security officer is a person who is—
  - (a) appointed by the Lord Chancellor under section 2(1) or provided under a contract made by virtue of section 2(4), and
  - (b) designated by the Lord Chancellor as a court security officer. 10
- (2) The Lord Chancellor may by regulations make provision as to—
  - (a) training courses to be completed by court security officers;
  - (b) conditions to be met before a person may be designated as a court security officer.
- (3) For the purposes of this Part a court security officer who is not readily identifiable as such (whether by means of his uniform or badge or otherwise), is not to be regarded as acting in the execution of his duty. 15

#### 52 Powers of search

- (1) A court security officer acting in the execution of his duty may search—
  - (a) any person who is in, or seeking to enter, a court building, and 20
  - (b) any article in the possession of such a person.
- (2) Subsection (1) does not authorise the officer to require a person to remove any of his clothing other than a coat, jacket, headgear, gloves or footwear.
- (3) In this Part “court building” means any building—
  - (a) where the business of any of the courts referred to in section 1 is carried on, and 25
  - (b) to which the public has access.

#### 53 Powers to exclude, remove or restrain persons

- (1) A court security officer acting in the execution of his duty may exclude or remove from a court building, or a part of a court building, any person who refuses—
  - (a) to permit a search under section 52(1), or 30
  - (b) to surrender an article in his possession when asked to do so under section 54(1).
- (2) A court security officer acting in the execution of his duty may—
  - (a) restrain any person who is in a court building, or 35
  - (b) exclude or remove any person from a court building, or a part of a court building,if it is reasonably necessary to do so for one of the purposes given in subsection (3). 40

- (3) The purposes are –
- (a) enabling court business to be carried on without interference or delay;
  - (b) maintaining order;
  - (c) securing the safety of any person in the court building.
- (4) A court security officer acting in the execution of his duty may remove any person from a courtroom at the request of a judge or a justice of the peace. 5
- (5) The powers conferred by subsections (1), (2) and (4) include power to use reasonable force, where necessary.

#### 54 Surrender and seizure of articles

- (1) If a court security officer acting in the execution of his duty reasonably believes that an article in the possession of a person who is in, or seeking to enter, a court building ought to be surrendered on any of the grounds given in subsection (3), he must ask the person to surrender the article. 10
- (2) If the person refuses to surrender the article, the officer may seize it.
- (3) The grounds are that the article – 15
- (a) may jeopardise the maintenance of order in the court building (or a part of it),
  - (b) may put the safety of any person in the court building at risk, or
  - (c) may be evidence of, or in relation to, an offence.

#### 55 Powers to retain articles surrendered or seized

- (1) Subject to subsection (2), a court security officer may retain an article which was – 20
- (a) surrendered in response to a request under section 54(1), or
  - (b) seized under section 54(2),
- until the time when the person who surrendered it, or from whom it was seized, is leaving the court building. 25
- (2) If a court security officer reasonably believes that the article may be evidence of, or in relation to, an offence, he may retain it until –
- (a) the time when the person who surrendered it, or from whom it was seized, is leaving the court building, or 30
  - (b) the end of the permitted period,
- whichever is later.
- (3) “The permitted period” means such period, not exceeding 24 hours from the time the article was surrendered or seized, as will enable the court security officer to draw the article to the attention of a constable. 35

#### 56 Regulations about retention of articles

- (1) The Lord Chancellor may by regulations make provision as to –
- (a) the provision to persons –
    - (i) by whom articles have been surrendered in response to a request under section 54(1), or 40
    - (ii) from whom articles have been seized under section 54(2),



- of written information about the powers of retention of court security officers,
  - (b) the keeping of records about articles which have been so surrendered or seized,
  - (c) the period for which unclaimed articles have to be kept, and 5
  - (d) the disposal of unclaimed articles at the end of that period.
- (2) “Unclaimed article” means an article –
- (a) which has been retained under section 55,
  - (b) which a person is entitled to have returned to him,
  - (c) which has not been returned, and 10
  - (d) whose return has not been requested by a person entitled to it.

### **57 Assaulting and obstructing court security officers**

- (1) Any person who assaults a court security officer acting in the execution of his duty commits an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to – 15
  - (a) a fine not exceeding level 5 on the standard scale, or
  - (b) imprisonment for a term not exceeding 6 months, or to both.
- (3) A person who resists or wilfully obstructs a court security officer acting in the execution of his duty commits an offence. 20
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **PART 5**

### **INSPECTORS OF COURT ADMINISTRATION 25**

### **58 Inspectors of court administration etc.**

- (1) The Lord Chancellor may appoint such number of inspectors of court administration as he considers appropriate.
- (2) They are to be known collectively as “Her Majesty’s Inspectorate of Court Administration”. 30
- (3) The Lord Chancellor must appoint one of the persons so appointed to be Her Majesty’s Chief Inspector of Court Administration.
- (4) In this Part that person is referred to as “the Chief Inspector”.
- (5) The Lord Chancellor may make to or in respect of inspectors of court administration such payments by way of remuneration, allowances or otherwise as he may determine. 35
- (6) In this Act –
  - (a) “CAFCASS” means the Children and Family Court Advisory and Support Service, and
  - (b) “CAFCASS functions” means the functions of CAFCASS and its officers. 40

**59 Functions of inspectors**

- (1) It is the duty of inspectors of court administration to –
- (a) inspect and report to the Lord Chancellor on the system that supports the carrying on of the business of the courts listed in subsection (2) and the services provided for those courts; 5
  - (b) inspect and report to the Lord Chancellor on the performance of CAFCASS functions;
  - (c) discharge any other particular functions which may be specified in connection with –
    - (i) the courts listed in subsection (2), or 10
    - (ii) CAFCASS functions or related functions of any other person.
- (2) The courts are –
- (a) the Crown Court,
  - (b) county courts, and
  - (c) magistrates’ courts. 15
- (3) The Lord Chancellor may by order –
- (a) add to the list in subsection (2) any court having jurisdiction in the United Kingdom, other than one having jurisdiction only in relation to Scotland or Northern Ireland, and
  - (b) remove any court from the list. 20
- (4) “Specified” means specified in a direction given by the Lord Chancellor; but before giving any such direction the Lord Chancellor must consult the Chief Inspector.
- (5) Nothing in this section is to be read as enabling inspectors to inspect persons –
- (a) making judicial decisions, or 25
  - (b) exercising any judicial discretion.

**60 Functions of Chief Inspector**

- (1) The Chief Inspector must make an annual report to the Lord Chancellor as to the discharge of the functions of Her Majesty’s Inspectorate of Court Administration. 30
- (2) The Lord Chancellor may give directions as to –
- (a) the information to be included in the report,
  - (b) the form of the report, and
  - (c) the time by which the report is to be made.
- (3) The Lord Chancellor must, within one month of receiving the annual report, lay a copy of it before both Houses of Parliament. 35
- (4) The Chief Inspector must report to the Lord Chancellor on any matter which the Lord Chancellor refers to him and which is connected with –
- (a) the courts listed in section 59(2), or
  - (b) CAFCASS functions or related functions of any other person. 40
- (5) The Chief Inspector may designate an inspector of court administration to discharge his functions during any period when he is absent or unable to act.

**61 Rights of entry and inspection**

- (1) An inspector exercising functions under section 59 may enter –
- (a) any place of work occupied by persons provided under a contract made by the Lord Chancellor by virtue of section 2(4);
  - (b) any premises occupied by CAFCASS. 5
- (2) An inspector exercising functions under section 59 may inspect and take copies of –
- (a) any records kept by persons provided under a contract made by the Lord Chancellor by virtue of section 2(4), or
  - (b) any records kept by CAFCASS or other documents containing information relating to the performance of CAFCASS functions, which he considers relevant to the discharge of his functions. 10
- (3) Subsection (1) does not entitle an inspector –
- (a) to be present when a court listed in section 59(2) is hearing proceedings in private, or
  - (b) to attend any private deliberations of persons having jurisdiction to hear or determine any proceedings. 15
- (4) The records referred to in subsection (2) include records kept by means of a computer. 5
- (5) An inspector exercising the power under subsection (2) to inspect records – 20
- (a) is entitled to have access to, and inspect and check the operation of, any computer and associated apparatus or material which is or has been in use in connection with the records in question, and
  - (b) may require –
- (i) the person by whom or on whose behalf the computer is or has been used, or
  - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material, to afford him such reasonable assistance as he may require. 25
- (6) The powers conferred by subsections (1), (2) and (5) may be exercised at reasonable times only. 30

**PART 6**

**JUDGES**

*Offices, titles, styles etc.*

**62 Head and Deputy Head of Civil Justice**

- (1) The Lord Chancellor must appoint a person to be Head of Civil Justice and may appoint a person to be Deputy Head of Civil Justice. 35
- (2) No person may be appointed under subsection (1) unless he is –
- (a) the Master of the Rolls,
  - (b) the Vice-Chancellor, or
  - (c) an ordinary judge of the Court of Appeal. 40

- (3) A person appointed as Head of Civil Justice or Deputy Head of Civil Justice holds that office in accordance with the terms of his appointment.

### 63 Ordinary judges of the Court of Appeal

- (1) In section 2 of the 1981 Act (the Court of Appeal), for subsection (3) substitute— 5
- “(3) An ordinary judge of the Court of Appeal (including the vice-president, if any, of either division) shall be styled “Lord Justice of Appeal” or “Lady Justice of Appeal”.”
- (2) “The 1981 Act” means the Supreme Court Act 1981 (c. 54).

### 64 Power to alter judicial titles 10

- (1) The Lord Chancellor may by order—
- (a) alter the name of an office listed in subsection (2);
  - (b) provide for or alter the way in which the holders of any of those offices are to be styled.
- (2) The offices are— 15
- Admiralty Registrar
  - Assistant Recorder
  - Circuit judge
  - Deputy Circuit judge
  - Deputy district judge appointed under section 102 of the 1981 Act 20
  - Deputy district judge for a county court district
  - Deputy judge of the High Court
  - District judge for a county court district
  - District judge of the High Court
  - District judge of the principal registry of the Family Division 25
  - District probate registrar
  - Lord Chief Justice
  - Master of the Chancery Division
  - Master of the Court of Protection
  - Master of the Queen’s Bench Division 30
  - Master of the Rolls
  - Ordinary judge of the Court of Appeal
  - President of the Family Division
  - Presiding Judge for a Circuit
  - Puisne judge of the High Court 35
  - Queen’s Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals
  - Recorder
  - Registrar in Bankruptcy of the High Court
  - Senior Presiding Judge for England and Wales 40
  - Taxing Master of the Supreme Court
  - Vice-Chancellor
  - Vice-president of the Court of Appeal
  - Vice-president of the Queen’s Bench Division.

- (3) The Lord Chancellor may also by order provide for or alter the way in which deputies or temporary additional officers appointed under section 91(1)(a) of the 1981 Act are to be styled.
- (4) Before making an order under this section the Lord Chancellor must consult—
  - (a) the Lord Chief Justice, 5
  - (b) the Master of the Rolls,
  - (c) the President of the Family Division, and
  - (d) the Vice-Chancellor.
- (5) An order under this section may make such provision as the Lord Chancellor considers necessary in consequence of any provision made under subsection (1) or (3). 10
- (6) The provision that may be made under subsection (5) includes provision amending, repealing or revoking any enactment.

*Flexibility in deployment of judicial resources*

**65 District Judges (Magistrates’ Courts) as Crown Court judges etc.** 15

- (1) In section 8(1) of the 1981 Act (persons who are judges of the Crown Court), in paragraph (b) for “or Recorder” substitute “, Recorder or District Judge (Magistrates’ Courts)”. 20
- (2) Schedule 5 contains amendments conferring functions on District Judges (Magistrates’ Courts). 20
- (3) References in any enactment, instrument or other document to a district judge or deputy district judge do not include—
  - (a) a District Judge (Magistrates’ Courts), or
  - (b) a Deputy District Judge (Magistrates’ Courts).

**66 Judges having powers of District Judges (Magistrates’ Courts)** 25

- (1) Every holder of a judicial office specified in subsection (2) has the powers of a justice of the peace who is a District Judge (Magistrates’ Courts) in relation to—
  - (a) criminal causes and matters, and
  - (b) family proceedings as defined by section 65 of the 1980 Act.
- (2) The offices are—
  - (a) judge of the High Court;
  - (b) deputy judge of the High Court;
  - (c) Circuit judge;
  - (d) deputy Circuit judge;
  - (e) recorder. 30
- (3) For the purposes of section 45 of the 1933 Act, every holder of a judicial office specified in subsection (2) is qualified to sit as a member of a youth court. 35
- (4) For the purposes of section 67 of the 1980 Act—
  - (a) a judge of the High Court or a deputy judge of the High Court is qualified to sit as a member of a family proceedings court to hear family proceedings of any description, and 40

- (b) a Circuit judge, deputy Circuit judge or recorder is qualified to sit as a member of a family proceedings court to hear family proceedings of any description if he has been nominated to do so by the President of the Family Division.

**67 Removal of restriction on Circuit judges sitting on certain appeals** 5

Section 56A of the 1981 Act (Circuit judges not to sit on certain appeals) ceases to have effect.

**PART 7**

PROCEDURE RULES AND PRACTICE DIRECTIONS

*Criminal Procedure Rules and practice directions* 10

**68 Meaning of “criminal court”**

In this Part “criminal court” means –

- (a) the criminal division of the Court of Appeal;  
 (b) when dealing with any criminal cause or matter –  
     (i) the Crown Court; 15  
     (ii) a magistrates’ court.

**69 Criminal Procedure Rules**

- (1) There are to be rules of court (to be called “Criminal Procedure Rules”) governing the practice and procedure to be followed in the criminal courts.
- (2) Criminal Procedure Rules are to be made by a committee known as the Criminal Procedure Rule Committee. 20
- (3) The power to make Criminal Procedure Rules includes power to make different provision for different cases or different areas, including different provision –  
     (a) for a specified court or description of courts, or 25  
     (b) for specified descriptions of proceedings or a specified jurisdiction.
- (4) Any power to make or alter Criminal Procedure Rules is to be exercised with a view to securing that –  
     (a) the criminal justice system is accessible, fair and efficient, and  
     (b) the rules are both simple and simply expressed. 30

**70 Criminal Procedure Rule Committee**

- (1) The Criminal Procedure Rule Committee is to consist of –  
     (a) the Lord Chief Justice, and  
     (b) the persons currently appointed by the Lord Chancellor under subsection (2). 35
- (2) The Lord Chancellor must appoint –  
     (a) a person nominated by the Secretary of State,

- (b) three persons each of whom is either a puisne judge of the High Court or an ordinary judge of the Court of Appeal,
  - (c) two Circuit judges with particular experience of sitting in criminal courts,
  - (d) one District Judge (Magistrates' Courts), 5
  - (e) one lay justice,
  - (f) one justices' clerk,
  - (g) the Director of Public Prosecutions or a person nominated by the Director,
  - (h) two persons who have a Supreme Court qualification and who have particular experience of practice in criminal courts, 10
  - (i) two persons who –
    - (i) have been granted by an authorised body, under Part 2 of the 1990 Act, the right to conduct litigation in relation to all proceedings in the Supreme Court, and 15
    - (ii) have particular experience of practice in criminal courts,
  - (j) one person who appears to represent the Association of Chief Police Officers, and
  - (k) two persons who appear to represent voluntary organisations with a direct interest in the work of criminal courts. 20
- (3) Before appointing a person under subsection (2)(b) to (f), the Lord Chancellor must consult the Lord Chief Justice.
- (4) The Criminal Procedure Rule Committee is to be chaired by the Lord Chief Justice; and one of the judges appointed under subsection (2)(b) is to be his deputy. 25
- (5) The Lord Chancellor may reimburse –
  - (a) the travelling and out-of-pocket expenses of the members of the Criminal Procedure Rule Committee, and
  - (b) authorised travelling and out-of-pocket expenses of persons invited to participate in the work of the Committee. 30
- (6) “The 1990 Act” means the Courts and Legal Services Act 1990 (c. 41).

## 71 Power to change certain requirements relating to Committee

- (1) The Lord Chancellor may by order –
  - (a) amend section 70(2) (persons to be appointed to Committee by Lord Chancellor), and
  - (b) make consequential amendments in any other provision of section 70. 35
- (2) Before making an order under this section the Lord Chancellor must consult the Lord Chief Justice.

## 72 Process for making Criminal Procedure Rules

- (1) The Criminal Procedure Rule Committee must, before making Criminal Procedure Rules – 40
  - (a) consult such persons as they consider appropriate, and
  - (b) meet (unless it is inexpedient to do so).
- (2) Rules made by the Criminal Procedure Rule Committee must be –

- (a) signed by a majority of the members of the Committee, and
  - (b) submitted to the Lord Chancellor.
- (3) The Lord Chancellor may, with the concurrence of the Secretary of State, allow, disallow or alter rules so made.
- (4) Before altering rules so made the Lord Chancellor must consult the Committee. 5
- (5) Rules so made, as allowed or altered by the Lord Chancellor –
- (a) come into force on such day as the Lord Chancellor directs, and
  - (b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 (c. 36) applies as if the instrument contained rules made by a Minister of the Crown. 10
- (6) Subject to subsection (7), a statutory instrument containing Criminal Procedure Rules is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) A statutory instrument containing rules altered by the Lord Chancellor is of no effect unless approved by a resolution of each House of Parliament before the day referred to in subsection (5)(a). 15

### **73 Power to amend legislation in connection with the rules**

- The Lord Chancellor may, with the concurrence of the Secretary of State, by order amend, repeal or revoke any enactment to the extent that he considers necessary or desirable – 20
- (a) in order to facilitate the making of Criminal Procedure Rules, or
  - (b) in consequence of section 69 or 72 or Criminal Procedure Rules.

### **74 Practice directions as to practice and procedure of the criminal courts**

- (1) The Lord Chief Justice may, with the concurrence of the Lord Chancellor, give directions as to the practice and procedure of the criminal courts. 25
- (2) Directions as to the practice and procedure of the criminal courts may not be given by anyone other than the Lord Chief Justice without the approval of the Lord Chief Justice and the Lord Chancellor.
- (3) The power to give directions under subsection (1) includes power –
- (a) to vary or revoke directions as to the practice and procedure of the criminal courts (or any of them), whether given by the Lord Chief Justice or any other person, 30
  - (b) to give directions containing different provision for different cases (including different areas), and
  - (c) to give directions containing provision for a specific court, for specific proceedings or for a specific jurisdiction. 35
- (4) Nothing in this section prevents the Lord Chief Justice, without the concurrence of the Lord Chancellor, giving directions which contain guidance as to law or making judicial decisions.



*Family Procedure Rules and practice directions*

**75 Family Procedure Rules**

- (1) There are to be rules of court (to be called “Family Procedure Rules”) governing the practice and procedure to be followed in family proceedings in –
  - (a) the High Court, 5
  - (b) county courts, and
  - (c) magistrates’ courts.
- (2) Family Procedure Rules are to be made by a committee known as the Family Procedure Rule Committee.
- (3) “Family proceedings”, in relation to a court, means proceedings in that court which are family proceedings as defined by either –
  - (a) section 65 of the 1980 Act, or
  - (b) section 32 of the Matrimonial and Family Proceedings Act 1984 (c. 42). 10
- (4) The power to make Family Procedure Rules includes power to make different provision for different areas, including different provision –
  - (a) for a specified court or description of courts, or
  - (b) for specified descriptions of proceedings or a specified jurisdiction. 15
- (5) Any power to make or alter Family Procedure Rules is to be exercised with a view to securing that –
  - (a) the family justice system is accessible, fair and efficient, and
  - (b) the rules are both simple and simply expressed. 20

**76 Further provision about scope of Family Procedure Rules**

- (1) Family Procedure Rules may not be made in respect of matters which may be dealt with in probate rules made by the President of the Family Division, with the concurrence of the Lord Chancellor, under section 127 of the 1981 Act. 25
- (2) Family Procedure Rules may –
  - (a) modify or exclude the application of any provision of the County Courts Act 1984 (c. 28), and
  - (b) provide for the enforcement in the High Court of orders made in a divorce county court. 30
- (3) Family Procedure Rules may modify the rules of evidence as they apply to family proceedings in any court within the scope of the rules.
- (4) Family Procedure Rules may apply any rules of court (including in particular Civil Procedure Rules) which relate to –
  - (a) courts which are outside the scope of Family Procedure Rules, or
  - (b) proceedings other than family proceedings. 35
- (5) Any rules of court, not made by the Family Procedure Rule Committee, which apply to proceedings of a particular kind in a court within the scope of Family Procedure Rules may be applied by Family Procedure Rules to family proceedings in such a court. 40
- (6) In subsections (4) and (5) “rules of court” includes any provision governing the practice and procedure of a court which is made by or under an enactment.

- (7) Where Family Procedure Rules may be made by applying other rules, the other rules may be applied –
- (a) to any extent,
  - (b) with or without modification, and
  - (c) as amended from time to time. 5
- (8) Family Procedure Rules may, instead of providing for any matter, refer to provision made or to be made about that matter by directions.

## 77 Family Procedure Rule Committee

- (1) The Family Procedure Rule Committee is to consist of –
- (a) the President of the Family Division, and 10
  - (b) the persons currently appointed by the Lord Chancellor under subsection (2).
- (2) The Lord Chancellor must appoint –
- (a) two judges of the Supreme Court, at least one of whom must be a puisne judge attached to the Family Division, 15
  - (b) one Circuit judge,
  - (c) one district judge of the principal registry of the Family Division,
  - (d) one district judge appointed under section 6 of the County Courts Act 1984 (c. 28),
  - (e) one District Judge (Magistrates' Courts), 20
  - (f) one lay justice,
  - (g) one justices' clerk,
  - (h) one person who has –
    - (i) a Supreme Court qualification, and
    - (ii) particular experience of family practice in the High Court, 25
  - (i) one person who has –
    - (i) a Supreme Court qualification, and
    - (ii) particular experience of family practice in county courts,
  - (j) one person who has –
    - (i) a Supreme Court qualification, and 30
    - (ii) particular experience of family practice in magistrates' courts,
  - (k) one person who –
    - (i) has been granted by an authorised body, under Part 2 of the 1990 Act, the right to conduct litigation in relation to all proceedings in the Supreme Court, and 35
    - (ii) has particular experience of family practice in the High Court,
  - (l) one person who –
    - (i) has been so granted that right, and
    - (ii) has particular experience of family practice in county courts,
  - (m) one person who – 40
    - (i) has been so granted that right, and
    - (ii) has particular experience of family practice in magistrates' courts,
  - (n) one person nominated by CAF/CASS, and
  - (o) one person with experience in and knowledge of the lay advice sector or the system of justice in relation to family proceedings. 45

- (3) Before appointing a person under subsection (2), the Lord Chancellor must consult the President of the Family Division.
- (4) Before appointing a person under subsection (2)(a), the Lord Chancellor must consult the Lord Chief Justice.
- (5) Before appointing a person under subsection (2)(h) to (m), the Lord Chancellor must consult any body which –
  - (a) has members eligible for appointment under the provision in question, and
  - (b) is an authorised body for the purposes of section 27 or 28 of the 1990 Act.
- (6) The Lord Chancellor may reimburse the members of the Family Procedure Rule Committee their travelling and out-of-pocket expenses.

**78 Power to change certain requirements relating to Committee**

- (1) The Lord Chancellor may by order –
  - (a) amend section 77(2) (persons to be appointed to Committee by Lord Chancellor), and
  - (b) make consequential amendments in any other provision of section 77.
- (2) Before making an order under this section the Lord Chancellor must consult the President of the Family Division.

**79 Process for making Family Procedure Rules**

- (1) The Family Procedure Rule Committee must, before making Family Procedure Rules –
  - (a) consult such persons as they consider appropriate, and
  - (b) meet (unless it is inexpedient to do so).
- (2) Rules made by the Family Procedure Rule Committee must be –
  - (a) signed by a majority of the members of the Committee, and
  - (b) submitted to the Lord Chancellor.
- (3) The Lord Chancellor may allow, disallow or alter rules so made.
- (4) Before altering rules so made the Lord Chancellor must consult the Committee.
- (5) Rules so made, as allowed or altered by the Lord Chancellor –
  - (a) come into force on such day as the Lord Chancellor directs, and
  - (b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 (c. 36) applies as if the instrument contained rules made by a Minister of the Crown.
- (6) Subject to subsection (7), a statutory instrument containing Family Procedure Rules is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) A statutory instrument containing rules altered by the Lord Chancellor is of no effect unless approved by a resolution of each House of Parliament before the day referred to in subsection (5)(a).

**80 Power to amend legislation in connection with the rules**

The Lord Chancellor may by order amend, repeal or revoke any enactment to the extent that he considers necessary or desirable –

- (a) in order to facilitate the making of Family Procedure Rules, or
- (b) in consequence of section 75, 76 or 79 or Family Procedure Rules. 5

**81 Practice directions relating to family proceedings**

- (1) The President of the Family Division may, with the concurrence of the Lord Chancellor, give directions as to the practice and procedure of –
  - (a) county courts, and
  - (b) magistrates’ courts, 10
 in family proceedings.
- (2) Directions as to the practice and procedure of those courts in family proceedings may not be given by anyone other than the President of the Family Division without the approval of the President of the Family Division and the Lord Chancellor. 15
- (3) The power to give directions under subsection (1) includes power –
  - (a) to vary or revoke directions as to the practice and procedure of magistrates’ courts and county courts (or any of them) in family proceedings, whether given by the President of the Family Division or any other person, 20
  - (b) to give directions containing different provision for different cases (including different areas), and
  - (c) to give directions containing provision for a specific court, for specific proceedings or for a specific jurisdiction.

*Civil Procedure Rules* 25

**82 Civil Procedure Rules**

- (1) For section 1(3) of the 1997 Act (general objectives of Civil Procedure Rules) substitute –
  - “(3) Any power to make or alter Civil Procedure Rules is to be exercised with a view to securing that – 30
    - (a) the system of civil justice is accessible, fair and efficient, and
    - (b) the rules are both simple and simply expressed.”
- (2) “The 1997 Act” means the Civil Procedure Act 1997 (c. 12).

**83 Civil Procedure Rule Committee**

- (1) For section 2(1)(a) and (b) of the 1997 Act (ex officio members of the Committee) substitute – 35
  - “(aa) the Head of Civil Justice,
  - (ab) the Deputy Head of Civil Justice (if there is one),
  - (a) the Master of the Rolls (unless he holds an office mentioned in paragraph (aa) or (ab)), and” 40
- (2) For section 2(2)(a) of the 1997 Act (one judge of the Supreme Court to be

appointed to Committee) substitute –

“(a) either two or three judges of the Supreme Court,”.

- (3) For section 2(2)(g) and (h) of the 1997 Act (appointment of persons with experience etc. of lay advice sector and consumer affairs) substitute “and

(g) two persons with experience in and knowledge of the lay advice sector or consumer affairs.” 5

#### **84 Power to change certain requirements relating to Committee**

After section 2 of the 1997 Act insert –

##### **“2A Power to change certain requirements relating to Committee**

- (1) The Lord Chancellor may by order – 10

(a) amend section 2(2) (persons to be appointed to Committee by Lord Chancellor), and

(b) make consequential amendments in any other provision of section 2.

- (2) Before making an order under this section the Lord Chancellor must consult – 15

(a) the Head of Civil Justice,

(b) the Deputy Head of Civil Justice (if there is one), and

(c) the Master of the Rolls (unless he holds an office mentioned in paragraph (a) or (b)). 20

- (3) The power to make an order under this section is exercisable by statutory instrument.

- (4) A statutory instrument containing such an order is subject to annulment in pursuance of a resolution of either House of Parliament.”

#### **85 Process for making Civil Procedure Rules** 25

- (1) Omit section 2(6) to (8) of the 1997 Act (process for making Civil Procedure Rules).

- (2) For section 3 of the 1997 Act (section 2: supplementary) substitute –

##### **“3 Process for making Civil Procedure Rules**

- (1) The Civil Procedure Rule Committee must, before making Civil Procedure Rules – 30

(a) consult such persons as they consider appropriate, and

(b) meet (unless it is inexpedient to do so).

- (2) Rules made by the Civil Procedure Rule Committee must be –

(a) signed by a majority of the members of the Committee, and 35

(b) submitted to the Lord Chancellor.

- (3) The Lord Chancellor may allow, disallow or alter rules so made.

- (4) Before altering rules so made the Lord Chancellor must consult the Committee.

- (5) Rules so made, as allowed or altered by the Lord Chancellor – 40

- (a) come into force on such day as the Lord Chancellor directs, and  
 (b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 applies as if the instrument contained rules made by a Minister of the Crown.
- (6) Subject to subsection (7), a statutory instrument containing Civil Procedure Rules is subject to annulment in pursuance of a resolution of either House of Parliament. 5
- (7) A statutory instrument containing rules altered by the Lord Chancellor is of no effect unless approved by a resolution of each House of Parliament before the day referred to in subsection (5)(a).” 10

## PART 8

### MISCELLANEOUS

#### *Provisions relating to criminal procedure and appeals*

#### **86 Alteration of place fixed for Crown Court trial**

An application under section 76(3) of the 1981 Act (application for variation of place fixed for Crown Court trial) is no longer required to be heard in open court by a judge of the High Court; and accordingly section 76(4) of the 1981 Act ceases to have effect. 15

#### **87 Appeals to Court of Appeal: procedural directions**

- (1) In section 31 of the 1968 Act (powers of the Court of Appeal under Part 1 of that Act exercisable by single judge), in subsection (2), after paragraph (h) insert –  
 “(i) to make orders under section 23(1)(a).” 20
- (2) In section 31A of the 1968 Act (powers of Court of Appeal under Part 1 of that Act exercisable by registrar), in subsection (2), after paragraph (c) insert –  
 “(d) to make orders under section 23(1)(a).”, 25  
 and at the end of paragraph (b), omit “and”.
- (3) After section 31A of the 1968 Act insert –

#### **“31B Procedural directions: powers of single judge and registrar**

- (1) The power of the Court of Appeal to determine an application for procedural directions may be exercised by – 30  
 (a) a single judge, or  
 (b) the registrar.
- (2) “Procedural directions” means directions for the efficient and effective preparation of –  
 (a) an application for leave to appeal, or 35  
 (b) an appeal,  
 to which this section applies.
- (3) A single judge may give such procedural directions as he thinks fit –  
 (a) when acting under subsection (1);  
 (b) on a reference from the registrar; 40

- (c) of his own motion, when he is exercising, or considering whether to exercise, any power of his in relation to the application or appeal.
- (4) The registrar may give such procedural directions as he thinks fit –
  - (a) when acting under subsection (1); 5
  - (b) of his own motion.
- (5) This section applies to an appeal, and an application to the Court of Appeal for leave to appeal, under –
  - (a) this Part,
  - (b) section 9 of the Criminal Justice Act 1987, or 10
  - (c) section 35 of the Criminal Procedure and Investigations Act 1996.

### 31C Appeals against procedural directions

- (1) Subsection (2) applies if a single judge gives, or refuses to give, procedural directions. 15
- (2) The Court of Appeal may, on an application to it under subsection (5) –
  - (a) confirm, set aside or vary any procedural directions given by the single judge, and
  - (b) give such procedural directions as it thinks fit.
- (3) Subsection (4) applies if the registrar gives, or refuses to give, procedural directions. 20
- (4) A single judge may, on an application to him under subsection (5) –
  - (a) confirm, set aside or vary any procedural directions given by the registrar, and
  - (b) give such procedural directions as he thinks fit. 25
- (5) An application under this subsection may be made by –
  - (a) an appellant;
  - (b) a respondent, if the directions –
    - (i) relate to an application for leave to appeal and appear to need the respondent’s assistance to give effect to them, 30
    - (ii) relate to an application for leave to appeal which is to be determined by the Court of Appeal, or
    - (iii) relate to an appeal.
- (6) In this section –
  - “appellant” includes a person who has given notice of application for leave to appeal under any of the provisions mentioned in section 31B(5); 35
  - “respondent” includes a person who will be a respondent if leave to appeal is granted.”
- (4) Sections 31B to 31C of the 1968 Act apply to – 40
  - (a) applications for leave to appeal falling to be determined on or after the date on which this section comes into force, and
  - (b) appeals in relation to which –
    - (i) a certificate under Part 1 of the 1968 Act that the case is fit for appeal, or 45

(ii) leave to appeal,  
is granted on or after that date.

(5) “The 1968 Act” means the Criminal Appeal Act 1968 (c. 19).

## 88 Extension of time for criminal appeals to House of Lords

(1) Amend section 2 of the Administration of Justice Act 1960 (c. 65) (applications for leave to appeal to House of Lords) as follows. 5

(2) In subsection (1) –

- (a) for “fourteen” (in both places) substitute “28”, and
- (b) for “date of the decision of that court” substitute “relevant date”.

(3) After subsection (1) insert – 10

“(1A) In subsection (1), “the relevant date” means –

- (a) the date of the decision of the court below, or
- (b) if later, the date on which that court gives reasons for its decision.”

(4) Amend section 34 of the 1968 Act (applications for leave to appeal to the House of Lords) as follows. 15

(5) In subsection (1) –

- (a) for “fourteen” (in both places) substitute “28”, and
- (b) for “date of the decision of the Court” substitute “relevant date”.

(6) After subsection (1) insert – 20

“(1A) In subsection (1), “the relevant date” means –

- (a) the date of the Court of Appeal’s decision, or
- (b) if later, the date on which the Court gives reasons for its decision.”

## 89 Retirement age of Registrar of Criminal Appeals 25

(1) In section 92 of the 1981 Act (tenure of offices in Supreme Court) –

- (a) in subsection (2) (offices with retirement age of 70, but with possibility of extensions to not beyond 75), omit “except the office of Queen’s Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals”, 30
- (b) omit subsections (2D) and (2E) (retirement age of 62 for that office), and
- (c) in subsection (4) (offices to which subsection (1), (2A) or (2D) applies to be held during good behaviour), for “to which subsection (1), (2A) or (2D) applies” substitute “listed in column 1 of Part 1 or 2 of Schedule 2”.

(2) In Schedule 5 to the Judicial Pensions and Retirement Act 1993 (c. 8) (retirement), after the entry relating to a Deputy or temporary Master, Queen’s Bench Division, insert – 35

“Queen’s Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals”.



## 90 Appeals to Courts-Martial Appeal Court: procedural directions

- (1) In section 36 of the Courts-Martial (Appeals) Act 1968 (c. 20) (powers of the Appeal Court under Part 2 of that Act exercisable by single judge), in subsection (1), after paragraph (g) insert –  
    “(h) to make orders under section 28(1)(a).”, 5  
and at the end of paragraph (f), omit “and”.
- (2) In section 36A of that Act (powers of the Appeal Court under Part 2 of that Act exercisable by registrar), in subsection (1), at the end of paragraph (b) insert “and –  
    (c) to make orders under section 28(1)(a).”, 10  
and at the end of paragraph (a), omit “and”.
- (3) After section 36A of that Act insert –

### “36B Procedural directions: powers of single judge and registrar

- (1) The power of the Appeal Court to determine an application for procedural directions may be exercised by – 15
  - (a) a judge of the Appeal Court, or
  - (b) the registrar.
- (2) “Procedural directions” means directions for the efficient and effective preparation of –
  - (a) an application for leave to appeal, or 20
  - (b) an appeal,under this Part.
- (3) A judge of the Appeal Court may give such procedural directions as he thinks fit –
  - (a) when acting under subsection (1); 25
  - (b) on a reference from the registrar;
  - (c) of his own motion, when he is exercising, or considering whether to exercise, any power of his in relation to the application or appeal.
- (4) The registrar may give such procedural directions as he thinks fit – 30
  - (a) when acting under subsection (1);
  - (b) of his own motion.

### 36C Appeals against procedural directions

- (1) Subsection (2) applies if a judge of the Appeal Court gives, or refuses to give, procedural directions. 35
- (2) The Appeal Court may, on an application to it under subsection (5) –
  - (a) confirm, set aside or vary any procedural directions given by the judge, and
  - (b) give such procedural directions as it thinks fit.
- (3) Subsection (4) applies if the registrar gives, or refuses to give, procedural directions. 40
- (4) A judge of the Appeal Court may, on an application to him under subsection (5) –

- (a) confirm, set aside or vary any procedural directions given by the registrar, and
  - (b) give such procedural directions as he thinks fit.
- (5) An application under this subsection may be made by –
- (a) an appellant; 5
  - (b) the Defence Council, if the directions –
    - (i) relate to an application for leave to appeal and appear to need the Defence Council’s assistance to give effect to them,
    - (ii) relate to an application for leave to appeal which is to be determined by the Appeal Court, or 10
    - (iii) relate to an appeal.”
- (4) Sections 36B to 36C of that Act apply to –
- (a) applications for leave to appeal falling to be determined on or after the date on which this section comes into force, and 15
  - (b) appeals in relation to which leave to appeal is granted on or after that date.

## 91 Extension of time for appeals from Courts-Martial Appeal Court

- (1) Amend section 40 of the Courts-Martial (Appeals) Act 1968 (c. 20) (applications for leave to appeal to House of Lords) as follows. 20
- (2) In subsection (1) –
- (a) for “fourteen” (in both places) substitute “28”, and
  - (b) for “date of the decision of the Court” substitute “relevant date”.
- (3) After subsection (1) insert –
- “(1A) In subsection (1), “the relevant date” means – 25
- (a) the date of the Appeal Court’s decision, or
  - (b) if later, the date on which the Court gives reasons for its decision.”

### *Fees, costs and fines*

## 92 Fees 30

- (1) The Lord Chancellor may with the consent of the Treasury by order prescribe fees payable in respect of anything dealt with by –
- (a) the Supreme Court,
  - (b) county courts, and
  - (c) magistrates’ courts. 35
- (2) In prescribing fees payable under subsection (1), the Lord Chancellor shall have regard to the need to facilitate access to justice.
- (3) An order under this section may, in particular, contain provision as to –
- (a) scales or rates of fees;
  - (b) exemptions from or reductions in fees; 40
  - (c) remission of fees in whole or in part.

- 
- (4) The Lord Chancellor may not under this section prescribe fees which he or another authority has power to prescribe apart from this section.
- (5) Before making an order under this section, the Lord Chancellor must consult—
- (a) the Lord Chief Justice;
  - (b) the Master of the Rolls; 5
  - (c) the President of the Family Division;
  - (d) the Vice Chancellor;
  - (e) the Head of Civil Justice;
  - (f) the Deputy Head of Civil Justice (if there is one).
- (6) Before making an order under this section in relation to civil proceedings, the Lord Chancellor must consult the Civil Justice Council. 10
- (7) The Lord Chancellor must take such steps as are reasonably practicable to bring information about fees to the attention of persons likely to have to pay them.
- (8) Fees payable under this section are recoverable summarily as a civil debt. 15
- (9) Subsection (10) applies in relation to an authority which has power to prescribe fees payable in any of the courts referred to in subsection (1).
- (10) Nothing in this section prevents the authority from applying to any extent provisions contained in an order made under this section; and an instrument made in exercise of the power is to be read (unless the contrary intention appears) as applying those provisions as amended from time to time. 20
- (11) The Lord Chancellor may not under this section seek to recover judicial salaries.
- 93 Award of costs against third parties**
- After section 19A of the Prosecution of Offences Act 1985 (c. 23) insert— 25
- “19B Provision for award of costs against third parties**
- (1) The Lord Chancellor may by regulations make provision empowering magistrates’ courts, the Crown Court and the Court of Appeal to make a third party costs order if the condition in subsection (3) is satisfied.
- (2) A “third party costs order” is an order as to the payment of costs incurred by a party to criminal proceedings by a person who is not a party to those proceedings (“the third party”). 30
- (3) The condition is that—
- (a) there has been serious misconduct (whether or not constituting a contempt of court) by the third party, and 35
  - (b) the court considers it appropriate, having regard to that misconduct, to make a third party costs order against him.
- (4) Regulations made under this section may, in particular—
- (a) specify types of misconduct in respect of which a third party costs order may not be made; 40
  - (b) allow the making of a third party costs order at any time;

- 
- (c) make provision for any other order as to costs which has been made in respect of the proceedings to be varied on, or taken account of in, the making of a third party costs order;
- (d) make provision for account to be taken of any third party costs order in the making of any other order as to costs in respect of the proceedings. 5
- (5) Regulations made under this section in relation to magistrates' courts must provide that the third party may appeal to the Crown Court against a third party costs order made by a magistrates' court.
- (6) Regulations made under this section in relation to the Crown Court must provide that the third party may appeal to the Court of Appeal against a third party costs order made by the Crown Court." 10
- 94 Award of costs in appeals under Proceeds of Crime Act 2002**
- (1) Amend the Proceeds of Crime Act 2002 (c. 29) as follows.
- (2) In section 89 (procedure on appeal to the Court of Appeal), after subsection (3) insert – 15
- “(4) Subject to any rules made under section 91, the costs of and incidental to all proceedings on an appeal to the criminal division of the Court of Appeal under –
- (a) section 43(1) or (2) (appeals against orders made in restraint proceedings), or 20
- (b) section 65 (appeals against, or relating to, the making of receivership orders),
- are in the discretion of the court.
- (5) Such rules may in particular make provision for regulating matters relating to the costs of those proceedings, including prescribing scales of costs to be paid to legal or other representatives. 25
- (6) The court shall have full power to determine by whom and to what extent the costs are to be paid.
- (7) In any proceedings mentioned in subsection (4), the court may – 30
- (a) disallow, or
- (b) (as the case may be) order the legal or other representative concerned to meet,
- the whole of any wasted costs or such part of them as may be determined in accordance with rules under section 91. 35
- (8) In subsection (7) “wasted costs” means any costs incurred by a party –
- (a) as a result of any improper, unreasonable or negligent act or omission on the part of any legal or other representative or any employee of such a representative, or
- (b) which, in the light of any such act or omission occurring after they were incurred, the court considers it is unreasonable to expect that party to pay. 40
- (9) “Legal or other representative”, in relation to a party to proceedings means any person exercising a right of audience or right to conduct litigation on his behalf.” 45

- (3) Subsection (2) applies in relation to proceedings on appeals in respect of offences committed or alleged to have been committed on or after 24th March 2003.
- (4) In section 91 (Crown Court Rules) after “Crown Court Rules” insert “or (as the case may be) Criminal Appeal Rules”. 5

## 95 Fixing of fines: failure to furnish statement of financial circumstances

- (1) In section 128(5) of the 2000 Act (fixing of fines: power of court to make determination of financial circumstances where offender has failed to co-operate with court etc.), in paragraph (b) before sub-paragraph (i) insert –
  - “(zi) has failed to furnish a statement of his financial circumstances in response to a request which is an official request for the purposes of section 20A of the Criminal Justice Act 1991 (offence of making false statements as to financial circumstances),”.10
- (2) “The 2000 Act” means the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6). 15

### *Register of judgments etc. and execution of writs*

## 96 Register of judgments and orders etc.

- (1) A register is to be kept, in accordance with regulations, of –
  - (a) judgments entered in the High Court; 20
  - (b) judgments entered in county courts;
  - (c) administration orders made under section 112 of the County Courts Act 1984 (c. 28) (power of county courts to make administration orders);
  - (d) orders restricting enforcement made under section 112A of that Act (power of county courts to restrict enforcement of debts in lieu of administration order); 25
  - (e) sums which are, for the purposes of the 1980 Act, sums adjudged to be paid by a conviction or order of a magistrates’ court.
- (2) “Regulations” means regulations made by the Lord Chancellor for the purposes of this section. 30
- (3) The regulations may –
  - (a) provide for prescribed classes of judgments, orders or adjudged sums to be exempt from registration;
  - (b) prescribe circumstances in which judgments, orders or adjudged sums (or classes of them) are to be exempt from registration; 35
  - (c) prescribe circumstances in which an entry in the register is to be cancelled;
  - (d) in the case of sums adjudged to be paid by conviction of a magistrates’ court, provide for sums to be registered only in prescribed circumstances or subject to prescribed conditions. 40
- (4) The Lord Chancellor may fix charges to be made for –
  - (a) making information in an entry in the register available for inspection;
  - (b) carrying out an official search of the register;

- (c) supplying a certified copy of information in an entry in the register.
- (5) The proceeds of those charges are to be applied in paying the expenses incurred in maintaining the register; and any surplus is to be paid into the Consolidated Fund.
- (6) If there is in force an agreement between the Lord Chancellor and a body corporate relating to the keeping by that body corporate of the register the register is to be kept by that body corporate. 5
- (7) If, under subsection (6), the register is kept by a body corporate –
- (a) the Lord Chancellor may recover from the body corporate any expenses incurred by the Lord Chancellor in connection with the supply of information to that body for the purposes of the register, 10
- (b) subsection (4) applies as if it enabled the Lord Chancellor to fix the maximum charges to be made (instead of the charges to be made), and
- (c) subsection (5) does not apply.
- (8) If subsection (6) ceases to apply to a body corporate as a result of the termination (for any reason) of the agreement, the Lord Chancellor may require the information contained in the entries in the register to be transferred to such person as he may direct. 15
- 97 High Court writs of execution**
- (1) Schedule 6 contains provisions about High Court writs of execution. 20
- (2) Any rule of law requiring a writ of execution issued from the High Court to be directed to a sheriff is abolished.

### *Damages*

- 98 Periodical payments**
- (1) For section 2 of the Damages Act 1996 (c. 48) (periodical payments by consent) substitute – 25
- “2 Periodical payments**
- (1) A court awarding damages for future pecuniary loss in respect of personal injury –
- (a) may order that the damages are wholly or partly to take the form of periodical payments, and 30
- (b) shall consider whether to make that order.
- (2) A court awarding other damages in respect of personal injury may, if the parties consent, order that the damages are wholly or partly to take the form of periodical payments. 35
- (3) A court may not make an order for periodical payments unless satisfied that the continuity of payment under the order is reasonably secure.
- (4) For the purpose of subsection (3) the continuity of payment under an order is reasonably secure if –
- (a) it is protected by a guarantee given under section 6 of or the Schedule to this Act, 40

- (b) it is protected by a scheme under section 213 of the Financial Services and Markets Act 2000 (compensation) (whether or not as modified by section 4 of this Act), or
  - (c) the source of payment is a government or health service body.
- (5) An order for periodical payments may include provision – 5
  - (a) requiring the party responsible for the payments to use a method (selected or to be selected by him) under which the continuity of payment is reasonably secure by virtue of subsection (4);
  - (b) about how the payments are to be made, if not by a method under which the continuity of payment is reasonably secure by virtue of subsection (4); 10
  - (c) requiring the party responsible for the payments to take specified action to secure continuity of payment, where continuity is not reasonably secure by virtue of subsection (4); 15
  - (d) enabling a party to apply for a variation of provision included under paragraph (a), (b) or (c).
- (6) Where a person has a right to receive payments under an order for periodical payments, or where an arrangement is entered into in satisfaction of an order which gives a person a right to receive periodical payments, that person’s right under the order or arrangement may not be assigned or charged without the approval of the court which made the order; and – 20
  - (a) a court shall not approve an assignment or charge unless satisfied that special circumstances make it necessary, and 25
  - (b) a purported assignment or charge, or agreement to assign or charge, is void unless approved by the court.
- (7) Where an order is made for periodical payments, an alteration of the method by which the payments are made shall be treated as a breach of the order (whether or not the method was specified under subsection (5)(b)) unless – 30
  - (a) the court which made the order declares its satisfaction that the continuity of payment under the new method is reasonably secure,
  - (b) the new method is protected by a guarantee given under section 6 of or the Schedule to this Act, 35
  - (c) the new method is protected by a scheme under section 213 of the Financial Services and Markets Act 2000 (compensation) (whether or not as modified by section 4 of this Act), or
  - (d) the source of payment under the new method is a government or health service body. 40

**2A Periodical payments: supplementary**

- (1) Civil Procedure Rules may require a court to take specified matters into account in considering – 45
  - (a) whether to order periodical payments;
  - (b) the security of the continuity of payment;
  - (c) whether to approve an assignment or charge.

- (2) For the purposes of section 2(4)(c) and (7)(d) “government or health service body” means a body designated as a government body or a health service body by order made by the Lord Chancellor.
- (3) An order under subsection (2) –
- (a) shall be made by statutory instrument, and 5
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Section 2(6) is without prejudice to –
- (a) the power of a court to make an income payments order under section 310 of the Insolvency Act 1986 (or equivalent legislation for Northern Ireland), 10
  - (b) a person’s power to enter into an income payments agreement under section 310A of that Act (or equivalent legislation for Northern Ireland), or
  - (c) a person’s power to assign a right to the scheme manager established under section 212 of the Financial Services and Markets Act 2000. 15
- (5) In section 2 “damages” includes an interim payment which a court orders a defendant to make to a claimant.
- (6) In the application of this section to Northern Ireland – 20
- (a) a reference to Civil Procedure Rules shall be taken as a reference to rules of court, and
  - (b) a reference to a claimant shall be taken as a reference to a plaintiff.
- (7) Section 2 is without prejudice to any power exercisable apart from that section. 25

## **2B Variation of orders and settlements**

- (1) The Lord Chancellor may by order enable a court which has made an order for periodical payments to vary the order in specified circumstances (otherwise than in accordance with section 2(5)(d)). 30
- (2) The Lord Chancellor may by order enable a court in specified circumstances to vary the terms on which a claim or action for damages for personal injury is settled by agreement between the parties if the agreement –
- (a) provides for periodical payments, and 35
  - (b) expressly permits a party to apply to a court for variation in those circumstances.
- (3) An order under this section may make provision –
- (a) which operates wholly or partly by reference to a condition or other term of the court’s order or of the agreement; 40
  - (b) about the nature of an order which may be made by a court on a variation;
  - (c) about the matters to be taken into account on considering variation;
  - (d) of a kind that could be made by Civil Procedure Rules or, in relation to Northern Ireland, rules of court (and which may be 45



- expressed to be with or without prejudice to the power to make those rules).
- (4) An order under this section may apply (with or without modification) or amend an enactment about provisional or further damages.
- (5) An order under this section shall be subject to any order under section 1 of the Courts and Legal Services Act 1990 (allocation between High Court and county courts). 5
- (6) An order under this section –
- (a) shall be made by statutory instrument,
  - (b) may not be made unless the Lord Chancellor has consulted such persons as he thinks appropriate, 10
  - (c) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament, and
  - (d) may include transitional, consequential or incidental provision.
- (7) In subsection (4) – 15
- “provisional damages” means damages awarded by virtue of subsection (2)(a) of section 32A of the Supreme Court Act 1981 or section 51 of the County Courts Act 1984 (or, in relation to Northern Ireland, paragraph 10(2)(a) of Schedule 6 to the Administration of Justice Act 1982), and 20
- “further damages” means damages awarded by virtue of subsection (2)(b) of either of those sections (or, in relation to Northern Ireland, paragraph 10(2)(b) of Schedule 6 to the Administration of Justice Act 1982).”
- (2) In section 329AA of the Income and Corporation Taxes Act 1988 (c. 1) (periodical payments) – 25
- (a) for subsection (1) substitute –
- “(1) Periodical payments shall not for the purposes of income tax be regarded as the income of any of the persons mentioned in subsection (2) below (and shall be paid without deduction under section 348(1)(b) or 349(1)). 30
- (1A) In subsection (1) “periodical payments” means periodical payments made pursuant to –
- (a) an order of a court in so far as it is made in reliance on section 2 of the Damages Act 1996 (including an order as varied), or
  - (b) an agreement in so far as it settles a claim or action for damages in respect of personal injury (including an agreement as varied).” 35
- (b) in subsection (3) for “if the agreement or order mentioned in that subsection or a subsequent agreement so provides,” substitute “if the order, agreement or undertaking mentioned in subsection (1A), or a varying order, agreement or undertaking, so provides or permits,” 40
- (c) in subsection (6) after “claim or action for” insert “damages in respect of”, 45
- (d) for subsection (7) substitute –
- “(7) For the purposes of subsection (1A) above –

- 
- (a) the reference to an order of a court made in reliance on section 2 of the Damages Act 1996 includes an order of a court outside the United Kingdom which is similar to an order made in reliance on that section,
- (b) the reference to an agreement settling a claim or action includes a reference to an agreement to make payments on account of damages that may be awarded in a claim or action, and 5
- (c) the reference to an agreement in so far as it settles a claim or action for damages in respect of personal injury also includes a reference to an undertaking given by the Motor Insurers' Bureau (being the company of that name incorporated on 14th June 1946 under the Companies Act 1929), or an Article 75 insurer under the Bureau's Articles of Association, in relation to a claim or action in respect of personal injury.”, and 10
- (e) omit subsection (8). 15
- (3) In section 329AB(1) of that Act (statutory compensation) for “subsection (1)” substitute “subsection (1A)”.
- (4) In this section – 20
- (a) subsection (1) shall extend only to England and Wales and Northern Ireland, and
- (b) the remainder shall extend to the whole of the United Kingdom.
- 99 Periodical payments: security**
- (1) For sections 4 and 5 of the Damages Act 1996 (c. 48) (enhanced protection for structured settlement annuitant) substitute – 25
- “4 Enhanced protection for periodical payments**
- (1) Subsection (2) applies where –
- (a) a person has a right to receive periodical payments, and
- (b) his right is protected by a scheme under section 213 of the Financial Services and Markets Act 2000 (compensation), but only as to part of the payments. 30
- (2) The protection provided by the scheme shall extend by virtue of this section to the whole of the payments.
- (3) Subsection (4) applies where – 35
- (a) one person (“the claimant”) has a right to receive periodical payments from another person (“the defendant”),
- (b) a third person (“the insurer”) is required by or in pursuance of an arrangement entered into with the defendant (whether or not together with other persons and whether before or after the creation of the claimant's right) to make payments in satisfaction of the claimant's right or for the purpose of enabling it to be satisfied, and 40
- (c) the claimant's right to receive the payments would be wholly or partly protected by a scheme under section 213 of the Financial Services and Markets Act 2000 if it arose from an arrangement 45

of the same kind as that mentioned in paragraph (b) but made between the claimant and the insurer.

- (4) For the purposes of the scheme under section 213 of that Act –
- (a) the claimant shall be treated as having a right to receive the payments from the insurer under an arrangement of the same kind as that mentioned in subsection (3)(b), 5
  - (b) the protection under the scheme in respect of those payments shall extend by virtue of this section to the whole of the payments, and
  - (c) no person other than the claimant shall be entitled to protection under the scheme in respect of the payments. 10
- (5) In this section “periodical payments” means periodical payments made pursuant to –
- (a) an order of a court in so far as it is made in reliance on section 2 above (including an order as varied), or 15
  - (b) an agreement in so far as it settles a claim or action for damages in respect of personal injury (including an agreement as varied).
- (6) In subsection (5)(b) the reference to an agreement in so far as it settles a claim or action for damages in respect of personal injury includes a reference to an undertaking given by the Motor Insurers’ Bureau (being the company of that name incorporated on 14th June 1946 under the Companies Act 1929), or an Article 75 insurer under the Bureau’s Articles of Association, in relation to a claim or action in respect of personal injury.” 20
- (2) In section 6(1) of the Damages Act 1996 (c. 48) (guarantee for public sector settlement) for the words “on terms corresponding to those of a structured settlement as defined in section 5 above except that the person to whom the payments are to be made is not to receive them as mentioned in subsection (1)(b) of that section” substitute “on terms whereby the damages are to consist wholly or partly of periodical payments”. 25 30
- (3) In paragraph 1(a) of the Schedule to that Act (guarantee by Northern Ireland Department for public sector settlement) for the words “on terms corresponding to those of a structured settlement as defined in section 5 of this Act except that the person to whom the payments are to be made is not to receive them as mentioned in subsection (1)(b) of that section” substitute “on terms whereby the damages are to consist wholly or partly of periodical payments”. 35
- (4) This section extends to the whole of the United Kingdom.

*Provisions relating to Northern Ireland*

**100 Power to alter judicial titles: Northern Ireland** 40

- (1) The Lord Chancellor may by order –
- (a) alter the name of any of the offices of the Supreme Court of Judicature of Northern Ireland or of the county courts in Northern Ireland which are listed in subsection (2);
  - (b) provide for or alter the way in which the holders of any of those offices are to be styled. 45

- 
- (2) The offices are—
- County court judge
  - Deputy judge of the county court
  - District Judge
  - Judge of the Court of Appeal 5
  - Lord Chief Justice
  - Master (Bankruptcy)
  - Master (Care and Protection)
  - Master (Chancery)
  - Master (Enforcement of Judgments) 10
  - Master (High Court)
  - Master (Probate and Matrimonial)
  - Master (Queen’s Bench and Appeals)
  - Master (Taxing Office)
  - Presiding judge for the county courts 15
  - Puisne judge of the High Court.
- (3) The Lord Chancellor may also by order provide for or alter the way in which deputies or temporary additional officers appointed under section 74(1) of the 1978 Act are to be styled.
- (4) Before making an order under this section the Lord Chancellor must consult the Lord Chief Justice. 20
- (5) An order under this section may make such provision as the Lord Chancellor considers necessary in consequence of any provision made under subsection (1) or (3).
- (6) The provision that may be made under subsection (5) includes provision amending, repealing or revoking any enactment. 25
- (7) The power to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (8) An order under this section is subject to annulment in pursuance of a resolution of either House of Parliament in the same manner as a statutory instrument; and section 5 of the Statutory Instruments Act 1946 (c. 36) applies accordingly. 30
- (9) “The 1978 Act” means the Judicature (Northern Ireland) Act 1978 (c. 23).
- 101 Official Solicitor of Northern Ireland 35**
- (1) In Schedule 3 to the 1978 Act (statutory offices) the entry relating to the Official Solicitor ceases to have effect.
- (2) Amend section 75 of the 1978 Act (Official Solicitor) as follows.
- (3) For subsection (3) substitute—
- “(3) A person shall be qualified for appointment as Official Solicitor if he is a solicitor of the Supreme Court of at least 7 years’ standing.” 40

- 
- (4) After subsection (5) insert –
- “(6) The Official Solicitor shall hold and vacate office in accordance with the terms of his appointment (which may include provision about retirement, dismissal or resignation).
  - (7) The Lord Chancellor may pay to the Official Solicitor such remuneration and allowances as the Lord Chancellor may determine with the consent of the Treasury. 5
  - (8) Service as the Official Solicitor is employment in the civil service of the State for the purposes of section 1 of the Superannuation Act 1972 (Principal Civil Service Pension Scheme). 10
  - (9) While the office of Official Solicitor is vacant or the Official Solicitor is unable or unwilling to act, the Lord Chancellor may, after consultation with the Lord Chief Justice, appoint a person as temporary Official Solicitor; and the temporary Official Solicitor –
    - (a) may be appointed only if qualified for appointment as Official Solicitor, 15
    - (b) shall have all the powers and duties of the Official Solicitor, and
    - (c) may be paid remuneration and allowances by the Lord Chancellor with the consent of the Treasury.”
- (5) In section 68 of the 1978 Act (Supreme Court: departments) – 20
- (a) in subsection (2)(b) for “statutory officer” substitute “officer”, and
  - (b) for subsection (4) substitute –
    - “(4) The officer supervising a department shall discharge his functions in accordance with directions given by the Lord Chancellor.” 25
- (6) In section 73 of the 1978 Act (restrictions on practice) subsection (2) (and the words “Subject to subsection (2),”) cease to have effect.
- (7) In section 76 of the 1978 Act (property) paragraph (c) (which referred to the Official Solicitor and which ceased to have effect by virtue of the Supreme Court (Departments and Officers) (Northern Ireland) Order 1982 (S.R. 1982/300)) shall again have effect. 30
- (8) Nothing in this section has any effect in relation to the person who on the commencement of this section holds the office in Northern Ireland of Official Solicitor to the Supreme Court.
- 102 Alteration of place fixed for Crown Court trial: Northern Ireland 35**
- An application under section 48(3) of the 1978 Act (application for variation of place fixed for Crown Court trial) is no longer required to be heard in open court; and accordingly section 48(4) of the 1978 Act ceases to have effect.
- 103 Extension of time for criminal appeals to House of Lords: Northern Ireland**
- (1) Amend paragraph 1 of Schedule 1 to the 1978 Act (applications for leave to appeal to House of Lords in certain criminal matters) as follows. 40
  - (2) In sub-paragraph (1) –
    - (a) for “fourteen” (in both places) substitute “28”, and

- (b) for “date of the decision of that court” substitute “relevant date”.
- (3) After sub-paragraph (1) insert –
- “(1A) In sub-paragraph (1), “the relevant date” means –
- (a) the date of the decision of the court below, or
  - (b) if later, the date on which that court gives reasons for its decision.” 5
- (4) Amend section 32 of the Criminal Appeal (Northern Ireland) Act 1980 (c. 47) (applications for leave to appeal to the House of Lords) as follows.
- (5) In subsection (1) –
- (a) for “fourteen” (in both places) substitute “28”, and 10
  - (b) for “date of the decision of the Court” substitute “relevant date”.
- (6) After subsection (1) insert –
- “(1A) In subsection (1), “the relevant date” means –
- (a) the date of the Court of Appeal’s decision, or
  - (b) if later, the date on which the Court gives reasons for its decision.” 15

#### 104 Fees: Northern Ireland

In section 116 of the 1978 Act (fees) after subsection (1) insert –

- “(1A) Without prejudice to the generality of subsection (1), an order under that subsection may make provision for exemptions from fees and remission of fees (in whole or in part).” 20

### PART 9

#### FINAL PROVISIONS

#### 105 Interpretation

- (1) In this Act – 25
- “the 1933 Act” means the Children and Young Persons Act 1933 (c. 12);
  - “the 1968 Act” means the Criminal Appeal Act 1968 (c. 19);
  - “the 1978 Act” means the Judicature (Northern Ireland) Act 1978 (c. 23);
  - “the 1980 Act” means the Magistrates’ Courts Act 1980 (c. 43);
  - “the 1981 Act” means the Supreme Court Act 1981 (c. 54); 30
  - “the 1990 Act” means the Courts and Legal Services Act 1990 (c. 41);
  - “the 1997 Act” means the Civil Procedure Act 1997 (c. 12);
  - “the 2000 Act” means the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).
- (2) In this Act the following have the meaning given by section 71 of the 1990 Act – 35
- “5 year magistrates’ court qualification”;
  - “7 year general qualification”;
  - “Supreme Court qualification”.
- (3) In this Act “criminal court” has the meaning given by section 68. 40

- (4) In this Act “judge”, except where the context otherwise requires, means a person holding an office listed in subsection (2) of section 64 (power to alter judicial titles).
- (5) In this Act “lay justice” has the meaning given by section 9.
- (6) In this Act “Magistrates’ Courts Rule Committee” means the committee appointed by the Lord Chancellor under section 144 of the 1980 Act. 5
- (7) In this Act “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (c. 26).
- (8) In this Act “enactment” includes subordinate legislation and, except where otherwise provided, any reference to an enactment is to an enactment whenever passed or made; and “subordinate legislation” here has the same meaning as in the Interpretation Act 1978 (c. 30). 10
- (9) In sections 100(6) and 107(4)(b) “enactment” also includes Northern Ireland legislation (whenever passed or made); and “Northern Ireland legislation” here has the same meaning as in the Interpretation Act 1978. 15

## 106 Rules, regulations and orders

- (1) Any power of the Lord Chancellor to make rules, regulations or orders under this Act is exercisable by statutory instrument.
- (2) None of the orders and regulations mentioned in subsection (3) may be made unless a draft of the statutory instrument containing the order or regulations has been laid before, and approved by a resolution of, each House of Parliament. 20
- (3) The orders and regulations are—
- (a) the first order to be made under section 4 (areas of courts boards);
  - (b) regulations under section 34(5) (costs in legal proceedings); 25
  - (c) an order under section 36(6) or (8) (power to make permanent provision about collection of fines by fines officers);
  - (d) an order under—
    - (i) section 73 or 80 (powers to amend enactments in connection with Criminal Procedure Rules and Family Procedure Rules), or 30
    - (ii) section 107 (power to make consequential provision etc.), which contains any provision (whether alone or with other provisions) amending or repealing any Act or provision of an Act;
  - (e) regulations under Schedule 1.
- (4) A statutory instrument containing— 35
- (a) the first order to be made under section 8 (local justice areas), or
  - (b) regulations under section 40 (payments, accounting and banking by designated officers),
- is to be laid before Parliament after being made.
- (5) Any other statutory instrument, apart from one containing an order under section 108 (commencement), is subject to annulment in pursuance of a resolution of either House of Parliament. 40
- (6) Any power of the Lord Chancellor to make rules, regulations or orders under this Act includes power to make—

- 
- (a) any supplementary, incidental or consequential provision, and  
(b) any transitory, transitional or saving provision,  
which he considers necessary or expedient.
- (7) Nothing in this section applies to –
- (a) rules made under Part 7 (Criminal Procedure and Family Procedure Rules), or 5  
(b) an order made under section 100 (power to alter judicial titles: Northern Ireland).
- 107 Minor and consequential amendments, repeals, etc.**
- (1) Schedule 7 contains minor and consequential amendments. 10  
(2) Schedule 8 contains repeals.  
(3) The Lord Chancellor may by order make –
- (a) any supplementary, incidental or consequential provision, and  
(b) any transitory, transitional or saving provision,  
which he considers necessary or expedient for the purposes of, in consequence 15  
of, or for giving full effect to any provision of this Act.
- (4) An order under subsection (3) may, in particular –
- (a) provide for any provision of this Act which comes into force before  
another such provision has come into force to have effect, until that 20  
other provision has come into force, with such modifications as are  
specified in the order, and  
(b) amend, repeal or revoke any enactment other than one contained in an  
Act passed in a Session after that in which this Act is passed.
- (5) The amendments that may be made under subsection (4)(b) are in addition to  
those made by or under any other provision of this Act. 25
- 108 Commencement**
- (1) Subject to subsection (2), this Act comes into force in accordance with provision  
made by order by the Lord Chancellor.  
(2) Subsection (1) does not apply to section 42, 94, 105, 106, 107(3) to (5), this 30  
section or section 109 or 110.  
(3) An order under this section may appoint different days for different provisions  
and different purposes.
- 109 Extent**
- (1) Subject to subsections (2) and (3), this Act extends only to England and Wales.  
(2) Subsection (1) does not apply to section 59(3), 90, 91, 98, 99, 100, 101, 102, 103, 35  
104 or 107.  
(3) Subject to any provision made in Schedule 7, the amendments and repeals  
made by Schedules 5, 7 and 8 have the same extent as the enactments to which  
they relate.



**110 Short title**

This Act may be cited as the Courts Act 2003.



*Payments in respect of expenses, etc.*

- 6 The Lord Chancellor may make such payments to or in respect of members of courts boards by way of reimbursement of expenses, allowances and remuneration as he may determine.

*Procedure*

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- 7 Regulations may make provision about—  
(a) the procedure of courts boards (including quorum);  
(b) the validation of proceedings in the event of a vacancy among the members of a courts board or a defect in the appointment of a member.

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*Interpretation*

- 8 In this Schedule “regulations” means regulations made by the Lord Chancellor.

SCHEDULE 2

Section 6

ABOLITION OF MAGISTRATES’ COURTS COMMITTEES: TRANSFERS

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PART 1

PROPERTY TRANSFER SCHEMES

*Property transfer schemes: general*

- 1 (1) The Lord Chancellor may make a scheme or schemes for the transfer to him or another Minister of the Crown of any property, rights or liabilities—  
(a) to which magistrates’ courts committees are entitled or subject immediately before the appointed day, or  
(b) to which any of the persons specified in sub-paragraph (2) is entitled or subject immediately before the appointed day and which then subsist for the purposes of, or in connection with, or are otherwise attributable to, magistrates’ courts.
- (2) The persons are—  
(a) an authority which is a responsible authority for the purposes of the Justices of the Peace Act 1997 (c. 25);  
(b) the Receiver for the Metropolitan Police District;  
(c) the council of an outer London borough;  
(d) the Common Council of the City of London;  
(e) a police authority established under section 3 of the Police Act 1996 (c. 16);  
(f) a local probation board;  
(g) any other body which acts under any enactment or instrument for public purposes and not for its own profit.

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(3)	Without prejudice to the generality of paragraph (b) of sub-paragraph (1), any property, rights or liabilities are to be treated as falling within that paragraph if the Lord Chancellor issues a certificate to that effect.	
(4)	In this Schedule “property transfer scheme” means a scheme under sub-paragraph (1).	5
(5)	In this Part of this Schedule “the appointed day” means –	
(a)	in the case of the transfer of property, rights or liabilities to which magistrates’ courts committees are entitled or subject, the day immediately before the abolition day;	
(b)	in any other case, the day specified in the scheme.	10
(6)	On the day which is the appointed day in relation to property, rights or liabilities to which provisions of a property transfer scheme apply, the property, rights and liabilities are transferred and vest in accordance with those provisions.	
(7)	In this Schedule “the abolition day” means the day appointed under section 108(1) for the coming into force of section 6(1) (abolition of magistrates’ courts committees).	15
<i>Property transfer schemes and terminated contracts of employment</i>		
2	A property transfer scheme may not transfer rights or liabilities under a contract of employment, except where the rights or liabilities –	20
(a)	are those to which a magistrates’ courts committee is entitled or subject, and	
(b)	relate to a person whose contract of employment was terminated before the appointed day.	
<i>Property transfer schemes: supplementary</i>		
3	(1) A property transfer scheme may provide for the creation of rights, or the imposition of liabilities, in relation to property transferred by the scheme.	
	(2) A property transfer scheme may provide for the apportionment or division of any property, rights or liabilities.	
(3)	A property transfer scheme may –	30
(a)	specify property, rights or liabilities to be transferred under or in accordance with the scheme, or	
(b)	provide for property, rights or liabilities to be transferred to be determined in accordance with the scheme.	
4	(1) A property transfer scheme has effect in relation to the property, rights and liabilities to which it applies despite any provision (of whatever nature) which would otherwise prevent, penalise or restrict the transfer of any of the property, rights and liabilities.	35
	(2) A right of pre-emption, right of reverter or other similar right is not to operate or become exercisable as a result of a transfer under a property transfer scheme.	40
	(3) In the case of such a transfer, any such right has effect as if the transferee were the same person in law as the transferor and as if the transfer had not taken place.	

- 5 (1) Such compensation as is just is to be paid to a third party in respect of any right which would, apart from paragraph 4, have operated in favour of, or become exercisable by, him but which, in consequence of the operation of that paragraph, cannot subsequently operate in his favour or become exercisable by him. 5
- (2) Any compensation payable by virtue of sub-paragraph (1) is to be paid by the transferor, by the transferee or by both.
- (3) A property transfer scheme may provide for the determination of any disputes as to – 10
- (a) whether, and (if so) how much, compensation is payable by virtue of sub-paragraph (1), and
- (b) the person to whom or by whom it is to be paid.
- (4) “Third party” means a person other than the transferor or the transferee.
- 6 Paragraphs 4 and 5 apply in relation to the creation of rights in relation to property as they apply in relation to a transfer of property; and references to the transferor and the transferee are to be read accordingly. 15
- 7 A certificate issued by the Lord Chancellor that any property, rights or liabilities have, or have not, been transferred under or in accordance with a property transfer scheme is conclusive evidence of the transfer, or of the fact that there has not been a transfer. 20

*Stamp duty*

- 8 (1) Stamp duty is not chargeable in respect of a transfer or grant effected under or in accordance with a property transfer scheme.
- (2) No instrument made or executed for the purposes of such a transfer or grant is to be treated as duly stamped unless – 25
- (a) it has, in accordance with section 12 of the Stamp Act 1891 (c. 39), 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. 30

*Supplementary provisions in property transfer scheme*

- 9 A property transfer scheme may make such supplemental, consequential or transitional provision for the purposes of, or in connection with, a transfer made by the scheme as the Lord Chancellor considers appropriate.

## PART 2

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## STAFF TRANSFERS

*Interpretation*

- 10 In this Part of this Schedule –
- (a) “TUPE” means the Transfer of Undertakings (Protection of Employment) Regulations 1981 (S.I. 1981/1794), 40
- (b) “the appointed day” means the day immediately before the abolition day,

- 
- (c) references to a responsible authority are to an authority which is a responsible authority under the Justices of the Peace Act 1997 (c. 25),
  - (d) references to a responsible authority’s relevant functions are to its functions under that Act, and
  - (e) references to a transferred employee are to an employee transferred to the Lord Chancellor’s employment by virtue of paragraph 11 or 12. 5

*Application of TUPE*

- 11 For the purposes of TUPE –
  - (a) the functions of each magistrates’ courts committee are to be treated as transferred on the appointed day from the committee to the Lord Chancellor, and 10
  - (b) each such transfer is to be treated as the transfer of an undertaking.
- 12 (1) For the purposes of TUPE –
  - (a) the relevant functions of each responsible authority are to be treated as transferred on the appointed day from the authority to the Lord Chancellor, 15
  - (b) each such transfer is to be treated as the transfer of an undertaking, and
  - (c) each person falling within sub-paragraph (2) (but no other person) is to be treated as employed in the undertaking immediately before the appointed day. 20
  - (2) A person falls within this sub-paragraph if –
    - (a) immediately before the appointed day he is employed by the responsible authority under a contract of employment, 25
    - (b) he spends a substantial part of his time on duties connected with the relevant functions of the authority, and
    - (c) the Lord Chancellor certifies that in his opinion it is expedient that the person be transferred to the Lord Chancellor’s employment.
  - (3) Where TUPE applies by virtue of this paragraph, it applies as if regulation 5(4B) were omitted. 30
- 13 A reference in any enactment to a person appointed under section 2(1) includes a transferred employee.

*Restrictions on employment of aliens not to apply to transferred employees*

- 14 Nothing in – 35
  - (a) section 3 of the Act of Settlement (1700 c. 2),
  - (b) section 6 of the Aliens Restriction (Amendment) Act 1919 (c. 92), or
  - (c) any rules prescribing requirements as to nationality which must be satisfied in the case of persons employed in a civil capacity under the Crown, 40

applies to the employment of a transferred employee by the Lord Chancellor following his transfer by virtue of paragraph 11 or 12.

*Compensation for responsible authorities*

- 15 The Lord Chancellor may, to the extent he thinks fit, compensate a responsible authority in respect of costs incurred by the authority as a result of this Act in respect of a person who –
- (a) immediately before the appointed day is employed by the authority under a contract of employment, and 5
  - (b) spends part of his time on duties connected with the relevant functions of the authority,
- but who is not transferred to the Lord Chancellor’s employment by virtue of paragraph 12. 10

PART 3

MISCELLANEOUS AND SUPPLEMENTARY

*Continuing provision of court-houses, accommodation etc.*

- 16 (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 abolition day was being provided by – 15
- (a) the council of an outer London borough, or
  - (b) the Common Council of the City of London,
- pursuant to regulations made under paragraph 35 of Schedule 14 to the Access to Justice Act 1999 (c. 22) shall on and after that day be provided by that council to the Lord Chancellor for the performance of his functions under section 3. 20
- (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 25
  - (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.

*Assistance* 30

- 17 It is the duty of each magistrates’ courts committee, and each person falling within paragraph 1(2) to provide the Lord Chancellor with such information or assistance as he may reasonably require for the purposes of, or in connection with –
- (a) the exercise of any powers exercisable by him in relation to a property transfer scheme, or 35
  - (b) Part 2 of this Schedule.

SCHEDULE 3

Section 36

COLLECTION OF FINES BY FINES OFFICERS

PART 1

INTRODUCTION

<i>Application of Schedule</i>	5
<p>1 (1) This Schedule applies if –</p> <p style="padding-left: 20px;">(a) a person (“P”) is liable to pay a sum which –</p> <p style="padding-left: 40px;">(i) consists of or includes a fine, and</p> <p style="padding-left: 40px;">(ii) is or is treated for the purposes of Part 3 of the 1980 Act as a sum adjudged to be paid by conviction of a magistrates’ court, and</p> <p style="padding-left: 20px;">(b) sub-paragraph (4) or (5) applies to P.</p> <p>(2) In this Schedule “the sum due” means the sum adjudged to be paid as mentioned in sub-paragraph (1)(a).</p> <p>(3) In this Schedule “fine” does not include any pecuniary penalty, pecuniary forfeiture or pecuniary compensation payable on conviction.</p> <p>(4) This sub-paragraph applies to P if, under section 75(1) of the 1980 Act, a magistrates’ court has decided to –</p> <p style="padding-left: 20px;">(a) allow time for payment of the sum due, or</p> <p style="padding-left: 20px;">(b) order payment by instalments of the sum due.</p> <p>(5) This sub-paragraph applies to P if, under section 139(1) or 141 of the 2000 Act, the Crown Court has decided to –</p> <p style="padding-left: 20px;">(a) allow time for payment of the sum due, or</p> <p style="padding-left: 20px;">(b) order (or direct) payment by instalments of the sum due.</p>	<p>10</p> <p>15</p> <p>20</p> <p>25</p>
<i>Court’s power to make a collection order</i>	25
<p>2 (1) Where this Schedule applies, the court may make an order in relation to P (a “collection order”) that payment of the sum due is to be enforced through the fines collection scheme.</p> <p>(2) The collection order must –</p> <p style="padding-left: 20px;">(a) identify the fines officer who is to have the powers conferred by this Schedule,</p> <p style="padding-left: 20px;">(b) state the amount of the sum due, the amount of the fine and the amount of any other part of the sum due,</p> <p style="padding-left: 20px;">(c) state the initial terms of the order, and</p> <p style="padding-left: 20px;">(d) contain information about how the fines collection scheme works.</p> <p>(3) “The initial terms of the order” means –</p> <p style="padding-left: 20px;">(a) if the court has decided that time should be allowed for payment, the period within which the sum due is required to be paid;</p> <p style="padding-left: 20px;">(b) if the court has decided that P should pay by instalments, the amounts of the instalments and the dates on which they must be paid.</p> <p>(4) If P is subject to a collection order –</p>	<p>30</p> <p>35</p> <p>40</p>



- (a) the fines collection scheme applies to him, and
  - (b) the powers of any court to deal with his liability to pay the sum due are subject to the provisions of the scheme.
- (5) “The fines collection scheme” means –
- (a) this Schedule, and
  - (b) regulations made by the Lord Chancellor for the purpose of giving effect to it (“fines collection regulations”).

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*Identification of the fines officer*

- 3 (1) The collection order may identify the fines officer by giving the address of a fines office.
- (2) If it does so, any fines officer working in the fines office is to be treated as the fines officer in relation to the collection order.

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PART 2

THE FINES COLLECTION SCHEME: MAIN COMPONENTS

*Meaning of “in default”*

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- 4 For the purposes of this Schedule, P is in default on a collection order if he fails to pay any amount due under the terms of the order on the date on which it is required to be paid.

*Nature of power to vary terms of collection order, and to vary them in P’s favour*

- 5 (1) A power to vary the terms of a collection order includes power to –
- (a) substitute terms requiring payment by instalments for a term allowing time for payment, or
  - (b) substitute a term allowing time for payment for terms requiring payment by instalments.
- (2) Subject to sub-paragraph (1), a power to vary the terms of a collection order under which the sum due is required to be paid on a specified date is a power to vary the date on which the sum due is to be paid.
- (3) Subject to sub-paragraph (1), a power to vary the terms of a collection order under which the sum due is required to be paid by instalments is a power to vary –
- (a) the number of instalments payable;
  - (b) the amount of any instalment;
  - (c) the date on which any instalment becomes payable.
- (4) Any variation of the terms of a collection order under which smaller instalments are required to be paid over a longer period is to be regarded as a variation in P’s favour.

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*Discount on fine if the sum due is paid without default*

- 6 (1) A discount on a fine is available if –
- (a) the terms of the collection order require the sum due (or an outstanding part of the sum due) to be paid within a specified period, and

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- (b) the sum due (or the outstanding part of the sum due), less the amount of the discount, is paid at or before the end of that period without P having been at any time in default on the order.
- (2) A discount on a fine is also available if –
- (a) the terms of the collection order require the sum due (or outstanding amounts of the sum due) to be paid by instalments, and 5
- (b) the instalments (or the outstanding instalments), less the amount of the discount, are paid without P having been at any time in default on the order.
- (3) The amount of the discount is to be determined in accordance with fines collection regulations but must not be greater than 50% of the fine. 10
- (4) The discount is given effect by extinguishing P’s liability to pay the part of the sum due that is equal to the amount of the discount.
- (5) Sub-paragraphs (1) and (2) do not apply if P is in default –
- (a) on another collection order, or 15
- (b) in payment of a sum due in respect of which no collection order has been made.

*Application to fines officer for variation of the initial terms of the order*

- 7 (1) P may, at any time –
- (a) after the collection order is made, and 20
- (b) before he is in default on it,
- apply to the fines officer for the initial terms of the order to be varied.
- (2) On such an application being made, the fines officer may decide –
- (a) to vary the initial terms of the order in P’s favour, or 25
- (b) not to vary them.
- (3) A decision of the fines officer under this paragraph must be in writing, dated and delivered to P.
- (4) Subject to paragraph 8, the effect of a decision under sub-paragraph (2)(a) is that the collection order has effect with the terms varied in the way decided by the fines officer. 30

*Appeal against decision of fines officer*

- 8 (1) P may, within 10 working days from the date of the decision under paragraph 7, appeal to a magistrates’ court against the decision.
- (2) On an appeal under this paragraph the magistrates’ court may –
- (a) confirm or vary the initial terms of the collection order, or 35
- (b) discharge the order and exercise any of its standard powers in respect of persons liable to pay fines.

*Increase in fine on first default*

- 9 (1) This paragraph applies if –
- (a) P is in default on the collection order, and 40
- (b) none of the following is pending –

- (i) an application under paragraph 7 (application to fines officer for variation of the initial terms of the order);
  - (ii) an appeal under paragraph 8 (appeal against decision of fines officer);
  - (iii) a reference under paragraph 17 (power of fines officer to refer case to magistrates' court). 5
- (2) An increase is imposed on the fine which is the subject of the order.
- (3) The amount of the increase is to be determined in accordance with fines collection regulations but must not be greater than 50% of the fine.
- (4) The increase is given effect by treating it as part of the fine imposed on P on his conviction. 10
- (5) But the liability to pay the part of the fine representing the increase –
- (a) ranks after the liability to pay any other part of the sum due, and
  - (b) is subject to paragraphs 11(6) and 14(2) (liability to increase extinguished in cases of subsequent compliance). 15

*Notice of increase*

- 10 If an increase is imposed the fines officer must deliver a notice to P (an “increase notice”) –
- (a) informing P of the increase, and
  - (b) requiring P, within 10 working days from the date of the notice, to contact him, in person or in writing, with a view to explaining why he is in default on the order. 20

*Effect of compliance with requirement to contact fines officer*

- 11 (1) This paragraph applies if P contacts the fines officer as required by an increase notice. 25
- (2) The fines officer may decide –
- (a) to vary the terms of the collection order in P's favour, or
  - (b) not to vary it.
- (3) A decision of the fines officer under sub-paragraph (2) must be in writing, dated and delivered to P. 30
- (4) P may, within 10 working days from the date of the decision under sub-paragraph (2), appeal to a magistrates' court against the decision.
- (5) Subject to paragraph 14 (powers of court after increase), the effect of a decision under sub-paragraph (2)(a) is to vary the terms of the order.
- (6) If, after the terms of the order are varied by virtue of sub-paragraph (2)(a), all amounts due under the order, other than the part of the fine representing the increase, are paid without P being in further default on the order, P's liability to pay that part is extinguished. 35

*Functions of fines officer in relation to defaulters: referral or further steps notice*

- 12 (1) This paragraph applies if P fails to contact the fines officer as required by an increase notice. 40
- (2) This paragraph also applies if –

- (a) P contacts the fines officer as required by an increase notice,
  - (b) the fines officer decides not to vary the collection order, and
  - (c) no appeal under paragraph 11(4) (appeal against decision about variation following increase) is pending.
- (3) This paragraph also applies if, after the increase is imposed – 5
- (a) there is a relevant variation of the terms of the collection order, but
  - (b) P is again in default on the order.
- (4) “Relevant variation in the terms of the collection order” means – 10
- (a) a variation under paragraph 11(2)(a) (variation in P’s favour following increase) in relation to which no appeal under paragraph 11(4) is pending, or
  - (b) a variation under paragraph 14(3)(a) (variation by court) on an appeal under paragraph 11(4).
- (5) The fines officer must – 15
- (a) refer P’s case to the magistrates’ court, or
  - (b) deliver to P a notice (a “further steps notice”) that he intends to take one or more of the steps listed in paragraph 13.
- (6) Any steps that the fines officer intends to take must be specified in the notice.
- (7) A further steps notice must be in writing and dated.
- (8) P may within 10 working days from the date of the further steps notice appeal to the magistrates’ court against it. 20

*The range of further steps available against defaulters*

- 13 (1) The steps referred to in paragraphs 12(5)(b) and 14(3) and (4) (powers to take further steps) are – 25
- (a) issuing a warrant of distress for the purpose of levying the sum due;
  - (b) registering the sum in the register of judgments and orders required to be kept by section 96;
  - (c) making an attachment of earnings order;
  - (d) subject to sub-paragraph (3), making a clamping order;
  - (e) taking any other step permitted under provisions of fines collections regulations which apply any other enforcement power of a magistrates’ court (with or without modifications). 30
- (2) A clamping order is an order – 35
- (a) that a motor vehicle be fitted with an immobilisation device (“clamped”), and
  - (b) which complies with any requirements that are imposed by fines collection regulations under paragraph 18 with respect to the making of clamping orders.
- (3) But a clamping order must not be made except in relation to a vehicle which is registered under the Vehicle Excise and Registration Act 1994 (c. 22) in P’s name. 40

*Powers of court after increase*

- 14 (1) This paragraph applies if the magistrates’ court is hearing P’s case following –

- (a) an appeal against a decision under paragraph 11(4) (appeal against decision about variation following increase),
  - (b) a referral under paragraph 12(5)(a) (functions of fines officer in relation to defaulters), or
  - (c) an appeal under paragraph 12(8) (appeal against a further steps notice). 5
- (2) If the magistrates’ court is satisfied that the circumstances of P’s case are exceptional, it may make an order that if, after the making of the order, all amounts due under the collection order, other than the part of the fine representing the increase, are paid without P being in further default on the order, P’s liability to pay that part is extinguished. 10
- (3) On an appeal or referral falling within sub-paragraph (1)(a) or (b), the court may –
- (a) vary the terms of the collection order;
  - (b) take any of the steps listed in paragraph 13; 15
  - (c) discharge the order and exercise any of its standard powers in respect of persons liable to pay fines.
- (4) On an appeal against a further steps notice, the court may –
- (a) confirm or quash the notice;
  - (b) vary the notice so as to specify any step listed in paragraph 13. 20

*Implementation of further steps notice*

- 15 If –
- (a) P does not appeal within 10 working days against a further steps notice, or
  - (b) he does so but the further steps notice is confirmed or varied, 25
- any step specified in the notice (or the notice as varied) may be taken.

*Power to order sale of clamped vehicle*

- 16 (1) This paragraph applies if –
- (a) a motor vehicle has been clamped under a clamping order, and
  - (b) at the end of the period specified in fines collection regulations under 30
- paragraph 18 any part of the sum due is unpaid.
- (2) The magistrates’ court may order that –
- (a) the vehicle is to be sold or otherwise disposed of in accordance with those regulations, and
  - (b) any proceeds are to be applied in accordance with those regulations 35
- in discharging P’s liability in respect of the sum due.

*Power of fines officer to refer case to magistrates’ court*

- 17 (1) The fines officer may refer a case to the magistrates’ court at any time during the period which –
- (a) begins the day after the collection order is made, and 40
  - (b) ends with the date on which –
    - (i) the sum due (including any increase) is paid in full, or
    - (ii) the order is discharged.

- (2) On a referral under this paragraph, the court may –
- (a) confirm or vary the terms of the order,
  - (b) discharge the order and exercise any of its standard powers in respect of persons liable to pay fines, or
  - (c) to the extent permitted by fines collection regulations, exercise a power it could exercise under any other paragraph. 5
- (3) Fines collection regulations may provide for the fines officer to have the power to issue a summons for the purpose of ensuring that P attends a magistrates’ court to whom P’s case has been referred under this or any other paragraph. 10

### PART 3

#### SUPPLEMENTARY PROVISIONS

##### *Supplementary provision with respect to clamping orders*

- 18 (1) Fines collection regulations may, for the purpose of giving effect to the powers to make clamping orders and to order the sale of clamped motor vehicles, make provision in connection with – 15
- (a) the fitting of immobilisation devices;
  - (b) the fitting of immobilisation notices to motor vehicles to which immobilisation devices have been fitted;
  - (c) the removal and storage of motor vehicles; 20
  - (d) the release of motor vehicles from immobilisation devices or from storage (including the conditions to be met before the vehicle is released);
  - (e) the sale or other disposal of motor vehicles not released.
- (2) Fines collection regulations must provide that an immobilisation device may not be fitted to a vehicle – 25
- (a) which displays a current disabled person’s badge, or
  - (b) in relation to which there are reasonable grounds for believing that it is used for the carriage of a disabled person.
- (3) In this Schedule – 30
- “disabled person’s badge” means a badge issued, or having effect as if issued, under regulations made under section 21 of the Chronically Sick and Disabled Persons Act 1970 (c. 44) (badges for display on motor vehicles used by disabled persons);
  - “immobilisation device” has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984 (c. 27) (immobilisation of vehicles illegally parked); 35
  - “motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, except that section 189 of the Road Traffic Act 1988 (c. 52) (exceptions for certain vehicles) applies for the purposes of this Schedule as it applies for the purposes of the Road Traffic Acts. 40

##### *Meddling with vehicle clamp*

- 19 (1) A person commits an offence if he removes or attempts to remove – 45
- (a) an immobilisation device, or

- (b) an immobilisation notice,  
fitted or fixed to a motor vehicle in accordance with a clamping order made under a further steps notice or under paragraph 14(3)(b) (powers of court after increase).
- (2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale. 5

*Offence of giving false information to fines officer*

- 20 (1) P commits an offence if, in providing a statement of his financial circumstances to a fines officer in response to a relevant request, he—
- (a) makes a statement which he knows to be false in a material particular, 10
  - (b) recklessly provides a statement which is false in a material particular, or
  - (c) knowingly fails to disclose any material fact.
- (2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 4 on the standard scale. 15
- (3) A relevant request is a request for information about P’s financial circumstances which—
- (a) is made by a fines officer, and
  - (b) is expressed to be made for the purpose of determining whether or how the fines officer should vary the terms of a collection order in P’s favour. 20
- (4) Proceedings in respect of an offence under this paragraph may be commenced at any time within—
- (a) 2 years from the date of the commission of the offence, or 25
  - (b) 6 months from its first discovery by the prosecutor,
- whichever ends first.

*Meaning of “standard powers in respect of persons liable to pay fines”*

- 21 “Standard powers in respect of persons liable to pay fines” means any power— 30
- (a) that a magistrates’ court would have had if P had not been subject to a collection order but had been liable to pay the sum due, and
  - (b) which fines collection regulations apply (with or without modifications) for the purposes of this Schedule.

*Meaning of “10 working days”* 35

- 22 In this Schedule “10 working days” means any period of 10 days not including—
- (a) Saturday or Sunday,
  - (b) Christmas Day or Good Friday, or
  - (c) any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 (c. 80). 40

*“The magistrates’ court”*

- 23 In this Schedule “the magistrates’ court”, in relation to a collection order, means any magistrates’ court acting in the local justice area in which the court which made the order was sitting.

*Changes in residence*

5

- 24 Fines collection regulations may make provision relating to cases where a person who is subject to a collection order changes his place of residence.

*Other supplementary provisions*

- 25 (1) Fines collection regulations may, for the purpose of giving effect to this Schedule and section 36, make provision modifying any enactment which relates to the enforcement of sums due. 10
- (2) Different modifications may be made for different cases.

SCHEDULE 4

Section 45

PRE-TRIAL HEARINGS IN MAGISTRATES’ COURTS

After section 8 of the 1980 Act, insert –

15

*“Pre-trial hearings*

**8A Power to make rulings at pre-trial hearing**

- (1) For the purposes of this section a hearing is a pre-trial hearing if –
- (a) it relates to an information –
- (i) which is to be tried summarily, and 20
- (ii) to which the accused has pleaded not guilty, and
- (b) it takes place before the start of the trial.
- (2) For the purposes of subsection (1)(b), the start of a summary trial occurs when the court begins –
- (a) to hear evidence from the prosecution at the trial, or 25
- (b) to consider whether to exercise its power under section 37(3) of the Mental Health Act 1983 (power to make hospital order without convicting the accused).
- (3) At a pre-trial hearing, a magistrates’ court may make a ruling as to any matter mentioned in subsection (4) if –
- (a) the condition in subsection (5) is met, 30
- (b) the court has given the parties an opportunity to be heard, and
- (c) it appears to the court that it is in the interests of justice to make the ruling. 35
- (4) The matters are –
- (a) any question as to the admissibility of evidence;



- (b) any other question of law relating to the case.
- (5) The condition is that, if the accused is not legally represented, the court must—
  - (a) ask whether he wishes to be granted a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service, and 5
  - (b) if he does, decide whether or not to grant him that right.
- (6) A ruling may be made under this section—
  - (a) on an application by a party to the case, or
  - (b) of the court's own motion. 10
- (7) For the purposes of this section and section 8B, references to the prosecutor are to any person acting as prosecutor, whether an individual or body.

**8B Effect of rulings at pre-trial hearing**

- (1) Subject to subsections (3) and (6), a ruling under section 8A has binding effect from the time it is made until the case against the accused or, if there is more than one, against each of them, is disposed of. 15
- (2) The case against an accused is disposed of if—
  - (a) he is acquitted or convicted, 20
  - (b) the prosecutor decides not to proceed with the case against him, or
  - (c) the information is dismissed.
- (3) A magistrates' court may discharge or vary (or further vary) a ruling under section 8A if— 25
  - (a) the condition in section 8A(5) is met,
  - (b) the court has given the parties an opportunity to be heard, and
  - (c) it appears to the court that it is in the interests of justice to do so. 30
- (4) The court may act under subsection (3)—
  - (a) on an application by a party to the case, or
  - (b) of its own motion.
- (5) No application may be made under subsection (4)(a) unless there has been a material change of circumstances since the ruling was made or, if a previous application has been made, since the application (or last application) was made. 35
- (6) A ruling under section 8A is discharged in relation to an accused if—
  - (a) the magistrates' court commits or sends him to the Crown Court for trial for the offence charged in the information, or 40
  - (b) a count charging him with the offence is included in an indictment by virtue of section 40 of the Criminal Justice Act 1988.

**8C Restrictions on reporting**

- (1) Except as provided by this section no report of matters falling within subsection (2) may be published in England and Wales.
- (2) The following matters fall within this subsection –
- (a) a ruling under section 8A; 5
  - (b) proceedings on an application for a ruling under section 8A;
  - (c) an order under section 8B that a ruling under section 8A be discharged, varied or further varied;
  - (d) proceedings on an application under section 8B for a ruling under section 8A to be discharged, varied or further varied. 10
- (3) A magistrates' court dealing with any matter falling within subsection (2) may order that subsection (1) does not apply, or does not apply to a specified extent, to a report of the matter.
- (4) Where there is only one accused and he objects to the making of an order under subsection (3) – 15
- (a) the court may make the order if (and only if) satisfied after hearing the representations of the accused that it is in the interests of justice to do so, and
  - (b) if the order is made, it shall not apply to the extent that a report deals with any such objection or representations. 20
- (5) Where there are two or more accused and one or more of them objects to the making of an order under subsection (3) –
- (a) the court may make the order if (and only if) satisfied after hearing the representations of each of the accused that it is in the interests of justice to do so, and 25
  - (b) if the order is made, it shall not apply to the extent that a report deals with any such objection or representations.
- (6) Subsection (1) does not apply to the publication of a report of matters after the case against the accused or, if more than one, against each of them, is disposed of. 30
- (7) Subsection (1) does not apply to a report which contains only one or more of the following matters –
- (a) the identity of the court and the names of the justices;
  - (b) the names, ages, home addresses and occupations of the accused and witnesses; 35
  - (c) the offence or offences, or a summary of them, with which the accused or any of the accused are charged;
  - (d) the names of counsel and solicitors in the proceedings;
  - (e) where the proceedings are adjourned, the date and place to which they are adjourned; 40
  - (f) any arrangements as to bail;
  - (g) whether a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service was granted to the accused or any of the accused.
- (8) The addresses that may be included in a report by virtue of subsection (7) are addresses – 45

- (a) at any relevant time, and
  - (b) at the time of their inclusion in the publication.
- (9) In subsection (8), “relevant time” means a time when events giving rise to the charges to which the proceedings relate are alleged to have occurred. 5
- (10) Nothing in this section affects any prohibition or restriction imposed by virtue of any other enactment on the publication of a report of any matter.
- (11) In this section and in section 8D –
  - (a) references to publication of a report of matters falling within subsection (2) – 10
    - (i) include references to inclusion of those matters in any speech, writing, relevant programme or other communication in whatever form which is addressed to the public at large or any section of the public (and for this purpose every relevant programme is to be taken to be so addressed), but 15
    - (ii) do not include references to inclusion of those matters in a document prepared for use in particular legal proceedings; 20
  - (b) “relevant programme” means a programme included in a programme service, within the meaning of the Broadcasting Act 1990.

#### **8D Offences in connection with reporting**

- (1) If a report is published in contravention of section 8C each of the following persons is guilty of an offence – 25
  - (a) in the case of a publication of a report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
  - (b) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper; 30
  - (c) in the case of any other publication, any person publishing it. 35
- (2) If an offence under this section committed by a body corporate is proved –
  - (a) to have been committed with the consent or connivance of, or
  - (b) to be attributable to any neglect on the part of, 40an officer, the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (3) In subsection (2), “officer” means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity. 45

- (4) If the affairs of a body corporate are managed by its members, “director” in subsection (3) means a member of that body.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale. 5
- (6) Proceedings for an offence under this section may not be instituted otherwise than by or with the consent of the Attorney General.”

## SCHEDULE 5

Section 65

## FURTHER FUNCTIONS CONFERRED ON DISTRICT JUDGES (MAGISTRATES’ COURTS)

- Criminal Justice Act 1967 (c. 80)* 10
- 1 In section 9(5) (requirement for author of written statement to give evidence in person), for “by a puisne judge of the High Court, a Circuit judge or Recorder sitting alone” substitute “by any of the following sitting alone—
- (a) a puisne judge of the High Court;
  - (b) a Circuit judge; 15
  - (c) a District Judge (Magistrates’ Courts);
  - (d) a Recorder.”
- Taxes Management Act 1970 (c. 9)*
- 2 In—
- (a) section 20D(1)(a) (meaning of “the appropriate judicial authority” in relation to England and Wales), and
  - (b) paragraph 9(2)(a) of Schedule 1AA (sanction for failure to comply with order under section 20BA),
- after “Circuit judge” insert “or a District Judge (Magistrates’ Courts)”.
- Juries Act 1974 (c. 23)* 25
- 3 In section 9B, for subsection (3) (meaning of “the judge” for purposes of discharge of person incapable of acting effectively as juror) substitute—
- “(3) In this section and section 10 “the judge” means—
- (a) a judge of the High Court,
  - (b) a Circuit judge, 30
  - (c) a District Judge (Magistrates’ Courts), or
  - (d) a Recorder.”
- 4 In section 10 (discharge of summons in case of doubt as to capacity to act effectively as juror) omit “and for this purpose “the judge” means any judge of the High Court or any Circuit judge or Recorder”. 35

*Police and Criminal Evidence Act 1984 (c. 60)*

- 5 In section 9(2A) (application of enactments relating to execution of process in Scotland or Northern Ireland to processes issued by a Circuit judge under Schedule 1 to 1984 Act), for “circuit judge” substitute “judge”.
- 6 (1) In Schedule 1 (applications for access to excluded or special procedure material) for “circuit judge”, in each place, substitute “judge”. 5  
 (2) After paragraph 16 insert –  
*“Interpretation*  
 17 In this Schedule “judge” means a Circuit judge or a District Judge (Magistrates' Courts).” 10

*Computer Misuse Act 1990 (c. 18)*

- 7 In section 14(1) (search warrants for offences under section 1) after “a Circuit judge” insert “or a District Judge (Magistrates' Courts)”.

*Data Protection Act 1998 (c. 29)*

- 8 In Schedule 9 (powers of entry and inspection) in paragraph 1(1) after “circuit judge” insert “or a District Judge (Magistrates' Courts)”. 15

*Terrorism Act 2000 (c. 11)*

- 9 In Schedule 5 (terrorist investigations: information) –  
 (a) in paragraphs 5(1) and (5), 6(1), 10(1), 11(1), 12(1) and (2) and 13(1), after “Circuit judge” insert “or a District Judge (Magistrates' Courts)”, and 20  
 (b) in paragraphs 5(4)(a) and 7(1)(b), after “Circuit judge” insert “or the District Judge (Magistrates' Courts)”.
- 10 In Schedule 6 (financial information), in paragraph 3(a), after “Circuit judge” insert “or a District Judge (Magistrates' Courts)”. 25
- 11 In Schedule 6A (account monitoring orders), in paragraph 1(2)(a), for “a Circuit judge,” substitute “a Circuit judge or a District Judge (Magistrates' Courts),”.

*Regulation of Investigatory Powers Act 2000 (c. 23)*

- 12 In Schedule 2 (persons who have the appropriate permission), in paragraph 1(1)(a), after “Circuit judge” insert “or a District Judge (Magistrates' Courts)”. 30

*Freedom of Information Act 2000 (c. 36)*

- 13 In Schedule 3 (powers of entry and inspection), in paragraph 1(1), after “Circuit judge” insert “or a District Judge (Magistrates' Courts)”. 35

*International Criminal Court Act 2001 (c. 17)*

- 14 In Schedule 5 (investigation of proceeds of ICC crime) in paragraphs 1(1)

and 8 for “a Circuit judge or, in Northern Ireland, a county court judge” substitute “–

- (a) a Circuit judge or a District Judge (Magistrates' Courts), or
- (b) in Northern Ireland, a county court judge,”.

*Armed Forces Act 2001 (c. 19)*

5

- 15 In section 6(2)(a) (applications for access to excluded or special procedure material), for “circuit judges” substitute “judges”.

## SCHEDULE 6

Section 97

### HIGH COURT WRITS OF EXECUTION

#### **Enforcement officers: general**

10

*Districts for writs of execution enforced by enforcement officers*

- 1 (1) England and Wales is to be divided into districts for the purposes of this Schedule.
- (2) The districts are to be those specified in regulations made under paragraph 12.

15

*Enforcement officers: authorisation and assignment to districts*

- 2 (1) An enforcement officer is an individual who is authorised to act as such by the Lord Chancellor or a person acting on his behalf.
- (2) The Lord Chancellor or a person acting on his behalf must assign at least one enforcement officer to each district.
- (3) The Lord Chancellor or a person acting on his behalf may –
- (a) assign an enforcement officer to more than one district, and
  - (b) change any assignment of an enforcement officer so that he is assigned to a different district or to different districts.

20

*Direction of writs of execution to enforcement officers*

25

- 3 (1) A writ of execution issued from the High Court may be directed –
- (a) if only one enforcement officer is assigned to the district in which the writ is to be executed, to that officer,
  - (b) if two or more enforcement officers are assigned to that district, to those officers collectively, or
  - (c) to a named enforcement officer who, whether or not assigned to that district, has undertaken to execute the writ.
- (2) In this paragraph “writ of execution” does not include –
- (a) a writ of sequestration, or
  - (b) a writ relating to ecclesiastical property.

30

35

*Enforcement officers to have traditional powers etc. of sheriff*

- 4 (1) This paragraph applies in relation to writs directed to one or more enforcement officers under paragraph 3.
- (2) The relevant officer has, in relation to the writ, the duties, powers, rights, privileges and liabilities that a sheriff of a county would have had at common law if –
- (a) the writ had been directed to him, and
- (b) the district in which it is to be executed had been within his county. 5
- (3) “The relevant officer” means –
- (a) if the writ is directed to a single enforcement officer under paragraph 3(1)(a) or (c), that officer; 10
- (b) if the writ is directed to two or more enforcement officers collectively under paragraph 3(1)(b), the officer to whom, in accordance with approved arrangements, the execution of the writ is allocated.
- (4) Sub-paragraph (2) applies to a person acting under the authority of the relevant officer as it applies to the relevant officer. 15
- (5) In this Schedule “approved arrangements” means arrangements approved by the Lord Chancellor or a person acting on his behalf.

*Constable’s duty to assist enforcement officers*

- 5 It is the duty of every constable, at the request of – 20
- (a) an enforcement officer, or
- (b) a person acting under the officer’s authority, to assist the officer or that person in the execution of a writ.

**Writs of execution against goods**

*Application of paragraphs 7 to 11* 25

- 6 Paragraphs 7 to 11 apply to any writ of execution against goods which is issued from the High Court.

*Endorsement of writ with date and time of receipt*

- 7 (1) If the writ is directed to a single enforcement officer under paragraph 3(1)(a) or (c), that officer must endorse it as soon as possible after receiving it. 30
- (2) If the writ is directed to two or more enforcement officers collectively under paragraph 3(1)(b), the individual who, in accordance with approved arrangements, is responsible for allocating its execution to one of those officers, must endorse it as soon as possible after receiving it.
- (3) If the writ is directed to a person who is not an enforcement officer but is under a duty to execute it, that person must endorse it as soon as possible after receiving it. 35
- (4) For the purposes of this paragraph, a person endorses a writ by endorsing on the back of it the date and time when he received it.
- (5) No fee may be charged for endorsing a writ under this paragraph. 40

*Effect of writ*

- 8 (1) Subject to sub-paragraph (2), the writ binds the property in the goods of the execution debtor from the time when the writ is received by the person who is under a duty to endorse it.
- (2) The writ does not prejudice the title to any goods of the execution debtor acquired by a person in good faith and for valuable consideration. 5
- (3) Sub-paragraph (2) does not apply if the person acquiring goods of the execution debtor had notice, at the time of the acquisition, that—
- (a) the writ, or
- (b) any other writ by virtue of which the goods of the execution debtor might be seized or attached, 10
- had been received by the person who was under a duty to endorse it but had not been executed.
- (4) Sub-paragraph (2) does not apply if the person acquiring goods of the execution debtor had notice, at the time of the acquisition, that— 15
- (a) an application for the issue of a warrant of execution against the goods of the execution debtor had been made to the district judge of a county court, and
- (b) the warrant issued on the application—
- (i) remained unexecuted in the hands of the district judge of the court from which it was issued, or 20
- (ii) had been sent for execution to, and received by, the district judge of another county court and remained unexecuted in the hands of that district judge.
- (5) In sub-paragraph (1) “property” means the general property in goods (and not merely a special property). 25
- (6) For the purposes of sub-paragraph (2) a thing shall be treated as done in good faith if it is in fact done honestly (whether it is done negligently or not).
- (7) Any reference in this paragraph to the goods of the execution debtor includes anything else of his that may lawfully be seized in execution. 30

*Seizure of goods*

- 9 (1) This paragraph applies where an enforcement officer or other person who is under a duty to execute the writ is executing it.
- (2) The officer may, by virtue of the writ, seize—
- (a) any goods of the execution debtor that are not exempt goods, and 35
- (b) any money, banknotes, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to the execution debtor.
- (3) “Exempt goods” means—
- (a) such tools, books, vehicles and other items of equipment as are necessary to the execution debtor for use personally by him in his employment, business or vocation; 40
- (b) such clothing, bedding, furniture, household equipment and provisions as are necessary for satisfying the basic domestic needs of the execution debtor and his family.



*Sale of goods seized*

- 10 (1) This paragraph applies if—
- (a) a writ of execution has been issued from the High Court,
  - (b) goods are seized under the writ by an enforcement officer or other person under a duty to execute it, and 5
  - (c) the goods are to be sold for a sum which, including legal incidental expenses, exceeds £20.
- (2) The sale must be—
- (a) made by public auction, and not by bill of sale or private contract, unless the court otherwise orders, and 10
  - (b) publicly advertised on, and during the three days preceding, the day of sale.
- (3) If the person who seized the goods has notice of another execution or other executions, the court must not consider an application for leave to sell privately until the notice prescribed by Civil Procedure Rules has been given 15 to the other execution creditor or creditors.
- (4) An execution creditor given notice under sub-paragraph (3) is entitled—
- (a) to appear before the court, and
  - (b) to be heard on the application for the order.

*Protection of officers selling seized goods* 20

- 11 (1) This paragraph applies if—
- (a) a writ of execution has been issued from the High Court,
  - (b) goods in the possession of an execution debtor are seized by an enforcement officer or other person under a duty to execute the writ, and 25
  - (c) the goods are sold by that officer without any claims having been made to them.
- (2) If this paragraph applies—
- (a) the purchaser of the goods acquires a good title to them, and
  - (b) no person is entitled to recover against the officer or anyone acting under his authority— 30
    - (i) for any sale of the goods, or
    - (ii) for paying over the proceeds prior to the receipt of a claim to the goods,unless it is proved that the person from whom recovery is sought had 35 notice, or might by making reasonable enquiry have ascertained, that the goods were not the property of the execution debtor.
- (3) Nothing in this paragraph affects the right of a lawful claimant to any remedy to which he is entitled against any person other than the enforcement officer or other officer charged with the execution of the writ. 40
- (4) “Lawful claimant” means a person who proves that at the time of sale he had a title to any goods seized and sold.
- (5) This paragraph is subject to sections 183, 184 and 346 of the Insolvency Act 1986 (c. 45).

## Supplementary

### *Regulations*

- |  |    |
|--|----|
| 12 (1) The Lord Chancellor may make regulations for the purpose of giving effect to the provisions of this Schedule that relate to enforcement officers. | 5  |
| (2) The regulations may, in particular, make provision as to –   | 5  |
| (a) conditions to be met by individuals seeking to be authorised to act as enforcement officers;   |    |
| (b) the circumstances in which authorisations may be terminated;   |    |
| (c) the procedures to be followed in relation to the assignment of enforcement officers or changes in their assignments;                                 | 10 |
| (d) the publication of –   |    |
| (i) lists of enforcement officers assigned to each district, and   |    |
| (ii) addresses to which writs of execution issued from the High Court to enforcement officers may be sent.   |    |
| (3) Subject to paragraph 7(5) the regulations may make provision for the determination of fees that may be charged by enforcement officers.              | 15 |
| (4) Before making any regulations under this paragraph, the Lord Chancellor must consult –   |    |
| (a) the Lord Chief Justice,  |    |
| (b) the Master of the Rolls,   | 20 |
| (c) the President of the Family Division,  |    |
| (d) the Vice-Chancellor, and   |    |
| (e) the Head of Civil Justice.   |    |

## SCHEDULE 7

Section 107

### MINOR AND CONSEQUENTIAL AMENDMENTS 25

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

- |   |   |  |
|---|---|--|
| 1 | In section 10 (warrant to search for lost books), omit “for the commission area”. |  |
|---|---|--|

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

- |   |  |    |
|---|--|----|
| 2 | In section 4 (application to justices where goods carried off or concealed), omit “of the same commission area”. | 30 |
| 3 | In section 16 (possession of property deserted by tenant), omit “of the county, riding, division, or place”.     |    |

#### *Inclosure Act 1773 (c. 81)*

- |   |   |    |
|---|---|----|
| 4 | In section 4 (issue of warrant for recovery of expenses by distress and sale), omit – | 35 |
|   | (a) “under the hand and seal”, and  |    |
|   | (b) “of the commission area wherein such common field lands shall lie”.               |    |

*Sale of Farming Stock Act 1816 (c. 50)*

- 5 In section 10 (indemnity to sheriff and others acting under the provisions of the Act), for “or under sheriff” substitute “, under sheriff or other officer”.

*Burial Ground Act 1816 (c. 141)*

- 6 In section 2 (verification of value of land), omit “for the commission area in which such land is situated”. 5

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

- 7 In section 1 (recovery of rates or assessments), omit “acting for any commission area, in petty sessions assembled”.
- 8 In section 2 (form of warrant or distress), omit “for the said (county, riding, or division, as the case may be)”. 10

*Judgments Act 1838 (c. 110)*

- 9 In section 12 (sheriff may seize money, bank notes, etc.), after “poundage and expences” insert “or other officer’s fees”.

*Metropolitan Police Act 1839 (c. 47)*

- 10 For section 75 (meaning of “magistrate”), substitute – 15
- “75 Meaning of “magistrate” in this Act**
- In this Act “magistrate” means any two justices of the peace sitting together in public.”

*Ordnance Survey Act 1841 (c. 30)*

- 11 In section 2 (dispute as to damage caused during survey) – 20
- (a) for “by any two or more justices in petty sessions assembled of the place in which the lands, grounds, heritages, or trees may be situate” substitute “by a magistrates’ court”, and
- (b) for “the justices, may appeal” substitute “the magistrates’ court, may appeal”. 25

*Railway Regulation Act 1842 (c. 55)*

- 12 (1) In section 17 (punishment of persons employed on railways guilty of misconduct) –
- (a) for “before some justice of the peace for the place within which such offence shall be committed” substitute “before a magistrates’ court”, 30
- (b) for “such justice as aforesaid (who is hereby authorised and required, upon complaint to him made, without information in writing, to take cognizance thereof, and to act summarily in the premises), in the discretion of such justice,” substitute “a magistrates’ court,” 35
- (c) omit “, in the like discretion of such justice, shall”,
- (d) for “as such justice shall appoint” substitute “as a magistrates’ court shall appoint”, and

- (e) omit the words from “and every such penalty” to the end.
- (2) This paragraph extends only to England and Wales.

*Defence Act 1842 (c. 94)*

- 13 (1) In section 24 (compensation for damage caused by temporary buildings), omit “of the county, riding, city, or place”. 5
- (2) This paragraph extends only to England and Wales.

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

- 14 (1) Amend section 24 (proceedings with respect to licences on quitting service) as follows.
- (2) Re-number the existing provision subsection (1). 10
- (3) In that subsection—
  - (a) for “any time not exceeding” substitute “a time which, excluding any day mentioned in subsection (2), does not exceed”,
  - (b) for “the magistrates’ court for the petty sessions area in which the said proprietor shall dwell” substitute “a magistrates’ court”, 15
  - (c) for “at the time of applying” substitute “when applying”,
  - (d) for “justices’ chief executive for such” substitute “designated officer for the”,
  - (e) for “twenty-four hours, exclusive of Sunday or any day on which the magistrates’ court shall not sit,” substitute “that time”, and 20
  - (f) for “at the same magistrates’ court” substitute “to a magistrates’ court”.
- (4) After that subsection insert—
  - “(2) The days are—
    - (a) Saturday or Sunday; 25
    - (b) Christmas Day or Good Friday;
    - (c) a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.”

*Companies Clauses Consolidation Act 1845 (c. 16)*

- 15 In section 3 (interpretation), omit the words from “The word “justice”” to “acting together in petty sessions”. 30
- 16 In section 18 (transmission of shares by other means than transfer to be authenticated by a declaration), for the words from “before a justice” to “and such declaration” substitute “before a justice or a person authorised to administer oaths; and such declaration”. 35
- 17 In section 33 (evidence as to forfeiture of shares), for the words from “before any justice” to “that the call” substitute “before any justice or a person authorised to administer oaths, that the call”.
- 18 Paragraphs 15 to 17 extend only to England and Wales.

*Lands Clauses Consolidation Act 1845 (c. 18)*

- 19 (1) In section 3 (interpretation), omit the words from “The word “justices”” to “acting together”.
- (2) This paragraph extends only to England and Wales.

*Railway Clauses Consolidation Act 1845 (c. 20)*

5

- 20 In section 3 (interpretation), omit the words from “The word “justice”” to “acting together:”.
- 21 In section 11 (limiting deviation from datum line described on sections, etc.) –
- (a) for “in petty sessions assembled for that purpose, and acting for the district” substitute “acting in the local justice area”, and 10
- (b) for the words from “every petty sessions” to “holding of such petty sessions” substitute “every hearing before two or more justices to be held for the purpose of obtaining their consent as mentioned above shall, at least 14 days before the hearing”. 15
- 22 In section 46 (crossings of roads – level crossings), omit “in petty sessions”.
- 23 In section 59 (proceedings on application to justices to consent to level crossings over highways other than public carriage roads) –
- (a) for “fourteen days at least previous to the holding of the petty sessions at which such application is intended to be made” substitute “at least 14 days before the application is intended to be made”, 20
- (b) for “acting for the district” substitute “acting in the local justice area”, and
- (c) omit “, and assembled in petty sessions,”.
- 24 Paragraphs 20 to 23 extend only to England and Wales. 25

*Geological Survey Act 1845 (c. 63)*

- 25 In section 1 (dispute as to damage caused during survey), for “by any two or more justices of the peace, in petty sessions assembled, of the place where the lands or trees may be situate” substitute “by a magistrates’ court”.
- 26 In section 6 (interpretation), for “the word “justices” shall include all persons acting in the commission of the peace and” substitute “the words “magistrates’ court” shall include”. 30

*Markets and Fairs Clauses Act 1847 (c. 14)*

- 27 (1) In section 3 (interpretation), omit the words from “The word “justice”” to “acting together:”.
- (2) This paragraph does not extend to Northern Ireland. 35

*Harbours, Docks and Piers Clauses Act 1847 (c. 27)*

- 28 (1) In section 3 (interpretation), omit the words from “The word “justice”” to “acting together:”.
- (2) This paragraph does not extend to Northern Ireland. 40

*Towns Improvement Clauses Act 1847 (c. 34)*

- 29 (1) In section 3 (interpretation), omit the words from “The word “justice”” to “acting together:”.
- (2) This paragraph does not extend to Northern Ireland.

*Cemeteries Clauses Act 1847 (c. 65)*

5

- 30 (1) In section 3 (interpretation), omit the words from “The word “justice”” to “acting together:”.
- (2) This paragraph does not extend to Northern Ireland.

*Town Police Clauses Act 1847 (c. 89)*

- 31 (1) In section 3 (interpretation), omit the words from “The word “justice”” to “acting together:”.
- (2) This paragraph does not extend to Northern Ireland.

10

*Hares Act 1848 (c. 29)*

- 32 In section 2 (registration of authorisation) –
- (a) for “clerk of the magistrates acting for the petty sessions area” substitute “designated officer for the local justice area”, and
- (b) for “clerk of the magistrates as” substitute “designated officer as”.

15

*Indictable Offences Act 1848 (c. 42)*

- 33 In section 13 (English warrants may be backed in the Isles of Man, Guernsey, Jersey, Alderney or Sark, and vice versa) –
- (a) omit “any county, riding, division, liberty, city, borough, or place in” (in both places),
- (b) for “and for the county or place into which such person shall escape or go, or where he shall reside or be, or be supposed or suspected to be,” substitute “England and Wales”,
- (c) for “indorsing the same has jurisdiction” substitute “indorsing the same is acting or has jurisdiction”,
- (d) for “issued such warrant or process shall have jurisdiction” substitute “issued such warrant or process is acting or has jurisdiction”, and
- (e) for “had been apprehended within his jurisdiction” substitute “had been apprehended in England or Wales or (as the case may be) within his jurisdiction”.

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25

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*Evidence Act 1851 (c. 99)*

- 34 In section 13(2)(a) (proof of conviction of defendant by copy of certified record), for “justices’ chief executive” substitute “designated officer”.

35

*Inclosure Act 1859 (c. 43)*

- 35 In section 4 (how damage to be assessed), for “for the county or riding or other division or place within which” substitute “acting in the local justice area in which”.
- 36 In section 6 (justices’ warrant for distress), for “of such county or riding, or other district or place as aforesaid, shall, by warrant under their hands and seals,” substitute “acting in the local justice area shall by warrant”. 5

*Ecclesiastical Courts Jurisdiction Act 1860 (c. 32)*

- 37 In section 2 (offence of making a disturbance in churches, chapels, churchyards etc.)— 10
- (a) for “before two justices of the peace” substitute “by a magistrates’ court”,
  - (b) for “a penalty of not more than” substitute “a fine not exceeding”, and
  - (c) for “for every such offence, or may, if the justices before whom he shall be convicted think fit, instead of being subjected to any pecuniary penalty, be committed to prison for any time” substitute “or to imprisonment for a term”. 15
- 38 In section 3 (power to arrest offenders and take them before a justice of the peace), for “justice of the peace of the county or place where the said offence shall have been so committed,” substitute “magistrates’ court”. 20
- 39 Paragraphs 37 and 38 do not extend to Northern Ireland.

*Defence Act 1860 (c. 112)*

- 40 (1) In section 47 (interpretation), omit the words from “The word “justices”” to “acting together:””. 25
- (2) This paragraph extends only to England and Wales.

*Offences Against the Person Act 1861 (c. 100)*

- 41 In section 44 (if magistrates dismiss case of assault or battery, they must make out certificate to that effect), omit “under their hands”.
- 42 In section 65 (justices may issue search warrants for explosive substances)— 30
- (a) for “Any justice of the peace of any county or place in which” substitute “Where”,
  - (b) after “in this Act mentioned,” insert “a justice of the peace,”, and
  - (c) omit “under his hand and seal”.
- 43 Paragraphs 41 and 42 do not extend to Northern Ireland. 35

*Poaching Prevention Act 1862 (c. 114)*

- 44 (1) In section 1 (interpretation), omit from “; and the words “justice” and “justices”” onwards.
- (2) This paragraph does not extend to Northern Ireland.

45	In section 2 (summons to appear before justice of the peace) –	
	(a) after “citing such person to appear before” insert “, in England and Wales, a magistrates’ court or”,	
	(b) omit “England and”, and	
	(c) for “forfeit and pay any sum” substitute “be liable to a fine”.	5
46	In section 3 (recovery of penalties), omit “in England in the same manner as penalties under the Game Act 1831 and”.	
<i>Criminal Procedure Act 1865 (c. 18)</i>		
47	In section 6(2)(a) (proof of conviction of witness by signed certificate), for “justices’ chief executive” substitute “designated officer”.	10
<i>Dockyard Ports Regulation Act 1865 (c. 125)</i>		
48	(1) In section 2 (interpretation), omit the words from “The term “justice”” to “arises:”.	
	(2) This paragraph does not extend to Northern Ireland.	
49	In section 22 (jurisdiction of justice of the peace), for “Where any district” substitute –	15
	“(1) For the purposes of this Act, where a local justice area in England and Wales abuts on the shore of the sea or other navigable water, any magistrates’ court in England and Wales has jurisdiction over –	
	(a) any vessel which is near or passes near the shore, and	20
	(b) every person on board the vessel or belonging to it, as if the vessel or person were in England and Wales.	
	(2) Where any other district”.	
<i>Newspapers, Printers and Reading Rooms Repeal Act 1869 (c. 24)</i>		
50	In Schedule 2 (which sets out enactments continued in force under section 1)–	25
	(a) in section 29 of the Unlawful Societies Act 1799 (penalty for neglecting or refusing to produce copy), for “forfeit and lose the sum” substitute “be liable on summary conviction to a fine”,	
	(b) in section 34 of the 1799 Act (prosecutions to be commenced within 3 months), omit “or sued” and “, or such action shall be brought”,	30
	(c) omit section 35 of the 1799 Act (recovery of penalties),	
	(d) omit section 36 of the 1799 Act (application of penalties), and	
	(e) in section 2 of the Printers and Publishers Act 1839 (penalty upon printers for not printing their name, etc.), for “forfeit a sum not more than” substitute “be liable on summary conviction to a fine not exceeding”.	35
<i>Promissory Oaths Act 1871 (c. 48)</i>		
51	In section 2 (persons before whom oaths to be taken), for the paragraph beginning “In England” substitute –	40
	“In England and Wales –	



- (a) before the Lord Chancellor, or
- (b) in open court before one or more judges of the High Court or before one or more Circuit judges.”

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

- 52 In paragraph (a) of the last sentence of section 18 (proof of conviction by certificate or copy of conviction), for “justices’ chief executive” substitute “designated officer”. 5

*Fairs Act 1873 (c. 37)*

- 53 The amendments of section 6 (alteration of fair day on representation of local authority) made by – 10
- (a) paragraph 10 of Schedule 10 to the Access to Justice Act 1999 (c. 22), and
  - (b) paragraph 5 of Schedule 13 to that Act,
- shall be treated as if they had never had effect.

*Commons Act 1876 (c. 56)* 15

- 54 In section 20 (prohibition of gravel digging on certain commons without authority of justices), for “in petty sessions assembled, and acting in and for the petty sessions area in which such common is situate,” substitute “of the peace”.

*Municipal Corporations Act 1882 (c. 50)* 20

- 55 In section 153(3) (issue of warrant following failure by borough to pay sum due to county), omit “for a commission area consisting of or including the whole or part of the county”.

*Explosive Substances Act 1883 (c. 3)*

- 56 (1) In section 6(1) (inquiry into offences)– 25
- (a) omit “for the county, borough, or place in which the crime was committed or is suspected to have been committed,”,
  - (b) omit “sit at a petty sessional or occasional court-house, or police station in the said county, borough or place, and”, and
  - (c) for “the next petty sessions, or” substitute “a magistrates’ court”. 30
- (2) This paragraph does not extend to Northern Ireland.
- 57 In section 9(2) (application of Act to Scotland), for ““petty sessional court house”” substitute ““magistrates’ court””.

*Sheriffs Act 1887 (c. 55)*

- 58 In section 7(1) (declaration of office), for the words from “effect before” onwards substitute “effect – 35
- (a) before one of the judges of Her Majesty’s High Court; or
  - (b) in the county of which he is sheriff before a justice of the peace.”

- 59 In section 17 (disqualification from acting as justice of the peace), for “peace for” substitute “peace in any local justice area consisting of or including the whole or a part of”.
- 60 In section 23(3) (declaration of office by under-sheriff), for the words from “effect before” onwards substitute “effect – 5  
 (a) before one of the judges of Her Majesty’s High Court; or  
 (b) in the county for which such under-sheriff is appointed before a justice of the peace.”
- 61 (1) Amend section 26 (declaration by bailiffs, etc.) as follows.  
 (2) Re-number the existing provision subsection (1). 10  
 (3) In that subsection, for the words from “effect before” onwards substitute “effect –  
 (a) before any judge of the High Court; or  
 (b) in the county in which he exercises his authority before a justice of the peace.” 15  
 (4) After that subsection insert –  
 “(2) Subsection (1) does not apply to any enforcement officer or any person acting under the authority of an enforcement officer.”
- 62 In section 29 (punishment for misconduct), after subsection (2) insert –  
 “(2A) Subsection (2) does not apply to any enforcement officer or any person acting under the authority of an enforcement officer.” 20
- 63 In section 38 (definitions), after the definition of “county” insert –  
 ““enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003;”,  
 and omit from “Any reference” to the end of the section. 25
- Local Government Act 1888 (c. 41)*
- 64 In section 28(2) (power of county council to delegate to justices functions relating to contagious diseases of animals), for “for a commission” substitute “acting in a local justice”.
- Behring Sea Award Act 1894 (c. 2)* 30
- 65 The Behring Sea Award Act 1894 shall have effect in relation to England and Wales as if in Schedule 2 for section 521 of the Merchant Shipping Act 1854 (which under section 1(5) of the 1894 Act is applied to any offence or forfeiture under that Act) there were substituted –  
**“521 Jurisdiction over ships lying off the coasts”** 35  
 Courts in England and Wales (including magistrates’ courts) have jurisdiction –  
 (a) over any ship or boat which –  
 (i) is on or is lying or passing off the coast of England and Wales, or  
 (ii) is in or near any bay, channel, lake, river or other navigable water on which any part of England and 40

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	Wales abuts or into which any part of England and Wales projects, and	
	(b) over all persons on board the ship or boat or for the time being belonging to it, as if the ship, boat or persons were in England and Wales.”	5
<i>Public Health Acts Amendment Act 1907 (c. 53)</i>		
66	In section 94(7) (licensing of pleasure boats: appeals to magistrates’ court), for “justices’ chief executive for the court” substitute “designated officer for the court”.	
<i>Indictments Act 1915 (c. 90)</i>		
67	In section 2(2) (powers of rule committee), for the words preceding “shall have power” substitute “The Criminal Procedure Rule Committee”.	10
<i>Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)</i>		
68	In section 3(4) (return of order to original court for further evidence to be taken), omit “appointed for the same commission area”.	15
69	(1) Amend section 4 (power of court of summary jurisdiction to confirm maintenance orders made in certain Commonwealth countries) as follows.	
	(2) In subsection (5B), for “a justices’ chief executive” (in both places) substitute “the designated officer for the court or for any other magistrates’ court”.	
	(3) In subsection (6A) –	20
	(a) in paragraph (b), in the paragraph to be regarded as substituted for subsection (4)(b) of section 60 of the 1980 Act, for “a justices’ chief executive” substitute “the designated officer for the court or for any other magistrates’ court”, and	
	(b) in paragraph (c), in the words to be regarded as replaced in section 60(5) of the 1980 Act, for “justices’ chief executive for the court” substitute “designated officer for the court”.	25
	(4) Nothing in this paragraph is to be read as amending section 4 as modified in relation to Northern Ireland by section 11.	
70	(1) In section 7(2) (power to make rules about proceedings under the Act), for the words from “Without prejudice” to “such rules” substitute “For the purpose of giving effect to this Act rules of court”.	30
	(2) Sub-paragraph (1) does not extend to Northern Ireland.	
<i>Criminal Justice Act 1925 (c. 86)</i>		
71	In section 33(4) (rules about service of documents on a corporation), omit “, except in so far as such provision may be made by rules under section 144 of the Magistrates’ Courts Act 1980”.	35
<i>Children and Young Persons Act 1933 (c. 12)</i>		
72	In section 7(2) (offence of selling tobacco to persons under 16: complaint to court of summary jurisdiction), for “court of summary jurisdiction” substitute “magistrates’ court”.	40

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|--|---|----|
| 73   | (1) Amend section 25 (restrictions on persons under 18 going abroad to perform for profit) as follows.  |    |
|  | (2) In subsection (6), for “court of summary jurisdiction” substitute “relevant court”.   |    |
|  | (3) After subsection (10), insert –   | 5  |
|  | “(11) In this section “the relevant court” –  |    |
|  | (a) in relation to England and Wales, means a magistrates’ court;   |    |
|  | (b) in relation to Scotland, means a sheriff court;   |    |
|  | (c) in relation to Northern Ireland, means a court of summary jurisdiction.”  | 10 |
| 74   | (1) Amend section 46 (assignment of certain matters to youth courts) as follows.  |    |
|  | (2) In subsection (1), for “court of summary jurisdiction” (in each place) substitute “magistrates’ court”.   |    |
|  | (3) In subsection (1A), for “justices’ chief executive for” substitute “designated officer for”.  | 15 |
| 75   | In section 48(3) (remand of child or young person by youth court), for “for the same petty sessions area or place” substitute “in the same local justice area”.                 |    |
| 76   | Omit section 101 (application of Summary Jurisdiction Acts).  |    |
| 77   | In section 102(1) (appeals to Crown Court), for “court of summary jurisdiction” substitute “magistrates’ court”.  | 20 |
| <i>Foreign Judgments (Reciprocal Enforcement) Act 1933 (c. 13)</i> |   |    |
| 78   | (1) In section 3(1) (power to make rules of court for purposes of Act), for “rules of court under section 84 of the Supreme Court Act 1981” substitute “Civil Procedure Rules”. | 25 |
|  | (2) Sub-paragraph (1) extends only to England and Wales.  |    |
| <i>Public Offices (Site) Act 1947 (c. 45)</i>                      |   |    |
| 79   | Omit section 7 (correction of errors in deposited plan and book of reference).  |    |
| <i>The National Assistance Act 1948 (c. 29)</i>                    |   |    |
| 80   | In section 43(4) (interpretation of section 43), for the words from “a court” onwards substitute “–   | 30 |
|  | (a) in England and Wales, a magistrates’ court acting in the local justice area where the assistance was given or applied for;  |    |
|  | (b) in Scotland, the sheriff having jurisdiction in the place where the assistance was given or applied for.”   | 35 |
| 81   | (1) Amend section 47 (removal to suitable premises of persons in need of care and attention) as follows.  |    |
|  | (2) In subsection (2), for “a court of summary jurisdiction having jurisdiction in the place where the premises are situated” substitute “the court”.                           |    |

- (3) After subsection (12) insert –
- “(12A) In this section, “the court” –
- (a) in England and Wales, means a magistrates’ court acting in the local justice area where the premises are situated;
  - (b) in Scotland, means the sheriff having jurisdiction in the place where the premises are situated.” 5
- 82 Omit section 65(c) (in application of Act to Scotland, references to court of summary jurisdiction to be read as references to sheriff).
- Criminal Justice Act 1948 (c. 58)*
- 83 For section 37(4) (recommittal following appeal etc.) substitute – 10
- “(4) Criminal Procedure Rules may be made for authorising the recommittal, in such cases and by such courts or justices as may be prescribed by the rules, of persons released from custody under this section.”
- Prevention of Damage by Pests Act 1949 (c. 55)* 15
- 84 (1) Amend section 15 (appeal against directions) as follows.
- (2) In subsection (1), omit “for the petty sessions area or place in which the works are required to be carried out or, as the case may be, in which the food or container is for the time being situated”.
  - (3) In subsection (5), for “from “to a court” to the end of the subsection” substitute ““to a court of summary jurisdiction””. 20
- Marriage Act 1949 (c. 76)*
- 85 In section 3(5) (meaning of “the court”), for “appointed for the commission area” substitute “acting in the local justice area”.
- National Parks and Access to the Countryside Act 1949 (c. 97)* 25
- 86 In section 68(3) (complaint to court about access requirement), omit “for the petty sessions area or place within which the land to which the notice relates is situated”.
- Maintenance Orders Act 1950 (c. 37)*
- 87 In section 17(1)(a) (registration of maintenance orders in England), for “for the same place” substitute “acting in the same local justice area”. 30
- 88 (1) Amend section 18 (enforcement of registered orders) as follows.
- (2) In subsection (2ZA), in the subsection to be regarded as substituted for section 76(5) of the 1980 Act, for “a justices’ chief executive” (in both places) substitute “the designated officer for the court or for any other magistrates’ court”. 35
  - (3) In subsection (2B)(a), for “justices’ chief executive” substitute “designated officer”.
- 89 (1) Amend section 22 (discharge and variation of registered orders) as follows.

	(2) In subsection (1B), for “a justices’ chief executive” (in both places) substitute “the designated officer for the court or for any other magistrates’ court in England and Wales”.	
	(3) In subsection (1E) –	
	(a) in paragraph (a), in the paragraph to be regarded as substituted for section 60(4)(b) of the 1980 Act, for “a justices’ chief executive” substitute “the designated officer for the court or for any other magistrates’ court”, and	5
	(b) in paragraph (b), in the words to be regarded as replaced in section 60(5) of the 1980 Act, for “justices’ chief executive for the court” substitute “designated officer for the court”.	10
90	In section 24(5A)(b) (cessation of order requiring payment), for “a justices’ chief executive” substitute “the designated officer for a magistrates’ court in England and Wales”.	
91	(1) Amend section 25 (rules as to procedure of magistrates’ courts) as follows.	15
	(2) Omit subsection (1).	
	(3) In subsection (3) –	
	(a) after “Rules” insert “of court”, and	
	(b) in paragraph (a), for the words from “by means of” onwards, substitute “in accordance with the rules”.	20
	(4) Sub-paragraph (3) does not extend to Northern Ireland.	
92	(1) Amend section 28(1) (interpretation) as follows.	
	(2) In the definition of “collecting officer”, after “officer,” insert “in relation to a court of summary jurisdiction in England, means the designated officer for the court, and”.	25
	(3) In the definition of “prescribed”, omit –	
	(a) “England or”,	
	(b) “by rules made under section fifteen of the Justices of the Peace Act 1949, or”, and	
	(c) “as the case may be,”.	30
	<i>Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)</i>	
93	(1) In Schedule 2 (paying authorities under Part 5), omit Part 2.	
	(2) Nothing in sub-paragraph (1) is to be read as amending Schedule 2 as it extends to Northern Ireland.	
	<i>Prison Act 1952 (c. 52)</i>	35
94	(1) Amend section 19 (right of justice to visit prison) as follows.	
	(2) In subsection (1), for “for any commission area” substitute “assigned to any local justice area”.	
	(3) In subsection (2), omit “or to visit any prisoner under sentence of death”.	
	<i>Army Act 1955 (3 &amp; 4 Eliz. 2 c. 18)</i>	40
95	In –	

- 
- (a) section 189(3A)(a) (fee for certificate on delivery into military custody of person dealt with by court of summary jurisdiction as illegally absent), and
- (b) section 199(4)(a) (certificate as proof of outcome of civil trial), for “justices’ chief executive” substitute “designated officer”. 5
- Air Force Act 1955 (3 & 4 Eliz. 2 c. 19)*
- 96 In—
- (a) section 189(3A)(a) (fee for certificate on delivery into air force custody of person dealt with by court of summary jurisdiction as illegally absent), and 10
- (b) section 199(4)(a) (certificate as proof of outcome of civil trial), for “justices’ chief executive” substitute “designated officer”.
- Naval Discipline Act 1957 (c. 53)*
- 97 In—
- (a) section 110(2A)(a) (fee for certificate on delivery into naval custody of person dealt with by court of summary jurisdiction as illegally absent), and 15
- (b) section 129B(4)(a) (certificate as proof of outcome of civil trial), for “justices’ chief executive” substitute “designated officer”.
- Maintenance Orders Act 1958 (c. 39)* 20
- 98 (1) Amend section 2 (registration of orders) as follows.
- (2) In subsection (2)(b), for “justices’ chief executive for the magistrates’ court acting for the petty sessions area” substitute “designated officer for the magistrates’ court acting in the local justice area”.
- (3) In subsection (5), for “of, or justices’ chief executive for,” substitute “of, or for,”. 25
- (4) In subsection (6), for “a justices’ chief executive” (in both places) substitute “the designated officer for a magistrates’ court”.
- (5) In subsection (6ZA), for “a justices’ chief executive” substitute “the designated officer for the court or for any other magistrates’ court”. 30
- (6) In subsection (6ZC), for “a justices’ chief executive” substitute “the designated officer for a magistrates’ court”.
- 99 In section 3(3A) (requirement of person liable under order to notify change of address), for “justices’ chief executive for” substitute “designated officer for”. 35
- 100 In section 4(5B) (variation of orders registered in magistrates’ courts)—
- (a) in paragraph (a), in the paragraph to be regarded as substituted for section 60(4)(b) of the 1980 Act, for “a justices’ chief executive” substitute “the designated officer for the court or for any other magistrates’ court”, 40
- (b) in paragraph (b), in the words to be regarded as replaced in section 60(5) of the 1980 Act, for “justices’ chief executive for the court” substitute “designated officer for the court”, and

- (c) in paragraph (e), in the subsection (9) to be regarded as substituted for sections 60(9) and (10) of the 1980 Act, for “a justices’ chief executive” (in both places) substitute “the designated officer for the court or for any other magistrates’ court”.
- 101 (1) Amend section 5 (cancellation of registration) as follows. 5  
 (2) In subsection (5), for “a justices’ chief executive” (in both places) substitute “the designated officer for a magistrates’ court”.  
 (3) In subsection (6)(b), for “justices’ chief executive for” substitute “designated officer for”.
- 102 (1) Amend section 18 (powers of magistrates to renew committals) as follows. 10  
 (2) For “justices’ chief executive for” (in each place) substitute “designated officer for”.  
 (3) In subsections (2) and (4), for “acting for the same petty sessions area” substitute “acting in the same local justice area”.
- 103 In section 20(1) (registration of order at request of person entitled to receive payments) – 15  
 (a) for “a justices’ chief executive who” substitute “the designated officer for a magistrates’ court who”, and  
 (b) for “a justices’ chief executive is” substitute “the designated officer is”. 20
- 104 In section 21(1) (interpretation), omit the definition of “rules of court”.

*Manoeuvres Act 1958 (7 & 8 Eliz. 2 c. 7)*

- 105 (1) Amend section 3 (power to close highways) as follows.  
 (2) In subsection (1), omit “sitting in petty sessions in the petty sessions area within which that highway or part of a highway is situated”. 25  
 (3) In subsection (2), omit “, being a highway or part within the jurisdiction of those justices”.  
 (4) For subsection (5)(c) substitute –  
 “(c) the references to justices of the peace shall be construed as references to the district court for the area in which the highway or part of a highway is situated.” 30

*Obscene Publications Act 1959 (c. 66)*

- 106 (1) Amend section 3 (powers of search, seizure and forfeiture) as follows.  
 (2) In subsection (1), omit “in the petty sessions area for which he acts,” and “in that area”. 35  
 (3) In subsection (3) –  
 (a) for “for the same petty sessions area as the justice who issued the warrant, and the justice before whom the articles are brought” substitute “in the local justice area in which the articles were seized, who”; 40  
 (b) for “for that petty sessions area” substitute “acting in that local justice area”.



*Road Traffic Act 1960 (c. 16)*

- 107 In section 243(a) (proof in summary proceedings of identity of driver), for “rules made under section fifteen of the Justices of the Peace Act 1949” substitute “Criminal Procedure Rules”.

*Caravan Sites and Control of Development Act 1960 (c. 62)*

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- 108 In section 7(1) (appeal to magistrates’ court against conditions attached to site licence), omit “acting for the petty sessions area in which the land is situated”.

- 109 In section 8(2) (appeal to magistrates’ court against alteration to site licence conditions), omit “acting for the petty sessions area in which the land to which the site licence relates is situated”.

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- 110 In section 32(1)(c) (application to Scotland), omit “acting for the petty sessions area in which the land is situated”.

*Administration of Justice Act 1960 (c. 65)*

- 111 In section 2(3) (power to extend time for applying for leave to appeal to House of Lords), omit “Except in a case involving sentence of death,”.

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- 112 Omit section 3 (special provision as to capital cases).

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

- 113 In section 10A(5) (notification of cancellation of betting office licence), in paragraph (a) of the definition of “the proper officer of the court”, for “justices’ chief executive” substitute “designated officer”.

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- 114 In section 11 (notification of cancellation of bookmaker’s or betting agency permit) –

- (a) renumber the subsection inserted by paragraph 34(3) of Schedule 13 to the Access to Justice Act 1999 (c. 22) as subsection (5A), and  
(b) in that subsection, in paragraph (a) of the definition of “the proper officer of the court”, for “justices’ chief executive” substitute “designated officer”.

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- 115 (1) Amend Schedule 1 (bookmaker’s permits, betting agency permits and betting office licences) as follows.

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- (2) In paragraph 1(a) –

- (a) for “petty sessions” substitute “local justice”, and  
(b) for “acting for” substitute “acting in”.

- (3) In paragraph 2 –

- (a) in the definition of “appropriate authority”, for “petty sessions” substitute “local justice”, and  
(b) in paragraph (a) of the definition of “the proper officer of the appropriate authority”, for “chief executive to” substitute “designated officer for”.

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- (4) In paragraph 20A(5), for the words from “for a petty” onwards substitute “in a local justice area, is a justices’ clerk designated by the Lord Chancellor in relation to the committee”.

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*Offices, Shops and Railway Premises Act 1963 (c. 41)*

- 116 In section 46(11) (appeals relating to exemptions from Act), omit “acting for the petty sessions area in which they are situate”.

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

- 117 For section 19(4)(a) (application of Sheriffs Act 1887 (c. 55) to Greater London) substitute – 5  
“(a) in sections 7(1), 17, 23(3) and 26(1) any reference to a county shall be construed as a reference to Greater London;”.
- 118 In section 26 (Inner and Middle Temples), omit “commissions of the peace;”.

*Backing of Warrants (Republic of Ireland) Act 1965 (c. 45)* 10

- 119 In section 1(1) (endorsement of warrants issued in Republic of Ireland) –  
(a) in paragraph (b), after “within the area” insert “in or”, and  
(b) for “comprising the area for” substitute “which consists of or includes the area in or for”.
- 120 In section 4(1) (issue of provisional warrant), in paragraph (c), after “within the area” insert “in or”. 15
- 121 In section 6(2) (discharge of persons where police of Republic no longer require his delivery into their custody), after “justice of the peace acting” insert “in or”.
- 122 In section 8(1) (rules of court), for paragraph (a) substitute – 20  
“(a) in England and Wales, Criminal Procedure Rules;”.
- 123 (1) Amend the Schedule (supplementary provisions as to proceedings under section 2) as follows.  
(2) For paragraphs 2 and 2A substitute –  
“2 The court shall sit in open court and shall consist of – 25  
(a) at least two justices, or  
(b) a District Judge (Magistrates’ Courts).”  
(3) In paragraph 3, for “paragraphs 2 and 2A” substitute “paragraph 2”.

*Compulsory Purchase Act 1965 (c. 56)*

- 124 Omit section 1(5) (jurisdiction of justices of the peace). 30

*Public Works Loans Act 1965 (c. 63)*

- 125 In section 2(1)(a) (loan to relevant authority) –  
(a) in sub-paragraph (iii), after “applies;” insert “and”, and  
(b) omit sub-paragraph (v) and “and” before it.

*Criminal Procedure (Attendance of Witnesses) Act 1965 (c. 69)* 35

- 126 In each of the following provisions, for “Crown Court rules”, in each place it occurs, substitute “Criminal Procedure Rules” –

- (a) section 2(7), (8) and (9) (issue of witness summons on application to Crown Court),
- (b) section 2B(2) and (3) (summons no longer needed),
- (c) section 2C(2), (3), (5), (6) and (7) (application to make section 2 summons ineffective), and
- (d) section 2E(3) and (4) (application to make section 2D summons ineffective).

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*National Loans Act 1968 (c. 18)*

- 127 In Schedule 4 (local loans), in paragraph 1, in paragraph (a) of the definition of “local authority” –
- (a) in sub-paragraph (iii), after “applies;” insert “and”, and
  - (b) omit sub-paragraph (v) and “and” before it.

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*Criminal Appeal Act 1968 (c. 19)*

- 128 In section 45 (construction of references to single judge), for “31, 31A” substitute “31 to 31C”.
- 129 Omit section 48 (appeal in capital cases).
- 130 Omit Schedule 4 (procedural and other modifications for capital cases).

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*Courts-Martial (Appeals) Act 1968 (c. 20)*

- 131 Omit –
- (a) section 55 (modification of provisions of Parts 2 and 3 for capital cases), and
  - (b) Schedule 2 (procedural and other modifications for capital cases).

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*Gaming Act 1968 (c. 65)*

- 132 (1) Amend Schedule 2 (court order cancelling licence) as follows.
- (2) In paragraph 1(1)(a), for “petty sessions” substitute “local justice”.
  - (3) In paragraph 2(1), for “petty sessions” substitute “local justice”.
  - (4) In paragraph 48(5), for “justices’ chief executive” substitute “designated officer”.
- 133 (1) Amend Schedule 3 (registration of members’ clubs in England and Wales) as follows.
- (2) In –
    - (a) paragraph 12(1) (in both places),
    - (b) paragraph 13(1),
    - (c) paragraph 15(1) (in both places),
    - (d) paragraph 16(1),
    - (e) paragraph 17(3) (in both places),
    - (f) paragraph 23, and
    - (g) paragraph 24(1) and (2),
- for “chief executive to” substitute “designated officer for”.

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- (3) In paragraph 17(4), for “justices’ chief executive” substitute “designated officer”.
- 134 In Schedule 7 (registration for gaming by means of machines), in –
- (a) paragraphs 3(1) and 4(1),
  - (b) paragraph 11(1) (in both places), 5
  - (c) paragraph 11(2),
  - (d) paragraphs 13(1) and 14,
  - (e) paragraph 20(1) (in both places), and
  - (f) paragraphs 24 and 25(1) and (2),
- for “chief executive to” substitute “designated officer for”. 10
- Children and Young Persons Act 1969 (c. 54)*
- 135 In section 23AA (electronic monitoring of conditions of remand), in each of subsections (4)(a) and (9), for “petty sessions area” substitute “local justice area”.
- 136 In section 23A(2)(a) (court appearance of person arrested for breaking remand conditions), omit “for the petty sessions area in which he was arrested”. 15
- Taxes Management Act 1970 (c. 9)*
- 137 In section 4(7) (power to appoint officers and staff for carrying out the administrative work of the Special Commissioners), for “section 27 of the Courts Act 1971” substitute “section 2(1) of the Courts Act 2003”. 20
- Administration of Justice Act 1970 (c. 31)*
- 138 In section 41(5) (enforcement of orders for payment of costs and compensation made before the appointed day), for “the magistrates’ court for the petty sessions area” substitute “a magistrates’ court acting in the local justice area”. 25
- Courts Act 1971 (c. 23)*
- 139 Omit –
- (a) section 27 (administrative and other court staff),
  - (b) section 28 (provision of accommodation), and 30
  - (c) Schedule 3 (premises formerly used for business of abolished courts).
- 140 In section 52(3) (award of costs where information or complaint is not proceeded with) –
- (a) in paragraph (b), for “acting for any area” substitute “acting in any local justice area”, and 35
  - (b) for “for that area” substitute “acting in that area”.
- Attachment of Earnings Act 1971 (c. 32)*
- 141 In section 3(1)(c) (persons who may apply for an attachment of earnings order), for “a justices’ chief executive, that justices’ chief executive” substitute “the designated officer for a magistrates’ court, that officer”. 40

- 142 In section 6(7)(c) (collecting officer in case of order made by magistrates' court), for "justices' chief executive for that court or for" substitute "designated officer for that court or for".
- 143 (1) Amend section 18 (collecting officer in case of order made by magistrates' court not to apply for certain orders etc.) as follows. 5
- (2) In subsection (1), for "A justices' chief executive" substitute "A designated officer for a magistrates' court".
- (3) In subsections (2) and (3), for "a justices' chief executive" substitute "the designated officer for a magistrates' court".
- 144 In section 21(2)(a)(ii) (costs to be sum due), for "justices' chief executive for the" substitute "designated officer for the magistrates". 10
- 145 In section 25(1) (interpretation), omit the definition of "rules of court" and "and" before it.

*Fire Precautions Act 1971 (c. 40)*

- 146 In section 43(1) (interpretation), in the definition of "the court", omit "acting for the petty sessions area in which they are situated". 15

*Immigration Act 1971 (c. 77)*

- 147 In section 25D(6)(a) (court to which application may be made following detention of ships, aircraft and vehicles), for sub-paragraphs (i) and (ii) substitute – 20
- “(ia) if the arrested person has not been charged, or he has been charged but proceedings for the offence have not begun to be heard, a magistrates' court;”.
- 148 (1) Amend section 28K (execution of search warrants issued to immigration officers) as follows. 25
- (2) For subsection (9)(a), substitute –
- “(a) if issued by a justice of the peace in England and Wales, to the designated officer for the local justice area in which the justice was acting when he issued the warrant;”.
- (3) In subsection (10), for "justices' chief executive" substitute "designated officer". 30
- 149 (1) Amend Schedule 2 (administrative provisions about control on entry) as follows.
- (2) In paragraphs 23(1A)(a) and 31(3A)(a), for "justices' chief executive" substitute "designated officer". 35
- (3) In paragraphs 23(3) and 31(4), for "purposes of the Justices of the Peace Act 1997 and, in particular section 60 of that Act, as being" substitute "purposes of section 38 of the Courts Act 2003 (application of receipts of designated officers) as being".
- (4) In paragraphs 24(2)(a) and 33(2)(a), after "hours, before" insert "in England and Wales, a justice of the peace, in Northern Ireland,". 40
- 150 (1) Amend Schedule 3 (supplementary provisions about deportation) as follows.

- (2) After paragraph 6(2) insert –
- “(2A) Where the Crown Court directed release, the appropriate court is that court or a magistrates’ court.”
- (3) In paragraph 6(3), omit “the Crown Court or” and “commission area or”.
- (4) In paragraph 8(1) – 5
- (a) for “England or Wales or” substitute “England or Wales in pursuance of paragraph 7 above shall be brought as soon as practicable and in any event within twenty-four hours after his arrest before a justice of the peace in England or Wales, and a person arrested in”;
- (b) omit “area or”. 10

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

- 151 In section 7(5B) (power of magistrates’ court on confirming provisional order made in reciprocating country), for “a justices’ chief executive” (in both places) substitute “the designated officer for the court or for any other magistrates’ court in England and Wales”. 15
- 152 (1) Amend section 8 (enforcement of maintenance order registered in United Kingdom court) as follows.
- (2) In subsection (3A), for “justices’ chief executive” substitute “designated officer”.
- (3) In subsection (4A), in the subsection to be regarded as substituted for section 76(5) of the 1980 Act, for “a justices’ chief executive” (in both places) substitute “the designated officer for the court or for any other magistrates’ court”. 20
- 153 In section 9(1ZA) (variation and revocation of maintenance order registered in UK court) – 25
- (a) in paragraph (a), in the subsection (3A) to be regarded as inserted in section 60 of the 1980 Act, for “a justices’ chief executive” (in both places) substitute “the designated officer for the court or for any other magistrates’ court”,
- (b) in paragraph (b), in the paragraph to be regarded as substituted for section 60(4)(b) of the 1980 Act, for “a justices’ chief executive” substitute “the designated officer for the court or for any other magistrates’ court”, and 30
- (c) in paragraph (c), in the words to be regarded as replaced in section 60(5) of the 1980 Act, for “justices’ chief executive for the court” substitute “designated officer for the court”. 35
- 154 In section 17(4) (proceedings in magistrates’ courts) –
- (a) for “for the same petty sessions area” substitute “in the same local justice area”, and
- (b) after “Northern Ireland,” insert “acting for the same”. 40
- 155 (1) Amend section 18 (provision that may be made by magistrates’ courts rules) as follows.
- (2) In subsection (1) –
- (a) for the words preceding paragraph (a) substitute “Rules of court may make provision with respect to –”; 45

- (b) in paragraph (a), for “for a particular petty sessions area” substitute “in a particular local justice area”, and for “for such other petty sessions area” substitute “in such other local justice area”.
- (3) In subsection (1A), for “rules made under section 144 of the Magistrates’ Courts Act 1980” substitute “rules of court”. 5
- 156 In section 21(1) (interpretation of Part 1), in the definition of “prescribed”, omit –
- (a) “in England and Wales or”,
- (b) “by rules made under section 144 of the Magistrates’ Courts Act 1980 or”, and 10
- (c) “as the case may be.”.
- 157 In section 23(6) (maintenance orders registered in High Court under Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)), for “justices’ chief executive” substitute “designated officer”.
- 158 In section 26(6) (application for recovery of maintenance in convention country) – 15
- (a) in paragraph (a), for “justices’ chief executive for the petty sessions area” substitute “designated officer for the local justice area in which the applicant is residing”, and
- (b) in paragraph (b), after “district” insert “in which the applicant is residing”. 20
- 159 (1) Amend section 27B (sending application to appropriate magistrates’ court) as follows.
- (2) In subsection (1), for “justices’ chief executive for a magistrates’ court acting for the petty sessions” substitute “designated officer for a magistrates’ court which is acting in the local justice”. 25
- (3) In subsection (2), for “justices’ chief executive for” substitute “designated officer for”.
- (4) For subsection (4) substitute –
- “(4) If the designated officer for a court to whom the application is sent under this section is satisfied that the respondent is residing within another local justice area, he shall send the application and accompanying documents to the designated officer for a magistrates’ court acting in that other area and shall inform the Lord Chancellor that he has done so.” 30
- (5) In subsection (5), for “justices’ chief executive for” substitute “designated officer for”. 35
- 160 (1) Amend section 27C (application for recovery of maintenance in England and Wales) as follows.
- (2) In subsection (4), for “a justices’ chief executive” (in both places) substitute “the designated officer for the court or for any other magistrates’ court in England and Wales”. 40
- (3) In subsection (7), for “justices’ chief executive for” substitute “designated officer for”.
- 161 In section 32(2A) (transfer of orders), for “justices’ chief executive” substitute “designated officer”. 45

- 162 In section 34(3)(a) (application from abroad to vary registered order), for “justices’ chief executive” substitute “designated officer”.
- 163 (1) Amend section 34A (variation of orders by magistrates’ courts) as follows.
- (2) In subsection (3), for “a justices’ chief executive” (in both places) substitute “the designated officer for the court or for any other magistrates’ court in England and Wales”.
- (3) In subsection (4) –
- (a) for “a justices’ chief executive” substitute “the designated officer for the court or for any other magistrates’ court in England and Wales”, and
- (b) omit “the clerk of”.
- (4) In subsection (5), for “the clerk” substitute “a justices’ clerk”.
- 164 In section 47(3) (construction of references to the jurisdiction of a court), for the words from “construed in relation” onwards substitute “construed –
- (a) in relation to a magistrates’ court in England and Wales as a reference to the local justice area in which the court acts, and
- (b) in relation to a magistrates’ court in Northern Ireland as a reference to the petty sessions district for which the court acts.”
- Civil Evidence Act 1972 (c. 30)*
- 165 Omit section 2(8) (power to make rules of court under section 2 is without prejudice to other such powers).
- Criminal Justice Act 1972 (c. 71)*
- 166 In section 51(4) (execution of process between England and Wales and Scotland), for “by virtue of section 45(1) of the Justices of the Peace Act 1997, as it has” substitute “by virtue of section 28(1) of the Courts Act 2003, as it has”.
- Administration of Justice Act 1973 (c. 15)*
- 167 In section 5 (consequential) omit “Paragraph 7 of”.
- 168 In Schedule 1 (justices of the peace: consequential re-enactments and amendments), omit paragraphs 7 to 7B and 10(1).
- Matrimonial Causes Act 1973 (c. 18)*
- 169 In section 35(3) (jurisdiction to hear application for alteration of maintenance agreement), for “at least one of the parties is resident within the commission area for which the court is appointed” substitute “the court acts in, or is authorised by the Lord Chancellor to act for, a local justice area in which at least one of the parties is resident”.
- 170 (1) Amend section 38 (orders for repayment of sums paid after cessation of periodical payments order by reason of remarriage) as follows.
- (2) In subsection (6) –



- (a) for “A justices’ chief executive” substitute “The designated officer for a magistrates’ court”, and
  - (b) for “the justices’ chief executive” substitute “the designated officer”.
- (3) In subsection (7), for “a justices’ chief executive” substitute “the designated officer for a magistrates’ court”. 5

*Breeding of Dogs Act 1973 (c. 60)*

- 171 In section 3(9) (application to terminate disqualification), for “for the same petty sessions” substitute “in the same local justice”.

*Juries Act 1974 (c. 23)*

- 172 In— 10
- (a) section 9(3) (appeal against refusal to excuse from jury service), and
  - (b) section 9A(3) (appeal against refusal to defer jury service),
- for “Crown Court rules” substitute “Criminal Procedure Rules”.
- 173 In section 14 (views by jurors), for “Crown Court rules, and rules of court for civil cases,” substitute “Criminal Procedure Rules and Civil Procedure Rules”. 15
- 174 In Schedule 1 (jury service: ineligibility, disqualification and excusal), in Group B, omit “Justices’ chief executives,”.

*Friendly Societies Act 1974 (c. 46)*

- 175 For section 102 (jurisdiction of magistrates’ courts) substitute— 20
- “102 Jurisdiction of magistrates’ courts in Northern Ireland**
- (1) In Northern Ireland, a registered society or branch or any officer thereof may be prosecuted for any summary offence under this Act before a magistrates’ court acting for the county court division in which the registered office of the society or branch is situated. 25
  - (2) Subsection (1) is without prejudice to the provisions of the Magistrates’ Courts (Northern Ireland) Order 1981 as to the jurisdiction of a magistrates’ court.”

*Solicitors Act 1974 (c. 47)*

- 176 (1) Amend section 38 (circumstances in which solicitor who is justice of the peace may not act as solicitor) as follows. 30
- (2) In subsection (1), for “for any area, or for any partner of his, to act in connection with proceedings before any of those justices” substitute “assigned to any local justice area, or for any partner of his, to act in connection with proceedings before any justice of the peace acting in that area”. 35
  - (3) Omit subsections (2) and (3).
  - (4) In subsection (3A)—
- (a) for “for any petty sessions” substitute “in any local justice”, and
  - (b) for “acting for” substitute “acting in”. 40

*Evidence (Proceedings in Other Jurisdictions) Act 1975 (c. 34)*

- 177 In section 7 (rules of court) –
- (a) for the words from “The power” to “1981 or” substitute “Civil Procedure Rules or rules of court under”, and
  - (b) for “shall include power to make rules of court under” substitute “may make provision”. 5

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

- 178 In paragraph 14 of Schedule 4 (offences: delivery of licences and certificates of conviction), for “justices’ chief executive” substitute “designated officer”.

*Safety of Sports Grounds Act 1975 (c. 52)* 10

- 179 In section 17(1) (interpretation), in the definition of “the court”, omit “acting for the petty sessions area in which they are situated”.

*Bail Act 1976 (c. 63)*

- 180 In section 2 (definitions), omit the definitions of “Crown Court rules”, “magistrates’ courts rules” and “Supreme Court rules”. 15
- 181 In section 3AA (electronic monitoring of compliance with bail conditions), in each of subsections (4)(a) and (12), for “petty sessions area” substitute “local justice area”.
- 182 In section 5(10) (meaning of “prescribed” in section 5), for “Supreme Court rules, Courts-Martial Appeal rules, Crown Court rules or magistrates’ courts rules” substitute “Civil Procedure Rules, Courts-Martial Appeal rules or Criminal Procedure Rules”. 20
- 183 (1) Amend section 5B (reconsideration of decisions granting bail) as follows.
- (2) In subsection (8), omit “for the petty sessions area in which he was arrested”.
  - (3) In subsection (9), for “Magistrates’ court rules” substitute “Criminal Procedure Rules”. 25
- 184 In section 6(9)(c)(i) (certification of copy of record), for “justices’ chief executive” substitute “designated officer for the court”.
- 185 In section 7(4)(a) (appearance before justice following arrest for absconding or breaking bail conditions), omit “for the petty sessions area in which he was arrested”. 30
- 186 (1) Amend section 8 (bail with sureties) as follows.
- (2) In subsection (4) –
    - (a) in paragraph (a), for “magistrates’ courts rules” substitute “Criminal Procedure Rules”, 35
    - (b) in paragraph (b), for “Crown Court rules” substitute “Criminal Procedure Rules”,
    - (c) in paragraph (c), for “Supreme Court rules” substitute “Civil Procedure Rules or Criminal Procedure Rules”, and
    - (d) for “Supreme Court rules, Crown Court rules, Courts-Martial Appeal rules or magistrates’ courts rules” substitute “Civil 40

Procedure Rules, Criminal Procedure Rules or Courts-Martial Appeal rules”.

- (3) In subsection (5)(b), omit “for the petty sessions area in which he resides”.

*Race Relations Act 1976 (c. 74)*

- 187 (1) Amend Schedule 1A (bodies subject to general statutory duty) as follows. 5  
(2) In Part 1, omit paragraph 45.  
(3) In Part 2, under the heading “Regulatory, audit and inspection” –  
(a) insert in the appropriate place “Her Majesty’s Inspectorate of Court Administration”, and  
(b) omit “Her Majesty’s Magistrates’ Courts Service Inspectorate”. 10

*Administration of Justice Act 1977 (c. 38)*

- 188 Omit section 22 (membership of rule committees).

*Criminal Law Act 1977 (c. 45)*

- 189 (1) Amend section 10 (obstruction of court officers executing process for possession against unauthorised occupiers) as follows. 15  
(2) Before subsection (1) insert –  
“(A1) A person is guilty of an offence if he resists or intentionally obstructs any person who –  
(a) is an enforcement officer, or is acting under the authority of an enforcement officer; and 20  
(b) is engaged in executing a writ issued from the High Court.”  
(3) In subsection (3), for “an officer of a court” substitute “an enforcement officer, a person acting under the authority of an enforcement officer or an officer of a court (as the case may be)”.  
(4) In subsection (5), after “uniform” insert “, an enforcement officer”. 25  
(5) For subsection (6), substitute –  
“(6) In this section –  
“enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003;  
“officer of a court” means – 30  
(a) any sheriff, under sheriff, deputy sheriff, bailiff or officer of a sheriff; and  
(b) any bailiff or other person who is an officer of a county court within the meaning of the County Courts Act 1984.” 35  
(6) In the section heading, for “court officers executing process for possession against unauthorised occupiers” substitute “enforcement officers and court officers executing High Court or county court process”.
- 190 In section 48(1) (power to make rules as to furnishing of information by prosecutor in criminal proceedings), for the words from “The power” to “include power to” substitute “Criminal Procedure Rules may”. 40

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

- 191 In section 6(9) (restrictions on power to make order where respondent not present at hearing), for “rules” substitute “rules of court”.
- 192 (1) Amend section 20ZA (variation of orders for periodical payments) as follows. 5
- (2) In subsection (2), for “clerk to the justices for the petty sessions area for which the court is acting” substitute “court”.
- (3) In subsection (3) –
- (a) for “the clerk” substitute “a justices’ clerk”, and
- (b) for “to the justices’ chief executive for the court” substitute “to the designated officer for the court”. 10
- (4) In subsection (10), for “the clerk to the justices” substitute “a justices’ clerk”.
- 193 In section 27 (refusal of order in case more suitable for High Court), for “for the same petty sessions” substitute “in the same local justice”.
- 194 In section 30(1) (jurisdiction to hear application for order under Part 1 of the Act) – 15
- (a) for “a magistrates’ courts committee” substitute “the Lord Chancellor”, and
- (b) for the words from “at the” onwards substitute “it acts in, or is authorised by the Lord Chancellor to act for, a local justice area in which either the applicant or the respondent ordinarily resides at the date of the making of the application”. 20
- 195 (1) Amend section 32 (enforcement of orders for payment of money) as follows.
- (2) In subsection (2), for “a justices’ chief executive” substitute “the designated officer for a magistrates’ court”. 25
- (3) In subsection (6), for “rules” substitute “rules of court”.
- 196 (1) Amend section 35 (orders for repayment of sums paid after cessation of order by reason of marriage) as follows.
- (2) In subsection (7) –
- (a) for “A justices’ chief executive” substitute “The designated officer for a magistrates’ court”, and
- (b) for “the justices’ chief executive” substitute “the designated officer”. 30
- (3) In subsection (8), for “, the officer designated by the Lord Chancellor or the justices’ chief executive” substitute “or the officer designated by the Lord Chancellor”. 35
- 197 (1) Amend section 88 (interpretation) as follows.
- (2) In subsection (1), omit the definition of “rules”.
- (3) In subsection (4), for “for the same petty sessions” substitute “in the same local justice”.

*Judicature (Northern Ireland) Act 1978 (c. 23)*

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- 198 (1) Amend Schedule 1 (appeals to House of Lords in certain criminal matters) as follows.
- (2) In paragraph 1(2), omit “Except in a case involving sentence of death,”.

(3) Omit paragraph 2.

*Protection of Children Act 1978 (c. 37)*

- 199 (1) Amend section 4 (entry, search and seizure) as follows.
- (2) In subsection (1), omit “in the petty sessions area for which he acts”.
- (3) In subsection (3), for “for the same petty sessions area as the justice who issued the warrant” substitute “in the local justice area in which the articles were seized”.
- 200 In section 5(1) (forfeiture of seized articles), for “for that petty sessions area” substitute “acting in that local justice area”.

*Licensed Premises (Exclusion of Certain Persons) Act 1980 (c. 32)* 10

In section 4 (supplemental), in subsection (4)(a), for “justices’ chief executive” substitute “designated officer”.

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

- 201 Omit section 3 (offences committed on boundaries etc.).
- 202 In section 6(5) (display of details of committal proceedings), for “justices’ chief executive for” substitute “designated officer for”.
- 203 In section 12 (non-appearance of accused), in –
- (a) subsection (1)(b),
  - (b) subsection (4) (in both places), and
  - (c) subsection (6) (in both places),
- for “justices’ chief executive for” substitute “designated officer for”.
- 204 (1) Amend section 12A (application of section 12 where accused appears) as follows.
- (2) In subsection (1), for “clerk of” substitute “designated officer for”.
- (3) In subsection (2) –
- (a) for “clerk of” substitute “designated officer for”, and
  - (b) for “clerk” substitute “designated officer”.
- 205 (1) Amend section 14 (proceedings invalid where accused did not know of them) as follows.
- (2) In subsection (1), for “justices’ chief executive for the court” substitute “designated officer for the court”.
- (3) In subsection (2), for “justices’ chief executive” substitute “designated officer”.
- 206 In section 43(2) (enforcement of recognizance of a surety for person granted bail), for “for the petty sessions” substitute “acting in the local justice”.
- 207 In section 47 (service of summons out of time after failure to prove service by post) for “the rules” (in the first place where it occurs) substitute “rules of court”.
- 208 (1) Amend section 59 (orders for periodical payment: means of payment) as follows.

- (2) In subsection (3)(b), for “a justices’ chief executive” substitute “the designated officer for the court or for any other magistrates’ court”.
- (3) In subsection (8), for “a justices’ chief executive” substitute “the designated officer for a magistrates’ court”.
- 209 (1) Amend section 59A (orders for periodical payment: proceedings by justices’ chief executive) as follows. 5
- (2) In subsection (1) –
- (a) for “a justices’ chief executive” substitute “the designated officer for a magistrates’ court”,
- (b) for “the relevant justices’ chief executive” substitute “the relevant designated officer”, and 10
- (c) for “to that justices’ chief executive” substitute “to that designated officer”.
- (3) In subsection (2) –
- (a) for “a justices’ chief executive” substitute “the designated officer for a magistrates’ court”, and 15
- (b) for “the relevant justices’ chief executive for him” substitute “the relevant designated officer for him”.
- (4) In subsection (3), for “the relevant justices’ chief executive, he” substitute “the relevant designated officer, he”. 20
- (5) In subsection (4) –
- (a) for “a justices’ chief executive” substitute “the relevant designated officer”,
- (b) for “justices’ chief executive cancelling” substitute “relevant designated officer cancelling”, and 25
- (c) for “justices’ chief executive shall” substitute “relevant designated officer shall”.
- (6) In subsection (7), for the definition of “the relevant justices’ chief executive” substitute –
- ““the relevant designated officer”, in relation to an order, 30  
means –
- (a) in a case where payments under the order are required to be made to or through the designated officer for a magistrates’ court, the designated officer for that magistrates’ court; 35
- (b) in a case where such payments are required to be made by any method of payment falling within section 59(6) and the order was made by a magistrates’ court, the designated officer for that magistrates’ court; and 40
- (c) in a case where such payments are required to be made by any method of payment falling within section 59(6) and the order was not made by a magistrates’ court, the designated officer for the magistrates’ court in which the order is registered;” 45
- (7) In the section heading, for “justices’ chief executive” substitute “designated officer”.

- 210 (1) Amend section 59B(5) (interpretation of provisions relating to penalty for failing to comply with maintenance order) as follows.
- (2) For the definition of “the relevant court” substitute –
- “the relevant court”, in relation to an order, means –
- (a) in a case where payments under the order are required to be made to or through the designated officer for a magistrates’ court, that magistrates’ court; 5
- (b) in a case where such payments are required to be made by any method of payment falling within section 59(6) and the order was made by a magistrates’ court, that magistrates’ court; and 10
- (c) in a case where such payments are required to be made by any method of payment falling within section 59(6) and the order was not made by a magistrates’ court, the magistrates’ court in which the order is registered;” 15
- (3) In the definition of “relevant justice”, for “for the petty sessions area for” substitute “acting in the local justice area in”.
- 211 (1) Amend section 60 (revocation, variation, etc. of orders for periodical payment) as follows. 20
- (2) In subsection (4), omit “the clerk of”.
- (3) In subsection (5) –
- (a) for “the clerk” substitute “a justices’ clerk”, and
- (b) for “to the justices’ chief executive for the court” substitute “to the designated officer for the court”. 25
- (4) In subsection (10), for “the clerk of the court” substitute “a justices’ clerk”.
- 212 (1) In section 61(1) (periodical payments payable by one person under more than one order), for “The power to make rules conferred by section 144 below shall, without prejudice to the generality of subsection (1) of that section, include power to” substitute “Rules of court may”. 30
- (2) In paragraph (b) of section 61(1) –
- (a) for “a justices’ chief executive” substitute “the designated officer for a magistrates’ court”, and
- (b) for “that justices’ chief executive” substitute “that designated officer”. 35
- 213 In section 62(1)(ii) (proceedings for sums payable to child), for “justices’ chief executive for” substitute “designated officer for”.
- 214 (1) Amend section 65(1) (proceedings which are family proceedings for purposes of Act) as follows. 40
- (2) After the paragraph (n) inserted by paragraph 8(a) of Schedule 11 to the Children Act 1989 (c. 41), insert –
- “(na) section 30 of the Human Fertilisation and Embryology Act 1990;”.
- (3) Renumber the paragraph (n) inserted by paragraph 60 of Schedule 2 to the Social Security (Consequential Provisions) Act 1992 (c. 6) as paragraph (nb). 45

- 215 In section 66(3) (composition of family proceedings courts), for the words from “and section 67” onwards substitute ““lay justice” has the same meaning as in the Courts Act 2003”.
- 216 (1) Amend section 70 (jurisdiction of magistrates’ courts in inner London for family proceedings) as follows. 5
- (2) In subsection (1) –
- (a) for “for an inner London petty sessions” substitute “acting in an inner London local justice”,
- (b) for “for that” substitute “acting in that”,
- (c) for “for any” substitute “acting in any”, and 10
- (d) for “magistrates’ courts committee whose area consists of or includes that petty sessions area” substitute “Lord Chancellor”.
- (3) In subsection (2) –
- (a) for “for an inner London petty sessions” substitute “acting in an inner London local justice”, and 15
- (b) for “magistrates’ courts committee whose area consists of or includes that petty sessions area so determine” substitute “Lord Chancellor so determines”.
- (4) In subsection (3), in the definition of “inner London petty sessions area”, for ““inner London petty sessions area” means any petty sessions” substitute ““inner London local justice area” means any local justice”. 20
- 217 In section 74(1) (reasons for decisions in family proceedings), for “The power to make rules conferred by section 144 below shall, without prejudice to the generality of subsection (1) of that section, include power to” substitute “Rules of court may”. 25
- 218 (1) Amend section 77 (postponement of issue of warrant) as follows.
- (2) In subsection (5), for “for the petty sessions” substitute “in the local justice”.
- (3) For subsection (6), substitute –
- “(6) Where such an application is referred to the court –
- (a) the clerk of the court shall fix a time and place for the application to be heard; and
- (b) the designated officer for the court shall give the applicant notice of that time and place.”
- 219 In – 35
- (a) section 78(4) (offence of removing impounded goods marked in accordance with rules), and
- (b) section 79(2) (reduction of period of detention on payment being made in accordance with rules),
- for “the rules” substitute “rules of court”.
- 220 In section 82(5A) (notice of hearing to consider issue of warrant of commitment for default in paying fine), for “justices’ chief executive for” substitute “designated officer for”. 40
- 221 In section 84(1) (power to require statement of means) for “for the same petty sessions” substitute “in the same local justice”.
- 222 (1) Amend section 87 (enforcement of payment of fines by High Court and county court) as follows. 45



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- (2) In subsection (1), for “justices’ chief executive for” substitute “designated officer for”.
- (3) In subsection (3), for “justices’ chief executive” substitute “designated officer for the magistrates’ court”.
- (4) Omit subsection (4). 5
- 223 (1) Amend section 87A (fines imposed on companies) as follows.
- (2) In subsection (1), for “justices’ chief executive for” substitute “designated officer for”.
- (3) Omit subsection (2).
- 224 (1) Amend section 89 (transfer of fine order) as follows. 10
- (2) In subsection (1) –
- (a) after “Where a magistrates’ court” insert “in a local justice area”,
- (b) for “in any petty sessions area other than that for which the court acted” substitute “in England and Wales”, and
- (c) for “the petty sessions area in which it appears to the court that he is residing;” substitute “another local justice area”. 15
- (3) In subsection (2) –
- (a) for “justices’ chief executive for” (in both places) substitute “designated officer for”, and
- (b) for “for the petty sessions area” substitute “in the local justice area”. 20
- (4) For subsection (3) substitute –
- “(3) A court by which functions in relation to any sum are for the time being exercisable by virtue of a transfer of fine order may make a further transfer of fine order with respect to that sum.”
- 225 In section 90(3) (transfer of fines to Scotland or Northern Ireland), for “justices’ chief executive for” substitute “designated officer for”. 25
- 226 (1) Amend section 91 (transfer of fines from Scotland and Northern Ireland) as follows.
- (2) In subsection (1) –
- (a) for “in a specified petty sessions area in England and Wales, a magistrates’ court acting for that area,” substitute “by a magistrates’ court in England and Wales, a magistrates’ court acting in the area in which the person subject to the order resides,”, and
- (b) for “justices’ chief executive for” substitute “designated officer for”. 30
- (3) In subsection (3) – 35
- (a) for “in a petty sessions area” substitute “by a magistrates’ court”, and
- (b) for “acting for that area” substitute “acting in the area in which the person subject to the order resides”.
- 227 In section 93(5) (issue of warrant to arrest person defaulting on maintenance order) for “for the same petty sessions” substitute “in the same local justice”. 40
- 228 In section 95(3) (instalments in case of non-English maintenance order), for “a justices’ chief executive” (in both places) substitute “the designated officer for the court or for any other magistrates’ court”.
- 229 In section 97(1), omit –

- (a) “for any commission area”, and  
(b) “for that commission area”.
- 230 (1) Amend section 97A (summons or warrant as to committal proceedings) as follows.
- (2) In subsection (1) – 5  
(a) omit “for any commission area”,  
(b) at the end of paragraph (a) insert “and”, and  
(c) omit paragraph (c) and “and” before it.
- (3) In subsections (9), (10) and (11), for “chief executive to” substitute “designated officer for”. 10
- 231 In section 99 (proof of non-payment of sum adjudged) –  
(a) for “a justices’ chief executive” substitute “the designated officer for a magistrates’ court”, and  
(b) for “the justices’ chief executive” (in both places) substitute “the designated officer”. 15
- 232 In section 107 (false statements in declaration proving service), for “the rules” substitute “rules of court”.
- 233 In section 109(2) (notice to abandon an appeal), for “Crown Court rules” substitute “rules of court”.
- 234 In section 114 (payment of recognisances and fees on case stated) – 20  
(a) for “the clerk of a magistrates’ court” substitute “a justices’ clerk”, and  
(b) for “justices’ chief executive” substitute “designated officer”.
- 235 (1) Amend section 116 (discharge of recognizance to keep the peace or be of good behaviour etc.) as follows. 25  
(2) In subsection (1), omit “for any area to which this section applies”, the words from “, if the complaint” to “for that area,” and “for that area” (in the second place where it occurs).  
(3) Omit subsection (3).
- 236 (1) Amend section 121 (constitution and place of sitting of court) as follows. 30  
(2) Omit subsection (3).  
(3) For subsection (4), substitute –  
“(4) Subject to the provisions of any enactment to the contrary, a magistrates’ court must sit in open court if it is –  
(a) trying summarily an information for an indictable offence, 35  
(b) trying an information for a summary offence,  
(c) imposing imprisonment,  
(d) hearing a complaint, or  
(e) holding an inquiry into the means of an offender for the purposes of section 82.” 40
- (4) In subsection (5), omit “, or sitting in an occasional court-house”.
- 237 In section 125(1) (warrants) for “the rules” substitute “rules of court”.

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- 238 (1) Amend section 125B (execution of warrants by approved enforcement agency) as follows.
- (2) In subsection (2), for the words from “under” onwards substitute “by the Lord Chancellor”.
- (3) After subsection (2), insert – 5
- “(2A) The Lord Chancellor must maintain a register containing the names of all persons and bodies approved by him under subsection (2) and must make such arrangements as he considers appropriate for making the register available for inspection.”
- (4) Omit subsection (3). 10
- (5) In subsection (5)(d), for the words from “under” onwards substitute “by the Lord Chancellor under subsection (2A)”.
- (6) After subsection (5), insert –
- “(6) A decision by the Lord Chancellor to revoke the approval of a person or body under subsection (2) does not have effect to revoke the approval until the Lord Chancellor has informed the person or body of the decision.” 15
- 239 (1) Amend section 125C (disclosure of information for enforcing warrants) as follows.
- (2) In subsection (1) – 20
- (a) for “a justices’ chief executive” substitute “the designated officer for a magistrates’ court”, and
- (b) omit “appointed by, or member of the staff of, his magistrates’ courts committee”.
- (3) In subsection (2), in the definition of “a section 125A warrant” omit the words from “and” onwards. 25
- (4) In subsection (3), for paragraph (c) substitute –
- “(c) any justices’ clerk or other person appointed under section 2(1) of the Courts Act 2003.”
- 240 In section 126 (execution of certain warrants outside England and Wales) – 30
- (a) for “Sections 12 to 14” substitute “Section 13(1) and (2)”, and
- (b) in paragraph (a), for “those referred to in the said sections 12 to 14” substitute “indictable offences”.
- 241 Omit sections 137 and 138 (fees and remission of fees).
- 242 In section 139 (disposal of sums adjudged to be paid by conviction) – 35
- (a) for “A justices’ chief executive” substitute “The designated officer for a magistrates’ court”, and
- (b) for “section 60 of the Justices of the Peace Act 1997” substitute “section 38 of the Courts Act 2003”.
- 243 Omit section 141 (clerks to justices). 40
- 244 (1) Amend section 144 (rule committee) as follows.
- (2) In subsection (1), after “prescribing” insert “except in relation to –
- (a) any criminal cause or matter, or
- (b) family proceedings,”

	and for “and justices’ chief executives” substitute “and designated officers for magistrates’ courts”.	
	(3) In subsection (2), omit “the President of the Family Division of the High Court, the Senior District Judge (Chief Magistrate)”.	
	(4) In subsection (3), before paragraph (a) insert –	5
	“(za) one District Judge (Magistrates’ Courts);”.	
	(5) Omit subsection (5).	
245	(1) Amend section 145 (rules: supplementary provisions) as follows.	
	(2) In subsection (1), omit paragraphs (aa), (f) and (i).	
	(3) Omit subsection (4).	10
246	Omit section 147 (occasional court-house).	
247	In section 148(2) (power of magistrates’ courts to act where another may act), for “for the same petty sessions” substitute “in the same local justice”.	
248	Omit section 149 (Isles of Scilly).	
249	(1) Amend section 150(1) (interpretation) as follows.	15
	(2) Omit the definitions of “petty-sessional court-house”, “the register” and “the rules”.	
	(3) In the definition of “prescribed”, for “the rules” substitute “rules of court”.	
250	In section 152, for “the rules” substitute “rules of court”.	
251	Omit section 153 (magistrates’ courts may sit on Sundays and public holidays).	20
252	In section 155(4) (extent of section 126 of 1980 Act), for “sections” substitute “section”.	
253	Omit Schedule 6 (fees).	
	<i>Criminal Appeal (Northern Ireland) Act 1980 (c. 47)</i>	25
254	Omit –	
	(a) section 48 (appeal in capital cases), and	
	(b) Schedule 3 (procedural and other modifications for capital cases).	
	<i>Highways Act 1980 (c. 66)</i>	
255	(1) Amend section 47 (power of magistrates’ court to declare that an unnecessary highway is not maintainable at public expense) as follows.	30
	(2) In subsection (5), for “acting for the petty sessions for” substitute “assigned to the local justice area in”.	
	(3) In subsection (6), for “chief executive to” substitute “designated officer for”.	
256	(1) Amend section 116 (power of magistrates’ court to authorise stopping up or diversion of highway) as follows.	35
	(2) In subsection (8)(b), for “for the same petty sessions” substitute “in the same local justice”.	
	(3) In subsection (9), for “the clerk of the court” substitute “a justices’ clerk”.	

*Zoo Licensing Act 1981 (c. 37)*

- 257 In section 18(1) (appeals to magistrates' courts), omit "acting for the petty sessions area in which the zoo is situated".

*Supreme Court Act 1981 (c. 54)*

- 258 (1) Amend section 8 (the Crown Court) as follows. 5  
(2) For subsection (2), substitute –  
    “(2) A justice of the peace is not disqualified from acting as a judge of the Crown Court merely because the proceedings are not at a place within the local justice area to which he is assigned or because the proceedings are not related to that area in any other way.” 10  
(3) In subsection (3), for “or any Circuit judge or Recorder” substitute “, Circuit judge, Recorder or District Judge (Magistrates' Courts)”.  
259 In section 9(6A) (Circuit judge and Recorder not to exercise powers of single judge), after “31” insert “, 31B, 31C”.  
260 In section 75(1) (allocation of cases to different sorts of judges), for “and to a Circuit judge or Recorder” substitute “, Circuit judge, Recorder or District Judge (Magistrates' Courts)”. 15  
261 In –  
    (a) section 125 (copies of wills and grants),  
    (b) section 126(1) (depositories for wills of living persons), and 20  
    (c) section 134(2) (right to inspect power of attorney on payment of the prescribed fee),  
for “the prescribed fee” substitute “the fee prescribed by an order under section 92 of the Courts Act 2003 (fees)”.  
262 Omit section 130 (fees to be taken in Supreme Court). 25  
263 Omit sections 138, 138A and 138B (effect of writs of execution against goods).  
264 In section 151(1) (interpretation), in the definition of “prescribed”, omit paragraph (b) and “and” before it.

*Betting and Gaming Duties Act 1981 (c. 63)* 30

- 265 In paragraph 15(4A) of Schedule 1 (betting duties: notification of forfeiture and cancellation of betting office licence), in paragraph (a) of the definition of “proper officer of the court”, for “justices' chief executive” substitute “designated officer”.  
266 In paragraph 15(3)(a) of Schedule 4 (gaming machine licence duty: registers of permits), for “for a petty sessions area, the chief executive to the justices” substitute “in a local justice area, the designated officer for the committee”. 35

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

- 267 (1) Amend section 5 (recognition and enforcement of maintenance orders) as follows. 40

(2)	In subsection (5B), in the subsection to be regarded as substituted for section 76(5) of the 1980 Act, for “a justices’ chief executive” (in both places) substitute “the designated officer for the court or for any other magistrates’ court”.	
(3)	In subsection (8), for “justices’ chief executive” substitute “designated officer”.	5
268	In section 15(3) (interpretation), for “for the same petty sessions area (or, in Northern Ireland,” substitute “in the same local justice area (or, in Northern Ireland, for the same”.	
<i>Administration of Justice Act 1982 (c. 53)</i>		10
269	In section 23(6)(a) (fees for deposit of wills), for “section 130 of the Supreme Court Act 1981” substitute “section 92 of the Courts Act 2003”.	
<i>County Courts Act 1984 (c. 28)</i>		
270	In—	
	(a) section 66(4) (fees payable in respect of trial with jury proceedings in a county court),	15
	(b) section 80(2) (judge’s note on appeal—fee etc.), and	
	(c) section 95(4) (fees payable in respect of duties of brokers and appraisers),	
	for “the fees orders” substitute “an order under section 92 of the Courts Act 2003 (fees)”.	20
271	Omit—	
	(a) section 73 (register of judgments and orders), and	
	(b) section 73A (provision for register to be kept by body under contract to Lord Chancellor).	25
272	In section 98(1) (protection of district judge of county court selling goods under execution without notice of claim by third party), for the words from “(b) no person” to “execution debtor” substitute—	
	“(b) no person shall be entitled to recover against the district judge or other officer, or anyone lawfully acting under his authority—	30
	(i) for any sale of the goods, or	
	(ii) for paying over the proceeds prior to the receipt of a claim to the goods,	
	unless it is proved that the person from whom recovery is sought had notice, or might by making reasonable inquiry have ascertained, that the goods were not the property of the execution debtor.”	35
273	(1) Amend section 99 (effect of warrants of execution) as follows.	
	(2) In subsection (2)(b)—	40
	(a) after “to” insert “an enforcement officer or other officer charged with the execution of the writ”, and	
	(b) for “the sheriff” substitute “that person”.	
	(3) In subsection (4)—	

- 
- (a) before paragraph (a) insert –  
    “(za) “enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003;”, and
- (b) omit paragraph (b). 5
- 274 For section 104 (information as to writs and warrants of execution), substitute –
- “104 Information as to writs and warrants of execution**
- (1) Where a writ against the goods of any person issued from the High Court is delivered to an enforcement officer who is under a duty to execute the writ or to a sheriff, then on demand from the district judge of a county court that person shall – 10
- (a) in the case of an enforcement officer, by writing signed by that officer or a person acting under his authority, and
- (b) in the case of a sheriff, by writing signed by any clerk in the office of the under-sheriff, 15
- inform the district judge of the precise time the writ was delivered to him.
- (2) A bailiff of a county court shall on demand show his warrant to any enforcement officer, any person acting under the authority of an enforcement officer and any sheriff’s officer. 20
- (3) Any writing purporting to be signed as mentioned in subsection (1) and the endorsement on any warrant issued from a county court shall respectively be sufficient justification to any district judge, or enforcement officer or sheriff, acting on it. 25
- (4) In this section “enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003.”
- 275 Omit section 128 (fees).
- 276 In section 147(1) (interpretation), omit the definition of “fees orders”. 30
- Matrimonial and Family Proceedings Act 1984 (c. 42)*
- 277 Omit –
- (a) section 40 (family proceedings rules), and
- (b) section 41 (fees in family proceedings).
- Building Act 1984 (c. 55)* 35
- 278 In section 40(1) (appeal against section 36 notice), omit “acting for the petty sessions area in which is situated land on which there has been carried out any work to which the notice relates”.
- 279 In section 55(1) (appeals), omit “acting for the petty sessions area in which is situated land on which there will be, or there has been, carried out any work to which the notice or certificate relates”. 40

*Police and Criminal Evidence Act 1984 (c. 60)*

- 280 (1) Amend section 16 (execution of warrants) as follows.
- (2) In subsection (10)(i), for “chief executive to the justices for the petty sessions area for which he acts” substitute “designated officer for the local justice area in which the justice was acting when he issued the warrant”. 5
- (3) In subsection (11), for “chief executive to the justices” substitute “designated officer for the local justice area”.
- 281 (1) Amend section 46 (detention after charge) as follows.
- (2) In subsection (2), for “for the petty sessions” substitute “in the local justice”.
- (3) In subsection (3) – 10
- (a) for “for that area” substitute “in that area”,
- (b) for “justices’ chief executive” substitute “designated officer”.
- (4) In subsection (4) –
- (a) for “for a petty sessions” substitute “in a local justice”, and
- (b) for “for that area” substitute “in that area”. 15
- (5) In subsection (5) –
- (a) for “for that area” substitute “in that area”, and
- (b) for “justices’ chief executive” substitute “designated officer”.
- (6) In subsection (6) –
- (a) for “the justices’ chief executive for a petty sessions” substitute “the designated officer for a local justice”, and 20
- (b) for “the justices’ chief executive” substitute “the designated officer”.
- (7) In subsection (7) –
- (a) for “for the petty sessions” substitute “in the local justice”, and
- (b) for “for any other petty sessions” substitute “in any other local justice”. 25
- (8) In subsection (8), for “justices’ chief executive” substitute “designated officer”.
- 282 In section 47(3A)(b) (date of first court appearance in bail cases), for “justices’ chief executive for the relevant petty sessions” substitute “designated officer for the relevant local justice”. 30
- 283 In section 47A (early administrative hearings conducted by justices’ clerks), for “the clerk to the justices for a petty sessions area” substitute “a justices’ clerk”.
- 284 In section 73(3)(a) (proof of convictions and acquittals), for “justices’ chief executive” substitute “designated officer”. 35
- 285 In section 81(1) and (2) (advance notice of expert evidence in Crown Court), for “Crown Court Rules” substitute “Criminal Procedure Rules”.

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

- 286 In section 7(4) (sending to Director of Public Prosecutions of details of cases which do not proceed) – 40



- 
- (a) for “every justices’ chief executive” substitute “the designated officer for every magistrates’ court”, and
- (b) for “a magistrates’ court for which he is the justices’ chief executive” substitute “the magistrates’ court”.
- 287 (1) Amend section 20 (regulations) as follows. 5
- (2) Omit subsection (5).
- (3) In subsection (6), for “and supplemental” substitute “, supplemental and transitional”.
- (4) In subsection (7), after “19(1)” insert “, 19A or 19B”.
- (5) In subsection (8)(a)(ii), for “a party to the proceedings” substitute “any person”. 10
- 288 In section 21 (interpretation of Part 2), in subsection (4A)(b), for “, 19 and 19A” substitute “to 19B”.
- 289 (1) Amend section 23 (discontinuance of proceedings in magistrates’ courts) as follows. 15
- (2) In subsections (3), (7) and (8), for “justices’ chief executive for” substitute “designated officer for”.
- (3) In subsection (10), for “rules made under section 144 of the Magistrates’ Courts Act 1980” substitute “Criminal Procedure Rules”.
- Local Government Act 1985 (c. 51)* 20
- 290 Omit section 99 (disqualification of justices).
- 291 In Schedule 13 (residuary bodies), omit paragraph 13(i).
- Transport Act 1985 (c. 67)*
- 292 (1) Amend section 17 (London taxi and taxi driver licensing: appeals) as follows. 25
- (2) In subsections (2)(b) and (5), for “the appropriate” substitute “a magistrates”.
- (3) In subsection (10), omit the definition of “the appropriate court”.
- Insolvency Act 1986 (c. 45)*
- 293 In section 124(1) (application for winding up), for “a justices’ chief executive” substitute “the designated officer for a magistrates’ court”. 30
- 294 (1) Amend section 183 (effect of execution or attachment) as follows.
- (2) In subsection (2)(b), for “sheriff” substitute “enforcement officer or other officer charged with the execution of the writ”.
- (3) In subsection (4), for the words from ““the sheriff”” onwards substitute ““enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003”. 35
- 295 (1) Amend section 184 (duties of sheriff) as follows.
- (2) In subsection (1), for “sheriff” substitute “enforcement officer, or other officer, charged with execution of the writ or other process,”. 40

- (3) In subsections (2), (3) and (4), for “sheriff”, in each place where it occurs, substitute “enforcement officer or other officer”.
- (4) In subsection (6), for the words from ““the sheriff”” onwards substitute ““enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003.” 5
- (5) In the section heading, for “sheriff” substitute “officers charged with execution of writs and other processes”.
- 296 (1) Amend section 346 (enforcement procedures) as follows.
- (2) In subsections (2), (3)(b), (4) and (8)(b), for “sheriff”, in each place where it occurs, substitute “enforcement officer”. 10
- (3) In subsection (7), for “a sheriff” substitute “an enforcement officer”.
- (4) After subsection (8), insert –
- “(9) In this section “enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003.” 15
- 297 (1) Amend section 347 (distress) as follows.
- (2) In subsection (6), for “sheriff” substitute “enforcement officer”.
- (3) In subsection (7) –
- (a) for “a sheriff” substitute “an enforcement officer”, and
- (b) for “the sheriff” substitute “the enforcement officer”. 20
- (4) After subsection (10), insert –
- “(11) In this section “enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003.”
- 298 In paragraph 12(1)(d) of Schedule B1 (application for administration order), for “justices’ chief executive” substitute “designated officer”. 25
- Company Directors Disqualification Act 1986 (c. 46)*
- 299 In –
- (a) section 2(2)(c) (court which may make disqualification order on conviction of indictable offence), 30
- (b) section 5(2) (disqualification on summary conviction),  
for “for the same petty sessions” substitute “in the same local justice”.
- Fire Safety and Safety of Places of Sport Act 1987 (c. 27)*
- 300 In section 41 (interpretation), in the definition of “the court”, omit “acting for the petty sessions area in which it is situated”. 35
- Coroners Act 1988 (c. 13)*
- 301 In –
- (a) sections 16(1)(a) (adjournment of inquest in event of criminal proceedings), and
- (b) section 17(1) (supplementary provisions), 40  
for “justices’ chief executive for” substitute “designated officer for”.

*Criminal Justice Act 1988 (c. 33)*

- 302 (1) Amend section 41 (power of Crown Court to deal with summary offence where person committed for either way offence) as follows.
- (2) For subsection (8), substitute –
- “(8) If he does not plead guilty, the Crown Court may try him for the offence, but may deal with him only in a manner in which a magistrates’ court could have dealt with him.” 5
- (3) Omit subsection (9).
- (4) In subsections (10) and (11)(a), for “justices’ chief executive for” substitute “designated officer for”. 10
- 303 In section 67(1) (notification of fine imposed by coroner), for “justices’ chief executive for” substitute “designated officer for”.

*Local Government Finance Act 1988 (c. 41)*

- 304 In –
- (a) section 74(1)(c) (levies), and 15
- (b) section 117(5)(c) (rates and precepts: abolition),  
for “, combined fire authority, or magistrates’ courts committee” substitute  
“or combined fire authority”.

*Road Traffic Act 1988 (c. 52)*

- 305 In section 90(1)(a) (application to court for review of conduct of test), omit “acting for the petty sessions area in which he resides”. 20
- 306 In section 100(1) (appeals relating to licences), omit “acting for the petty sessions area in which he resides”.
- 307 In section 119(1) (appeal to sheriff) –
- (a) omit “acting for the petty sessions area in which the holder of or applicant for the licence resides”, and 25
- (b) for “he” substitute “the holder of or applicant for the licence”.
- 308 In section 133(1)(a) (review of examinations by magistrates’ court), for “the magistrates’ court acting for the petty sessions area in which he resides” substitute “a magistrates’ court”. 30

*Road Traffic Offenders Act 1988 (c. 53)*

- 309 In section 7(2) (duty to produce licence), for “justices’ chief executive” substitute “designated officer”.
- 310 In sections 8(a) and 25(2)(a) (notification of date of birth and sex), for “a justices’ chief executive” substitute “the designated officer for a magistrates’ court”. 35
- 311 In section 26 (interim disqualification) –
- (a) renumber the subsection inserted by paragraph 143(3) of Schedule 13 to the Access to Justice Act 1999 (c. 22) as subsection (7A), and

- (b) in that subsection, for “justices’ chief executive” substitute “designated officer”.
- 312 In section 27(5) (production of licence), for “justices’ chief executive” substitute “designated officer”.
- 313 In section 52(3)(c) (fixed penalty notice), for “justices’ chief executive” substitute “designated officer for a magistrates’ court”. 5
- 314 (1) Amend section 69 (payment of fixed penalty) as follows.
- (2) In subsection (1), for “justices’ chief executive” substitute “designated officer for a magistrates’ court”.
- (3) In subsection (4), for “justices’ chief executive or” substitute “designated officer or”. 10
- 315 In section 70(4)(a) (registration certificate), for “justices’ chief executive for the petty sessions” substitute “designated officer for the local justice”.
- 316 (1) Amend section 71 (registration of sums payable in default) as follows.
- (2) In subsection (1)– 15
- (a) for “a justices’ chief executive” substitute “the designated officer for a local justice area”,
- (b) for “petty sessions area for which he is the justices’ chief executive” substitute “local justice area for which he is the designated officer”,
- (c) for “acting for” substitute “acting in”, 20
- (d) for “other petty sessions” substitute “other local justice”, and
- (e) for “justices’ chief executive for” substitute “designated officer for”.
- (3) In subsection (2)(c), for “justices’ chief executive for the petty sessions” substitute “designated officer for the local justice”.
- (4) In subsection (2A), for “executives” substitute “officers”. 25
- (5) In subsection (6), for “justices’ chief executive for a petty sessions” substitute “designated officer for a local justice”.
- 317 In section 74(5) (provisions supplementary to sections 72 and 73)–
- (a) for “petty sessions” substitute “local justice”,
- (b) for “for that area” substitute “in that area”, and 30
- (c) for “justices’ chief executive” substitute “designated officer”.
- 318 In section 75(6) (conditional offer of fixed penalty: fixed penalty clerk), for “justices’ chief executive” substitute “designated officer”.
- 319 (1) Amend section 82 (accounting for fixed penalties) as follows.
- (2) In subsection (1), for “section 60 of the Justices of the Peace Act 1997 (application of fines and fees)” substitute “section 38 of the Courts Act 2003 (application of receipts of designated officers)”. 35
- (3) Omit subsections (2), (2A) and (3).
- 320 In section 83(1)(b) (powers in cases of deception), for “justices’ chief executive or” substitute “designated officer or”. 40
- 321 In section 84(c) (power to make regulations prescribing duties), for “justices’ chief executives” substitute “designated officers”.

*Dangerous Dogs Act 1989 (c. 30)*

- 322 In section 1 (additional powers of court on complaint about dangerous dog) in –
- (a) subsection (4), and
  - (b) subsection (7),
- for “for the same petty sessions” substitute “in the same local justice”. 5

*Extradition Act 1989 (c. 33)*

- 323 In section 7(3) (rules as to service of documents), for “Rules under section 144 of the Magistrates’ Courts Act 1980” substitute “Criminal Procedure Rules”. 10
- 324 In section 8(1)(a) (issue of warrant of arrest for purposes of committal), for “the Senior District Judge (Chief Magistrate) or another District Judge (Magistrates’ Courts) designated by him” substitute “a District Judge (Magistrates’ Courts) designated by the Lord Chancellor”.
- 325 In section 9(2) (proceedings for committal), for “the Senior District Judge (Chief Magistrate) or another District Judge (Magistrates’ Courts) designated by him” substitute “a District Judge (Magistrates’ Courts) designated by the Lord Chancellor”. 15
- 326 In section 13(5)(a) (return to foreign states - supplementary), for “rules under section 84 of the Supreme Court Act 1981” substitute “Criminal Procedure Rules”. 20
- 327 In section 14(2) (simplified procedure) –
- (a) for “rules under section 144 of the Magistrates’ Courts Act 1980” substitute “Criminal Procedure Rules”, and
  - (b) for the words from “without” to “include power to” substitute “those rules may”. 25
- 328 (1) Amend Schedule 1 (provisions deriving from Extradition Act 1870 (c. 52) and associated enactments) as follows.
- (2) In paragraph 4(2), for “the Senior District Judge (Chief Magistrate) or another District Judge (Magistrates’ Courts) designated by him” substitute “a District Judge (Magistrates’ Courts) designated by the Lord Chancellor”. 30
  - (3) In paragraph 5(1)(a) and (3), for “the Senior District Judge (Chief Magistrate), or another District Judge (Magistrates’ Courts) designated by him,” substitute “a District Judge (Magistrates’ Courts) designated by the Lord Chancellor”. 35
  - (4) In paragraph 9(2), for “rules under section 144 of the Magistrates’ Courts Act 1980” substitute “Criminal Procedure Rules”.
  - (5) In paragraph 13(1)(a), for “the Senior District Judge (Chief Magistrate) or another District Judge (Magistrates’ Courts) designated by him” substitute “a District Judge (Magistrates’ Courts) designated by the Lord Chancellor”. 40
- 329 (1) In paragraph 5 of Schedule 1A (adaptation of Act where 1995 Convention applies), amend inserted section 14A as follows.
- (2) In subsection (4), for “rules under section 144 of the Magistrates’ Courts Act 1980” substitute “Criminal Procedure Rules”.

- (3) In subsection (5) –
- (a) for the words from “Without” to “includes power to” substitute “Criminal Procedure Rules may”, and
  - (b) for “a Senior District Judge (Chief Magistrate) or another District Judge (Magistrates’ Courts) designated by him” substitute “a District Judge (Magistrates’ Courts) designated by the Lord Chancellor”. 5

*Football Spectators Act 1989 (c. 37)*

- 330 (1) Amend section 7 (disqualification for membership of scheme) as follows.
- (2) In subsection (7)(b), for “justices’ chief executive for” substitute “designated officer for”. 10
  - (3) In subsection (10), omit paragraph (c) and the word “and” preceding it.
- 331 In –
- (a) section 14G(3) (variation of banning order),
  - (b) section 14H(6) (termination of banning order),
- for “for the same petty sessions” substitute “in the same local justice”. 15
- 332 (1) Amend section 18 (information) as follows.
- (2) In subsection (1), for “justices’ chief executive for” substitute “designated officer for”.
  - (3) In subsection (2), for “clerk of” substitute “designated officer for”.
  - (4) Omit subsection (4). 20
- 333 In section 20(7) (appeal against refusal to grant exemption), omit “acting for the petty sessions area in which he resides”.
- 334 In section 22(2) (banning orders arising out of offences outside England and Wales) –
- (a) omit “for any area”, 25
  - (b) omit “who resides or is believed to reside in that area”, and
  - (c) omit “for that area” (in both places).

*Children Act 1989 (c. 41)*

- 335 In section 83(5) (directions to submit particulars of proceedings), for “justices’ chief executive for” substitute “designated officer for”. 30
- 336 (1) Amend section 97 (privacy for children involved in certain proceedings) as follows.
- (2) In subsection (1), for “Rules made under section 144 of the Magistrates’ Courts Act 1980” substitute “Family Procedure Rules”.
  - (3) Omit subsection (7)(a). 35
- 337 (1) Amend paragraph 6A of Schedule 1 (variation of orders for periodical payments etc. made by magistrates’ courts) as follows.
- (2) In sub-paragraph (2), for “the clerk to the justices for the petty sessions area for which the court is acting” substitute “a magistrates’ court acting in the same local justice area as the court which made the order”. 40
  - (3) In sub-paragraph (3) –
    - (a) for “the clerk” substitute “a justices’ clerk”, and

- (b) for “to the justices’ chief executive for the court” substitute “to the designated officer for the court”.
- (4) In sub-paragraph (9), for “the clerk to the justices” substitute “a justices’ clerk”.
- 338 In paragraph 10(6) of Schedule 1 (jurisdiction to hear application for alteration of maintenance agreement), for “at least one of the parties is resident in the commission area for which the court is appointed” substitute “the court acts in, or is authorised by the Lord Chancellor to act for, a local justice area in which at least one of the parties is resident”. 5
- 339 In paragraph 24(6) of Schedule 2 (signature as evidence of contribution order), for “justices’ chief executive for” substitute “designated officer for”. 10
- Local Government and Housing Act 1989 (c. 42)*
- 340 In section 39(1) (authorities to which provisions about revenue accounts and capital apply), omit paragraph (ea).
- 341 In section 67(3) (authorities to which provisions about interests in companies apply), omit paragraph (ga). 15
- Town and Country Planning Act 1990 (c. 8)*
- 342 In section 217(2) (appeal to magistrates’ court against section 215 notice), omit “acting for the petty sessions area in which the land in question is situated”. 20
- Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)*
- 343 In section 47(4) (application to stay compulsory acquisition of listed building in need of repair), omit “acting for the petty sessions area within which the building is situated”.
- 344 In section 50(6) (application to court following direction for minimum compensation), omit “acting for the petty sessions area in which the building is situated”. 25
- Computer Misuse Act 1990 (c. 18)*
- 345 Omit section 11(1) (magistrates’ court’s jurisdiction).
- 346 In section 16(10) (application to Northern Ireland) – 30
- (a) for “for subsection (1) there shall be substituted” substitute “before subsection (2) there shall be inserted”, and
- (b) omit “and subsection (6) shall be omitted”.
- Courts and Legal Services Act 1990 (c. 41)*
- 347 Omit section 1(12) (duty of Lord Chancellor to prepare annual reports as to the business of the Supreme Court and county courts). 35
- 348 In section 10(2) (family proceedings in magistrates’ courts), for “Rules made under section 144 of the Magistrates’ Courts Act 1980” substitute “Family Procedure Rules”.

*Criminal Justice Act 1991 (c. 53)*

- 349 In section 20A(2)(a) (official request for statement of financial circumstances), for “justices’ chief executive for” substitute “designated officer for”.
- 350 Omit sections 76 to 78 (court security). 5
- 351 (1) Amend section 92 (interpretation of Part 4) as follows.
- (2) In subsection (1), omit the definitions of “court-house” and “court security officer”.
- (3) Omit subsection (2).

*Dangerous Dogs Act 1991 (c. 65)*

- 352 In section 4 (destruction and disqualification orders) – 10
- (a) in subsection (6), and
- (b) in subsection (9)(d),
- for “for the same petty sessions” substitute “in the same local justice”.

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

- 353 In section 107 (recovery of expenditure on income support) – 15
- (a) in subsections (5)(c) and (9), for “the clerk to the justices for the petty sessions area for which the court is acting” substitute “a justices’ clerk”,
- (b) in subsections (5) and (11), for “to the justices’ chief executive for the court” substitute “to the designated officer for the court”, and 20
- (c) in subsection (15), for the definition of “court” substitute – 25
- ““court” (where it occurs other than in the expression “magistrates’ court”) means in England and Wales a magistrates’ court, and in Scotland the sheriff;”.
- 354 In section 121(1) (unpaid contributions - supplementary) –
- (a) in paragraph (a), for “rules under section 144 of that Act” substitute “Criminal Procedure Rules”, and
- (b) in paragraph (b), for “justices’ chief executive for” substitute “designated officer for”. 30

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

- 355 In section 19(3) (exclusion of Crown exemption), omit paragraph (ea).

*Friendly Societies Act 1992 (c. 40)*

- 356 For section 110 (jurisdiction of magistrates’ courts) substitute – 35
- “110 Jurisdiction of magistrates’ courts in Northern Ireland**
- (1) In Northern Ireland, a friendly society or an officer of a friendly society may be prosecuted for a summary offence under this Act before a magistrates’ court acting for the county court division in which the registered office of the society is situated.



- (2) Subsection (1) is without prejudice to the provisions of the Magistrates' Courts (Northern Ireland) Order 1981 as to the jurisdiction of a magistrates' court."

*Charities Act 1992 (c. 41)*

- 357 In section 71(3) (appeals), omit from "and references" onwards. 5

*Protection of Badgers Act 1992 (c. 51)*

- 358 In section 13 (powers of court where dog used or present at commission of offence) –  
(a) in subsection (5), and  
(b) in subsection (9)(c), 10  
for "for the same petty sessions" substitute "in the same local justice".

*Tribunals and Inquiries Act 1992 (c. 53)*

- 359 In Schedule 1 (tribunals under direct supervision of Council on Tribunals), omit the entry relating to a person appointed under section 54(6) of the Justices of the Peace Act 1997 (c. 25). 15

*Pension Schemes Act 1993 (c. 48)*

- 360 In section 68(1)(b) (receipt of statement of admission of failure to pay premiums), for "justices' chief executive for" substitute "designated officer for".

*Vehicle Excise and Registration Act 1994 (c. 22)* 20

- 361 In –  
(a) section 51(3)(b)(i) (meaning of "appropriately proved"), and  
(b) section 55(2)(a)(ii) (meaning of "appropriately proved"),  
for "rules under section 144 of the Magistrates' Courts Act 1980" substitute  
"Criminal Procedure Rules". 25

*Value Added Tax Act 1994 (c. 23)*

- 362 In section 82(3) (power to appoint officers and staff for carrying out the administrative work of tribunals in England and Wales), for "section 27 of the Courts Act 1971" substitute "section 2(1) of the Courts Act 2003".

*Drug Trafficking Act 1994 (c. 37)* 30

- 363 In section 55(7) (power to make rules about orders under section 55), for "Crown Court Rules" substitute "Criminal Procedure Rules".

*Road Traffic (New Drivers) Act 1995 (c. 13)*

- 364 In paragraph 3(3A) of Schedule 1 (test certificate not previously supplied), for "justices' chief executive" substitute "designated officer". 35

*Merchant Shipping Act 1995 (c. 21)*

- 365 In section 68(4A) (particulars of fine for not co-operating with inquiry into fitness of seaman) –
- (a) for “(1)” substitute “(4)”, and
  - (b) for “justices’ chief executive” substitute “designated officer”. 5

*Criminal Appeal Act 1995 (c. 35)*

- 366 In section 22 (meaning of public body etc.), omit subsection (5).

*Disability Discrimination Act 1995 (c. 50)*

- 367 (1) Amend section 38 (appeal against refusal of exemption certificate) as follows. 10
- (2) In subsection (1), for “the appropriate” substitute “a magistrates”.
  - (3) Omit subsection (3).

*Reserve Forces Act 1996 (c. 14)*

- 368 In paragraph 7(3A) of Schedule 2 (fee payable on delivery into military, air-force or naval custody of person dealt with by court of summary jurisdiction as illegally absent), for “justices’ chief executive” substitute “designated officer”. 15
- 369 In paragraph 9(4) of Schedule 3 (certificate as proof of outcome of civil trial), for “justices’ chief executive” substitute “designated officer”.

*Police Act 1996 (c. 16)* 20

- 370 In section 5(2) (consultation before reduction in size of police authority) –
- (a) at the end of paragraph (a), insert “and”, and
  - (b) omit paragraph (c) and “and” before it.
- 371 In section 5C(3) (consultation before reduction in size of Metropolitan Police Authority) – 25
- (a) at the end of paragraph (a), insert “and”, and
  - (b) omit paragraph (c) and “and” before it.

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

- 372 (1) Amend section 19 (rules of court) as follows. 30
- (2) In subsection (1), for the words from the beginning to “sections” substitute “The power to make Criminal Procedure Rules”.
  - (3) In subsection (3), for “Rules made under section 144 of the Magistrates’ Courts Act 1980” substitute “Criminal Procedure Rules made”.
- 373 In section 20(3) (rules as to disclosure), for the words from “Without” to “that section” substitute “The power to make Criminal Procedure Rules”. 35
- 374 In section 33 (Crown Court Rules) –
- (a) in subsections (1) and (2), for “Crown Court Rules” substitute “Criminal Procedure Rules”, and

- (b) for the section heading, substitute “Criminal Procedure Rules”.
- 375 In paragraph 4 of Schedule 2 (rules about statements and depositions), for the words from “Without prejudice” to “includes power to” substitute “Criminal Procedure Rules may”.
- 376 In paragraph 13(2) of Schedule 4 (modification of section 20(3) in relation to Northern Ireland), for “that section” substitute “Rules”. 5
- Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11)*
- 377 In section 9(9) (application for termination of disqualification), for “for the same petty sessions” substitute “in the same local justice”.
- Youth Justice and Criminal Evidence Act 1999 (c. 23)* 10
- 378 In each of the following provisions, for “rules of court” substitute “Criminal Procedure Rules” –
- (a) section 20(6) (applications about special measures directions);
  - (b) section 27(4)(b) (video recorded evidence in chief);
  - (c) section 28(2) and (4) (video recorded cross-examination or re-examination); 15
  - (d) section 29(3) and (5) (examination of witness through intermediary);
  - (e) section 37(5) (applications about directions under section 36);
  - (f) section 38(6) and (7) (defence representation for purposes of cross-examination); 20
  - (g) section 43(3) (procedure on applications under section 41);
  - (h) section 65(1) (power to make rules for purposes of Act).
- 379 In section 24 (evidence by live link), omit subsections (5) to (7).
- 380 In section 44(11) (restrictions on reporting of offences), for “rules of court” substitute “Criminal Procedure Rules in England and Wales, or rules of court in Northern Ireland”. 25
- 381 Omit section 65(2) (meaning of “rules of court”).
- Terrorism Act 2000 (c. 11)*
- 382 (1) Amend Schedule 4 (forfeiture orders) as follows.
- (2) In paragraph 4(1), for “justices’ chief executive” (in each place) substitute “designated officer”. 30
  - (3) In paragraph 13(5)(b), for “a justices’ chief executive” substitute “the designated officer for a magistrates’ court”.
  - (4) In paragraph 46(2)(a), for “section 60 of the Justices of the Peace Act 1997 (application of fines, etc.)” substitute “section 38 of the Courts Act 2003 (application of receipts of designated officers)”. 35
- 383 (1) Amend Schedule 5 (terrorist investigations: information) as follows.
- (2) In paragraph 10(2), for “Crown Court Rules” substitute “Criminal Procedure Rules”.

- (3) In paragraph 18, after paragraph (d) insert –  
 “(dd) the reference in paragraph 10(2) to “Criminal Procedure Rules” shall be taken as a reference to Crown Court Rules.”.
- 384 (1) Amend paragraph 4 of Schedule 6 (procedure on application for provision of financial information) as follows. 5  
 (2) In sub-paragraph (1), for “Crown Court Rules” substitute “Criminal Procedure Rules”.  
 (3) After sub-paragraph (2) insert –  
 “(3) Crown Court Rules may make provision about the procedure for an application under paragraph 1.” 10
- 385 In paragraph 29(4)(a) of Schedule 8 (extension of detention: meaning of judicial authority), omit “the Senior District Judge (Chief Magistrate) or his deputy, or”.
- Freedom of Information Act 2000 (c. 36)* 15
- 386 In Schedule 1 (public authorities), omit paragraph 34.
- Criminal Justice and Court Services Act 2000 (c. 43)*
- 387 In paragraph 2(2) of Schedule 1 (constitution of local probation boards), for “or a Recorder” substitute “, a Recorder or a District Judge (Magistrates’ Courts)”. 20
- Vehicles (Crime) Act 2001 (c. 3)*
- 388 In section 38(5) (unified power to fund speed cameras) –  
 (a) at the end of paragraph (b) insert “and”, and  
 (b) omit paragraph (c).
- Private Security Industry Act 2001 (c. 12)* 25
- 389 (1) Amend section 11 (appeals in licensing matters) as follows.  
 (2) In subsection (1), for “the appropriate” substitute “a”.  
 (3) Omit subsection (3).  
 (4) In subsection (6)(d) –  
 (a) omit “appropriate”, and  
 (b) for “that” substitute “the”. 30
- 390 (1) Amend section 18 (appeals relating to approvals) as follows.  
 (2) In subsection (1), for “the appropriate” substitute “a”.  
 (3) Omit subsection (3).  
 (4) In subsection (5)(d) –  
 (a) omit “appropriate”, and  
 (b) for “that” substitute “the”. 35

*Criminal Justice and Police Act 2001 (c. 16)*

- 391 In section 3(3)(f) (penalty notice for disorderly behaviour), for “justices’ chief executive” substitute “designated officer for a local justice area”.
- 392 In section 7(1) (payment of penalty), for “justices’ chief executive” substitute “designated officer”. 5
- 393 In section 8(2) (certificate that sum is registrable for enforcement as a fine), for “justices’ chief executive for the petty sessions” substitute “designated officer for the local justice”.
- 394 (1) Amend section 9 (registration of sums payable in default) as follows.
- (2) In subsection (1), for “justices’ chief executive for a petty sessions” substitute “designated officer for a local justice”. 10
- (3) In subsection (2)(b), for “appropriate justices’ chief executive” substitute “designated officer for the local justice area in which the defaulter resides”.
- (4) In subsection (3), for “justices’ chief executive” substitute “designated officer”. 15
- 395 In section 21(5) (closure of unlicensed premises), for “justices’ chief executive” substitute “designated officer”.
- 396 In section 22(5)(a) (termination of closure order), for “justices’ chief executive” substitute “designated officer”.

*International Criminal Court Act 2001 (c. 17)*

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- 397 In—
- (a) section 7(3) (form of consent to surrender), and
- (b) section 13(3) (form of waiver of right to review),
- for “rules under section 144 of the Magistrates’ Courts Act 1980 (c. 43)” substitute “Criminal Procedure Rules”. 25
- 398 In section 26 (meaning of “appropriate judicial officer”), in the definition of “appropriate judicial officer” omit paragraph (a).
- 399 In paragraph 5(2) of Schedule 5 (orders under Part 1), after “by” insert “Criminal Procedure Rules or, in Northern Ireland,”.

*Proceeds of Crime Act 2002 (c. 29)*

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- 400 In—
- (a) section 24(1)(b) (application to discharge confiscation order: inadequacy of available amount), and
- (b) section 25(1)(b) (application to discharge confiscation order: small amount outstanding), 35
- for “a justices’ chief executive” substitute “the designated officer for a magistrates’ court”.
- 401 In section 54(6) and (7) (payments by enforcement receivers), for “justices’ chief executive” substitute “designated officer”.
- 402 (1) Amend section 55 (sums received by justices’ chief executive) as follows. 40

	(2) For “justices’ chief executive”, in each place (including the section heading) substitute “designated officer”.	
	(3) In subsection (2), for “chief executive’s” substitute “designated officer’s”.	
	(4) In subsection (6), for “section 60 of the Justices of the Peace Act 1997 (c. 25)” substitute “section 38 of the Courts Act 2003”.	5
403	In section 67(5) (payment of seized money), for “justices’ chief executive” substitute “designated officer”.	
404	In section 91 (Crown Court Rules) for “Crown Court Rules or (as the case may be) Criminal Appeal Rules” substitute “Criminal Procedure Rules”.	
	<i>Adoption and Children Act 2002 (c. 38)</i>	10
405	In section 13(2) (requirement to provide information relating to adoption), for “justices’ chief executive” substitute “designated officer”.	
406	In section 55(2) (interpretation of section 55(1)), for “petty sessions” substitute “local justice”.	
407	(1) Amend section 141 (rules of procedure) as follows.	15
	(2) In subsection (1), for “The Lord Chancellor may make rules” substitute “Family Procedure Rules may make provision”.	
	(3) Omit subsection (2).	
408	In section 144(1) (interpretation), for the definition of “rules” substitute – ““rules” means Family Procedure Rules made by virtue of section 141(1),”.	20

## SCHEDULE 8

Section 107

## REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>	
Parochial Libraries Act 1708 (c. 14)	In section 10, “for the commission area”.	25
Distress for Rent Act 1737 (c. 19)	In section 4, “of the same commission area”. In section 16, “of the county, riding, division, or place”.	
Inclosure Act 1773 (c. 81)	In section 4, “under the hand and seal” and “of the commission area wherein such common field lands shall lie”.	30
Burial Ground Act 1816 (c. 141)	In section 2, “for the commission area in which such land is situated”.	
Inclosure and Drainage (Rates) Act 1833 (c. 35)	In section 1, “acting for any commission area, in petty sessions assembled”. In section 2, “for the said (county, riding, or division, as the case may be)”.	35

<i>Short title and chapter</i>	<i>Extent of repeal</i>	
Railway Regulation Act 1842 (c. 55)	In section 17, “, in the like discretion of such justice, shall” and the words from “and every such penalty” to the end.	
Defence Act 1842 (c. 94)	In section 24, “of the county, riding, city, or place”.	5
Companies Clauses Consolidation Act 1845 (c. 16)	In section 3, the words from “The word “justice”” to “acting together in petty sessions”.	
Lands Clauses Consolidation Act 1845 (c. 18)	In section 3, the words from “The word “justices”” to “acting together”.	10
Railway Clauses Consolidation Act 1845 (c. 20)	In section 3, the words from “The word “justice”” to “acting together:”. In section 46, “in petty sessions”. In section 59, “, and assembled in petty sessions,”.	15
Markets and Fairs Clauses Act 1847 (c. 14)	In section 3, the words from “The word “justice”” to “acting together:”.	
Harbours, Docks and Piers Clauses Act 1847 (c. 27)	In section 3, the words from “The word “justice”” to “acting together:”.	20
Towns Improvement Clauses Act 1847 (c. 34)	In section 3, the words from “The word “justice”” to “acting together:”.	
Cemeteries Clauses Act 1847 (c. 65)	In section 3, the words from “The word “justice”” to “acting together:”.	
Town Police Clauses Act 1847 (c. 89)	In section 3, the words from “The word “justice”” to “acting together:”.	25
Indictable Offences Act 1848 (c. 42)	In section 13, “any county, riding, division, liberty, city, borough, or place in” (in both places).	
Defence Act 1860 (c. 112)	In section 47, the words from “The word “justices”” to “acting together:”.	30
Offences Against the Person Act 1861 (c. 100)	In section 44, “under their hands”. In section 65, “under his hand and seal”.	
Poaching Prevention Act 1862 (c. 114)	In section 1, the words from “; and the words “justice” and “justices”” onwards. In section 2, “England and”. In section 3, “in England in the same manner as penalties under the Game Act 1831 and”.	35
Dockyard Ports Regulation Act 1865 (c. 125)	In section 2, the words from “The term “justice”” to “arises:”.	40
Newspapers, Printers, and Reading Rooms Repeal Act 1869 (c. 24)	In Schedule 2, in section 34 of the Unlawful Societies Act 1799, “or sued” and “, or such action shall be brought”, and sections 35 and 36 of the 1799 Act.	

<i>Short title and chapter</i>	<i>Extent of repeal</i>	
Explosive Substances Act 1883 (c. 3)	In section 6(1), “for the county, borough, or place in which the crime was committed or is suspected to have been committed,” and “sit at a petty sessional or occasional court-house, or police station in the said county, borough or place, and”.	5
Municipal Corporations Act 1882 (c. 50)	In section 153(3), “for a commission area consisting of or including the whole or part of the county”.	10
Sheriffs Act 1887 (c. 55)	In section 38, from “Any reference” onwards.	
Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)	In section 3(4), “appointed for the same commission area”.	
Criminal Justice Act 1925 (c. 86)	In section 33(4), “, except in so far as such provision may be made by rules under section 144 of the Magistrates’ Courts Act 1980”.	15
Children and Young Persons Act 1933 (c. 12)	Section 101. Schedule 2.	20
Public Offices (Site) Act 1947 (c. 45)	Section 7.	
National Assistance Act 1948 (c. 29)	Section 65(c).	
Prevention of Damage by Pests Act 1949 (c. 55)	In section 15(1), “for the petty sessions area or place in which the works are required to be carried out or, as the case may be, in which the food or container is for the time being situated”.	25
National Parks and Access to the Countryside Act 1949 (c. 97)	In section 68(3), “for the petty sessions area or place within which the land to which the notice relates is situated”.	30
Maintenance Orders Act 1950 (c. 37)	Section 25(1). In section 28(1), in the definition of “prescribed”, “England or”, “by rules made under section fifteen of the Justices of the Peace Act 1949, or” and “as the case may be,”.	35
Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)	In Schedule 2, Part 2.	40
Prison Act 1952 (c. 52)	In section 19(2), “or to visit any prisoner under sentence of death”.	
Maintenance Orders Act 1958 (c. 39)	In section 21(1), the definition of “rules of court”.	



<i>Short title and chapter</i>	<i>Extent of repeal</i>	
Manoeuvres Act 1958 (7 & 8 Eliz. 2 c. 7)	In section 3, in subsection (1) “sitting in petty sessions in the petty sessions area within which that highway or part of a highway is situated” and in subsection (2) “being a highway or part within the jurisdiction of those justices”.	5
Obscene Publications Act 1959 (c. 66)	In section 3(1), “in the petty sessions area for which he acts,” and “in that area”.	
Game Laws (Amendment) Act 1960 (c. 36)	In section 3(2), the words from “and in section one” onwards.	10
Caravan Sites and Control of Development Act 1960 (c. 62)	In section 7(1), “acting for the petty sessions area in which the land is situated”. In section 8(2), “acting for the petty sessions area in which the land to which the site licence relates is situated”. In section 32(1)(c), “acting for the petty sessions area in which the land is situated”.	15
Administration of Justice Act 1960 (c. 65)	In section 2(3), “Except in a case involving sentence of death,”. Section 3.	20
Children and Young Persons Act 1963 (c. 37)	Section 17(1). Schedule 2.	
Offices, Shops and Railway Premises Act 1963 (c. 41)	In section 46(11), “acting for the petty sessions area in which they are situate”.	25
Administration of Justice Act 1964 (c. 42)	In section 26, “commissions of the peace,”.	
Science and Technology Act 1965 (c. 4)	In Schedule 2, the entry relating to section 6 of the Geological Survey Act 1845.	
Compulsory Purchase Act 1965 (c. 56)	Section 1(5).	30
Public Works Loans Act 1965 (c. 63)	Section 2(1)(a)(v) and “and” before it.	
National Loans Act 1968 (c. 13)	In Schedule 4, in paragraph 1, in paragraph (a) of the definition of “local authority”, subparagraph (v) and “and” before it.	35
Criminal Appeal Act 1968 (c. 19)	In section 31A(2), at the end of paragraph (b) “and”. Section 48. Schedule 4.	40
Courts-Martial (Appeals) Act 1968 (c. 20)	In section 36(1), at the end of paragraph (f) “and”. In section 36A(1), at the end of paragraph (a) “and”. Section 55. Schedule 2.	45
Children and Young Persons Act 1969 (c. 54)	In section 23A(2)(a), “for the petty sessions area in which he was arrested”.	

<i>Short title and chapter</i>	<i>Extent of repeal</i>	
Courts Act 1971 (c. 23)	Sections 27 and 28. Schedule 3. In Schedule 8, paragraphs 17 and 49.	
Attachment of Earnings Act 1971 (c. 32)	In section 25(1), the definition of “rules of court” and “and” before it.	5
Armed Forces Act 1971 (c. 33)	In Schedule 2, paragraph 1(8).	
Fire Precautions Act 1971 (c. 40)	In section 43(1), in the definition of “the court”, “acting for the petty sessions area in which they are situated”.	10
Immigration Act 1971 (c. 77)	In Schedule 3, in paragraph 6(3) “the Crown Court or” and “commission area or” and in paragraph 8(1) “area or”.	
Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)	In section 21(1), “in England and Wales or”, “by rules made under section 144 of the Magistrates’ Courts Act 1980 or”, and “as the case may be,”. In section 34A(4), omit “the clerk of”.	15
Civil Evidence Act 1972 (c. 30)	Section 2(8).	
Administration of Justice Act 1973 (c. 15)	In section 5, “Paragraph 7 of”. In Schedule 1, paragraphs 7 to 7B and 10(1).	20
Juries Act 1974 (c. 23)	In section 10, “and for this purpose “the judge” means any judge of the High Court or any Circuit judge or Recorder”. In Schedule 1, in Group B, “Justices’ chief executives,”.	25
Solicitors Act 1974 (c. 47)	Section 38(2) and (3).	
Safety of Sports Grounds Act 1975 (c. 52)	In section 17(1), in the definition of “the court”, “acting for the petty sessions area in which they are situated”.	30
Bail Act 1976 (c. 63)	In section 2, the definitions of “Crown Court rules”, “magistrates’ courts rules” and “Supreme Court rules”. In section 5B(8), “for the petty sessions area in which he was arrested”. In section 7(4)(a), “for the petty sessions area in which he was arrested”. In section 8(5)(b), “for the petty sessions area in which he resides”.	35
Race Relations Act 1976 (c. 74)	In Schedule 1A, in Part 1, paragraph 45, and in Part 2, under the heading “Regulatory, audit and inspection”, “Her Majesty’s Magistrates’ Courts Service Inspectorate”.	40
Administration of Justice Act 1977 (c. 38)	Section 22.	45
Domestic Proceedings and Magistrates’ Courts Act 1978 (c. 22)	In section 88(1), the definition of “rules”.	



<i>Short title and chapter</i>	<i>Extent of repeal</i>	
Magistrates' Courts Act 1980 (c. 43) — <i>cont.</i>	In Schedule 7, paragraphs 5, 8, 101(a), 106, 107, 113, 131 and 151.	
Criminal Appeal (Northern Ireland) Act 1980 (c. 47)	Section 48 and Schedule 3.	5
Zoo Licensing Act 1981 (c. 37)	In section 18(1), “acting for the petty sessions area in which the zoo is situated”.	
Supreme Court Act 1981 (c. 54)	Section 56A. Section 76(4). In section 92, in subsection (2), “except the office of Queen’s Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals” and subsections (2D) and (2E).	10
	Section 130. Sections 138, 138A and 138B.	15
	In section 151(1), in the definition of “prescribed”, paragraph (b) and “and” before it.	
	In Schedule 5, paragraph 1 of the entry relating to the Foreign Judgments (Reciprocal Enforcement) Act 1933, the entry relating to the Criminal Justice Act 1948, and paragraph 2 of the entry relating to the Evidence (Proceedings in Other Jurisdictions) Act 1975.	20
Acquisition of Land Act 1981 (c. 67)	In Schedule 4, in paragraph 1, the entry relating to the Courts Act 1971 and paragraph 19.	25
County Courts Act 1984 (c. 28)	Sections 73 and 73A. Section 99(4)(b). Section 128.	
	In section 147(1), the definition of “fees orders”. In Schedule 2, paragraph 43.	30
Matrimonial and Family Proceedings Act 1984 (c. 42)	Sections 40 and 41. In Schedule 1, paragraph 13(b).	
Building Act 1984 (c. 55)	In section 40(1), “acting for the petty sessions area in which is situated land on which there has been carried out any work to which the notice relates”. In section 55(1), “acting for the petty sessions area in which is situated land on which there will be, or there has been, carried out any work to which the notice or certificate relates”.	35
		40
Cinemas Act 1985 (c. 13)	In Schedule 2, paragraph 12.	
Prosecution of Offences Act 1985 (c. 23)	Section 20(5).	45
Local Government Act 1985 (c. 51)	Section 99. In Schedule 13, paragraph 13(i).	
Administration of Justice Act 1985 (c. 61)	Section 54.	

<i>Short title and chapter</i>	<i>Extent of repeal</i>	
Transport Act 1985 (c. 67)	In section 17(10), the definition of “the appropriate court”.	
Fire Safety and Safety of Places of Sport Act 1987 (c. 27)	In section 41, in the definition of “the court”, “acting for the petty sessions area in which it is situated”.	5
Income and Corporation Taxes Act 1988 (c. 1)	Section 329AA(8).	
Criminal Justice Act 1988 (c. 33)	Section 41(9).	
Road Traffic Act 1988 (c. 52)	In section 90(1)(a), “acting for the petty sessions area in which he resides”. In section 100(1), “acting for the petty sessions area in which he resides”. In section 119(1), “acting for the petty sessions area in which the holder of or applicant for the licence resides”.	10  15
Road Traffic Offenders Act 1988 (c. 53)	Section 82(2), (2A) and (3).	
Football Spectators Act 1989 (c. 37)	Section 7(10)(c) and the word “and” immediately preceding it. Section 18(4). In section 20(7), “acting for the petty sessions area in which he resides”. In section 22(2), “for any area”, “who resides or is believed to reside in that area” and (in both places) “for that area”.	20  25
Children Act 1989 (c. 41)	Section 97(7)(a). In Schedule 11, in paragraph 8, sub-paragraphs (d) to (g).	
Local Government and Housing Act 1989 (c. 42)	Section 39(1)(ea). Section 67(3)(ga).	30
Statute Law (Repeals) Act 1989 (c. 43)	In Schedule 2, paragraph 4.	
Town and Country Planning Act 1990 (c. 8)	In section 217(2), “acting for the petty sessions area in which the land in question is situated”.	35
Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)	In section 47(4), “acting for the petty sessions area within which the building is situated”. In section 50(6), “acting for the petty sessions area in which the building is situated”.	40
Planning (Consequential Provisions) Act 1990 (c. 11)	In Schedule 2, paragraph 25.	
Computer Misuse Act 1990 (c. 18)	Section 11(1). In section 16(10), “and subsection (6) shall be omitted”.	45
Courts and Legal Services Act 1990 (c. 41)	Section 1(12). Section 15(1). In Schedule 17, paragraph 14.	

<i>Short title and chapter</i>	<i>Extent of repeal</i>	
Courts and Legal Services Act 1990 (c. 41) – <i>cont.</i>	In Schedule 18, paragraph 50. In Schedule 19, paragraph 7.	
Maintenance Enforcement Act 1991 (c. 17)	In Schedule 2, paragraph 11(2).	5
Criminal Justice Act 1991 (c. 53)	Sections 76 to 78. In section 92, in subsection (1), the definitions of “court-house” and “court security officer” and subsection (2). In Schedule 11, in paragraph 40(2)(a), “and Schedule 2” and in paragraph 41(2), paragraphs (a) and (e).	10
Local Government Finance Act 1992 (c. 14)	Section 19(3)(ea).	
Friendly Societies Act 1992 (c. 40)	In Schedule 16, paragraph 44.	15
Charities Act 1992 (c. 41)	In section 71(3), from “and references” onwards.	
Tribunals and Inquiries Act 1992 (c. 53)	In Schedule 1, the entry relating to a person appointed under section 54(6) of the Justices of the Peace Act 1997.	20
Judicial Pensions and Retirement Act 1993 (c. 8)	In Part II of Schedule 1, in the entry for Schedule 3 to the Judicature (Northern Ireland) Act 1978, the words from “, other than” to the end. In Schedule 5, in the entry for the Judicature (Northern Ireland) Act 1978 the words “or 75(1)”. In Schedule 6, paragraph 14(5) and (7).	25
Police and Magistrates’ Courts Act 1994 (c. 29)	In Schedule 8, paragraphs 29, 30, 32, 33 and 34.	30
Criminal Justice and Public Order Act 1994 (c. 33)	Section 52(8).	
Deregulation and Contracting Out Act 1994 (c. 40)	In Schedule 16, paragraph 2.	
Jobseekers Act 1995 (c. 18)	In Schedule 2, paragraph 4.	35
Criminal Appeal Act 1995 (c. 35)	Section 22(5).	
Disability Discrimination Act 1995 (c. 50)	Section 38(3).	
Police Act 1996 (c. 16)	Section 5(2)(c) and “and” before it. Section 5C(3)(c) and “and” before it.	40
Civil Procedure Act 1997 (c. 12)	Section 2(6) to (8). In Schedule 2, paragraph 3.	
Justices of the Peace Act 1997 (c. 25)	The whole Act.	45
Police Act 1997 (c. 50)	In Schedule 9, paragraph 92.	

<i>Short title and chapter</i>	<i>Extent of repeal</i>	
Local Government (Contracts) Act 1997 (c. 65)	Section 10. Section 12(4).	
Statute Law (Repeals) Act 1998 (c. 43)	In Schedule 2, paragraph 3.	5
Tax Credits Act 1999 (c. 10)	In Schedule 1, paragraph 6(a).	
Access to Justice Act 1999 (c. 22)	Sections 74 and 75. Section 77. Section 78(1). Sections 80 to 89. Section 90(2) to (5). Section 91. Section 93(1). Section 98(1). Sections 99 and 100.	10       15
	In Schedule 4, paragraph 20. In Schedule 10, paragraphs 1 to 5, 6, 7, 9 to 12, 14 to 16, 18 to 20, 21(a), 30(4)(b), 32, 35 36, 39, and 47 to 53.	
	In Schedule 11, paragraphs 3, 6(a), 12, 18, 28, 29, 30, 32, 36(3) and (4)(a), and 43 to 50.	20
	Schedule 12. In Schedule 13, paragraphs 1, 5, 6, 7, 10, 11, 13(2), 14, 15, 25 to 31, 59(2), (3)(a) and (4), 60, 65, 66, 68, 69, 72, 73(4), 74, 77, 78, 81, 82, 89 to 93, 96 to 112, 114 to 118, 122(2), 126, 127, 129 to 131, 135 to 138, 147 to 149, 150(3), 153(a), 154 to 156, 159 to 162, 165, 167 to 169 and 171.	25
Youth Justice and Criminal Evidence Act 1999 (c. 23)	Section 24(5) to (7). Section 65(2).	30
Greater London Authority Act 1999 (c. 29)	In Schedule 27, paragraph 108. In Schedule 29, paragraph 62.	
Terrorism Act 2000 (c. 11)	In Schedule 8, in paragraph 29(4)(a), “the Senior District Judge (Chief Magistrate) or his deputy, or”.	35
Care Standards Act 2000 (c. 14)	In Schedule 4, paragraph 7.	
Freedom of Information Act 2000 (c. 36)	In Schedule 1, paragraph 34.	
Criminal Justice and Court Services Act 2000 (c. 43)	Section 17. In Schedule 7, paragraphs 84 to 86.	40
Vehicles (Crime) Act 2001 (c. 3)	Section 38(5)(c). In the Schedule, paragraphs 7 to 10.	
Private Security Industry Act 2001 (c. 12)	In section 11, subsection (3) and, in subsection (6)(d), “appropriate”. In section 18, subsection (3) and, in subsection (5)(d), “appropriate”.	45
International Criminal Court Act 2001 (c. 17)	In section 26, in the definition of “appropriate judicial officer”, paragraph (a).	

<i>Short title and chapter</i>	<i>Extent of repeal</i>	
State Pension Credit Act 2002 (c. 16)	In Schedule 2, paragraph 25.	
Tax Credits Act 2002 (c. 21)	In Schedule 3, paragraph 2.	
Justice (Northern Ireland) Act 2002 (c. 26)	In section 18(9), the words “and in the entry relating to the Official Solicitor”.	5
Police Reform Act 2002 (c. 30)	In Schedule 7, paragraph 20.	
Adoption and Children Act 2002 (c. 38)	Section 141(2). In Schedule 3, paragraph 44.	
Enterprise Act 2002 (c. 40)	Section 265.	10





# Courts Bill [HL]

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## B I L L

[AS AMENDED ON REPORT]

To make provision about the courts and their procedure and practice; about judges and magistrates; about fines and the enforcement processes of the courts; about periodical payments of damages; and for connected purposes.

*The Lord Chancellor*

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