



Courts Act 1971

1971 CHAPTER 23

PART I

INTRODUCTORY

1 The Supreme Court

- (1) The Supreme Court shall consist of the Court of Appeal and the High Court, together with the Crown Court established by this Act.
- (2) All courts of assize are hereby abolished, and Commissions, whether ordinary or special, to hold any court of assize shall not be issued.

2 Location of sittings and business of High Court

- (1) Sittings of the High Court may be held, and any other business of the High Court may be conducted, at any place in England or Wales.
- (2) Subject to rules of court—
 - (a) the places at which the High Court sits outside the Royal Courts of Justice, and
 - (b) the days and times when the High Court sits outside the Royal Courts of Justice,shall be determined in accordance with directions given by or on behalf of the Lord Chancellor.

3 Abolition of courts of quarter sessions

Courts of quarter sessions are hereby abolished, and Commissions of the Peace issued on or after the appointed day shall be framed so as to take account of the provisions of this section.

PART II

THE CROWN COURT

4 Establishment of the Crown Court

- (1) There shall be a Crown Court in England and Wales which shall be a superior court of record.
- (2) The jurisdiction and powers of the Crown Court shall be exercised by—
 - (a) any judge of the High Court, or
 - (b) any Circuit judge or Recorder, or
 - (c) subject to and in accordance with the provisions of the next following section, a judge of the High Court, Circuit judge or Recorder sitting with justices of the peace,and any such persons when exercising the jurisdiction and powers of the Crown Court shall be judges of the Crown Court.
- (3) Any judge of the Court of Appeal may, on the request of the Lord Chancellor, sit and act as a judge of the Crown Court, and when so sitting and acting shall be regarded for the purposes of this Part of this Act, or of any other enactment relating to the Crown Court, as a judge of the High Court.
- (4) Subject to the provisions of the next following section as respects a court comprising justices of the peace, all proceedings in the Crown Court shall be heard and disposed of before a single judge, and—
 - (a) any Crown Court business may be conducted at any place in England or Wales,
 - (b) sittings of the Crown Court at any place may be continuous or intermittent or occasional,
 - (c) judges may sit simultaneously to take any number of different cases in the same or in different places, and all or any of them may adjourn cases from place to place at any time.
- (5) The cases or classes of cases suitable for allocation respectively to a judge of the High Court, and to a Circuit judge or Recorder, and all other matters relating to the distribution of Crown Court business, shall be determined in accordance with directions given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor given by him or on his behalf.
- (6) The places at which the Crown Court sits, and the days and times when the Crown Court sits at any place, shall be determined in accordance with directions given by or on behalf of the Lord Chancellor.
- (7) When the Crown Court sits in the City of London it shall be known as the Central Criminal Court, and, notwithstanding the provisions of subsection (4) above requiring proceedings to be heard and disposed of before a single judge, the Lord Mayor of the City and any Alderman of the City shall be entitled to sit as judges of the Central Criminal Court with any judge of the High Court or any Circuit judge or Recorder.
- (8) Subject to section 8 of the Criminal Procedure (Attendance of Witnesses) Act 1965 (which in criminal cases substitutes the procedure in that Act for procedure by way of subpoena), and to any provision contained in or having effect under this Act, the Crown Court shall, in relation to the attendance and examination of witnesses, any

contempt of court, the enforcement of its orders and all other matters incidental to its jurisdiction have the like powers, rights, privileges and authority as the High Court.

- (9) The fees to be taken in any proceedings in the Crown Court shall be such, if any, as the Lord Chancellor, with the concurrence of the Treasury may from time to time prescribe by order in a statutory instrument.
- (10) The officers of the Crown Court shall be responsible for the keeping of the records of the proceedings of the court, the signing of indictments, the notification to those concerned of the place and time appointed for any proceedings or other business, and such other formal or administrative matters as may be specified by directions given by or on behalf of the Lord Chancellor.
- (11) Officers of the Crown Court shall in particular give effect to any orders or directions of the court for taking into custody, and detaining, any person committing contempt of court, and shall execute any order or warrant duly issued by the court for the committal of any person to prison for contempt of court.

5 Justices as judges of the Crown Court

- (1) On any hearing by the Crown Court—
 - (a) of any appeal, or
 - (b) of proceedings on committal to the Court for sentence,the Crown Court shall consist of a judge of the High Court or a Circuit judge or a Recorder who, subject to the following provisions of this section, shall sit with not less than two nor more than four justices of the peace.
- (2) Crown Court rules may, subject to subsection (1) above, prescribe the number of justices of the peace constituting the Court on any hearing within subsection (1)(a) or (b) above, and may prescribe the qualifications to be possessed by any such justices of the peace ; and the rules may make different provision for different descriptions of cases, different places of sitting or other different circumstances.
- (3) Without prejudice to the provisions of subsection (1) above, any jurisdiction or power of the Crown Court may be exercised by a judge of the High Court, Circuit judge or Recorder sitting with not more than four justices of the peace.
- (4) Subject to the provisions of subsections (1) and (2) above, the cases or classes of cases suitable for allocation to a court comprising justices of the peace (including those by way of trial on indictment which are suitable for allocation to such a court) shall be determined in accordance with directions given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor.
- (5) The Lord Chancellor may from time to time, having regard to the number of justices, or the number of justices with any prescribed qualifications, available for service in the Crown Court, give directions providing that, in such descriptions of proceedings as may be specified by the Lord Chancellor, the provisions of subsections (1) and (2) above shall not apply.

Directions under this subsection may frame descriptions of proceedings by reference to the place of trial, or by reference to the time of trial, or in any other way.

- (6) Crown Court rules may authorise or require a judge of the High Court, Circuit judge or Recorder, in such circumstances as are specified by the rules, to enter on, or at any stage to continue with, any proceedings with a court not comprising the

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justices required by subsections (1) and (2) above or at any stage to continue with any proceedings with a court from which any one or more of the justices initially comprising the court has withdrawn, or is absent for any reason.

- (7) No decision of a court shall be questioned on the ground that it was not constituted as required by subsections (1) and (2) above unless objection was taken on that ground by or on behalf of a party to the proceedings not later than the time when the proceedings were entered on, or when the alleged irregularity began.
- (8) When a judge of the High Court, Circuit judge or Recorder sits with justices of the peace he shall preside, and—
 - (a) the decision of the Crown Court may be a majority decision, and
 - (b) if the members of the court are equally divided, the judge of the High Court, Circuit judge or Recorder shall have a second and casting vote.
- (9) A justice of the peace shall not be disqualified from acting as a judge of the Crown Court for the reason that the proceedings are not at a place within the area for which he was appointed as a justice, or because the proceedings are not related to that area in any other way.

Trial on indictment

6 Exclusive jurisdiction in trial on indictment

- (1) All proceedings on indictment shall be brought before the Crown Court.
- (2) The jurisdiction conferred on the Crown Court by subsection (1) above shall include jurisdiction in proceedings on indictment for offences wherever committed, and including in particular proceedings on indictment for offences within the jurisdiction of the Admiralty of England.
- (3) Subject to any provision contained in or having effect under this Act, all enactments and rules of law relating to procedure in connection with indictable offences shall have effect subject only to such modifications as are rendered necessary by the transfer of jurisdiction to the Crown Court in accordance with the preceding provisions of this section.
- (4) Subject to any provision contained in or having effect under this Act, and without prejudice to the generality of subsection (3) above, the transfer of jurisdiction to the Crown Court in accordance with the preceding provisions of this section shall not affect—
 - (a) the practice by which, on any one indictment, the taking of pleas, the trial by jury and the pronouncement of judgment may respectively be by or before different judges,
 - (b) the release, after respite of judgment, of a convicted person on recognizance to come up for judgment if called on, but meanwhile to be of good behaviour,
 - (c) the manner of trying any question relating to the breach of a recognizance,
 - (d) the manner of execution of any sentence on conviction, or the manner in which any other judgment or order given in connection with trial on indictment may be enforced.

7 Committal for trial on indictment

- (1) A magistrates' court committing a person for trial shall specify the place at which he is to be tried, and in selecting that place shall have regard to—
 - (a) the convenience of the defence, the prosecution and the witnesses,
 - (b) the expediting of the trial, and
 - (c) any direction given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor under section 4(5) of this Act.
- (2) Without prejudice to the preceding provisions of this Act about the distribution of Crown Court business, the Crown Court may give directions, or further directions, altering the place of any trial on indictment, whether by varying the decision of a magistrates' court under subsection (1) above, or a previous decision of the Crown Court.
- (3) The defendant or the prosecutor, if dissatisfied with the place of trial as fixed by the magistrates' court, or by the Crown Court, may apply to the Crown Court for a direction, or further direction, varying the place of trial; and the court shall take the matter into consideration and may comply with or refuse the application, or give a direction not in compliance with the application, as the court thinks fit.

Any application under this subsection shall be heard in open court by a judge of the High Court.

- (4) The trial of a person committed by a magistrates' court—
 - (a) shall not begin until the expiration of the prescribed period beginning with the date of his committal, except with his consent and the consent of the prosecutor, and
 - (b) shall, unless the Crown Court has otherwise ordered, begin not later than the expiration of the prescribed period beginning with the date of his committal (that is to say a period longer than the period prescribed for the purposes of paragraph (a) above for the proceedings in question).

For the purposes of this subsection—

- (i) " the prescribed period" means such period for the respective purposes of paragraphs (a) and (b) of this subsection as may be prescribed by Crown Court rules, and the rules may make different provision for different places of trial, or for other different circumstances;
 - (ii) the trial shall be deemed to begin when the defendant is arraigned.
- (5) Without prejudice to the provisions of section 4(10) of this Act, directions under subsection (2) of this section may be given on behalf of the Crown Court by an officer of the Crown Court, but the power to make orders conferred on the Crown Court by subsection (4)(b) above shall be exercisable only by a judge of the court.

Other jurisdiction

8 Transfer to Crown Court of quarter sessions jurisdiction

Schedule 1 to this Act (which transfers to the Crown Court all the appellate jurisdiction of quarter sessions, and, subject to the provisions of this Act, all their other jurisdiction) shall have effect.

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9 Appeals to Crown Court

- (1) The Crown Court may in the course of hearing any appeal correct any error or mistake in the order or judgment incorporating the decision which is the subject of the appeal.
- (2) On the termination of the hearing of an appeal the Crown Court—
 - (a) may confirm, reverse or vary the decision appealed against, or
 - (b) may remit the matter with their opinion thereon to the authority whose decision is appealed against, or
 - (c) may make such other order in the matter as the court thinks just, and by such order exercise any power which the said authority might have exercised.
- (3) Subsection (2) above has effect subject to any enactment relating to any such appeal which expressly limits or restricts the powers of the court on the appeal.
- (4) If the appeal is against a conviction or a sentence, the preceding provisions of this section shall be construed as including power to award any punishment, whether more or less severe than that awarded by the magistrates' court whose decision is appealed against, if that is a punishment which that magistrates' court might have awarded.
- (5) This section applies whether or not the appeal is against the whole of the decision.
- (6) Subject to any provision contained in or having effect under this Act, the transfer of appellate jurisdiction to the Crown Court from quarter sessions shall not affect the customary practice or procedure on any such appeal, and in particular shall not affect the extent to which the appeal is by way of re-hearing of the case.

10 High Court jurisdiction in Crown Court proceedings

- (1) Subsections (2) and (3) below have effect as respects any order, judgment or other decision of the Crown Court—
 - (a) other than a judgment or other decision relating to trial on indictment, and
 - (b) other than any decision under the Betting, Gaming and Lotteries Act 1963, the Licensing Act 1964 and the Gaming Act 1968 which, by any provision of any of those Acts, is to be final.
- (2) Any decision as respects which this subsection has effect may be questioned by any party to the proceedings on the ground that it is wrong in law or is in excess of jurisdiction.
- (3) The decision shall be questioned by applying to the Crown Court to have a case stated by the Crown Court for the opinion of the High Court.
- (4) Section 99(1)(b) of the Judicature Act 1925 (rules about appeals to the High Court) shall apply as if any case stated under this section were an appeal.
- (5) In relation to the jurisdiction of the Crown Court, other than its jurisdiction in matters relating to trial on indictment, the High Court shall have all such jurisdiction to make orders of mandamus, prohibition or certiorari as the High Court possesses in relation to the jurisdiction of an inferior court.
- (6) So much of any enactment, other than the enactments mentioned in subsection (1)(b) above, as provides, in relation to any quarter sessions jurisdiction transferred by this Act to the Crown Court, that the decision of quarter sessions shall be final, or final

and conclusive, or that it shall not be questioned by certiorari or in any other manner, shall cease to have effect.

Trial on indictment and other jurisdiction

11 Sentences imposed and other decisions made by Crown Court

- (1) A sentence imposed, or other order made, by the Crown Court when dealing with an offender shall take effect from the beginning of the day on which it is imposed, unless the court otherwise directs.
- (2) Subject to the following provisions of this section, a sentence imposed, or other order made, by the Crown Court when dealing with an offender may be varied or rescinded by the Crown Court within the period of 28 days beginning with the day on which the sentence or other order was imposed or made, or where subsection (3) below applies, within the time allowed by that subsection.
- (3) Where two or more persons are jointly tried on an indictment, then, subject to the following provisions of this section, a sentence imposed, or other order made, by the Crown Court on conviction of any of those persons on the indictment may be varied or rescinded by the Crown Court not later than the expiration of whichever is the shorter of the following periods, that is—
 - (a) the period of 28 days beginning with the date of conclusion of the joint trial,
 - (b) the period of 56 days beginning with the day on which the sentence or other order was imposed or made.

For the purposes of this subsection the joint trial is concluded on the latest of the following dates, that is any date on which any of the persons jointly tried is sentenced, or is acquitted, or on which a special verdict is brought in.

- (4) A sentence or other order shall not be varied or rescinded under this section except by the court constituted as it was when the sentence or other order was imposed or made, or, where that court comprised one or more justices of the peace, a court so constituted except for the omission of any one or more of those justices.
- (5) Where a sentence or other order is varied under this section, the sentence or other order, as so varied, shall take effect from the beginning of the day on which it was originally imposed or made, unless the court otherwise directs:

Provided that for the purposes of section 18(2) of the Criminal Appeal Act 1968 (time limit for notice of appeal or of application for leave to appeal) the sentence or other order shall be regarded as imposed or made on the day on which it is so varied.

- (6) Crown Court rules—
 - (a) may, as respects cases where two or more persons are tried separately on the same or related facts alleged in one or more indictments, provide for extending the period prescribed by subsection (2) above,
 - (b) may, subject to the preceding provisions of this section, prescribe the cases and circumstances in which, and the time within which, any order or other decision made by the Crown Court may be varied or rescinded by the Crown Court.

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12 Right of audience

- (1) The Lord Chancellor may at any time direct that solicitors may appear in, conduct, defend and address the court in any proceedings in the Crown Court, or in proceedings in the Crown Court of such description as is specified in the direction.
- (2) A direction under this section may have effect as respects all places where the Crown Court sits, or as respects a specified area, region or circuit, or as respects one or more specified places where the Crown Court sits.
- (3) In considering whether to exercise his powers under this section as respects any one or more places where the Crown Court sits the Lord Chancellor shall have regard to any shortage of counsel in the area in question, any rights of audience formerly exercised by solicitors at any court of quarter sessions in the locality in question, and to any other circumstances affecting the public interest.
- (4) Any direction given under this section may be subject to such conditions and restrictions as appear to the Lord Chancellor to be necessary or expedient.

13 Process to compel appearance before Crown Court

- (1) Any condition of a recognizance to appear before the Crown Court, and any summons or order to appear before the Crown Court, may be framed so as to require appearance at such time and place as may be directed by the Crown Court, and if a time or place is specified in the condition, summons or order, it may be varied by any subsequent direction of the Crown Court.
- (2) Where an indictment has been signed although the person charged has not been committed for trial, the Crown Court may issue a summons requiring that person to appear before the Crown Court, or may issue a warrant for his arrest.
- (3) Where any person charged with or convicted of an offence has entered into a recognizance conditioned for his appearance before the Crown Court and in breach of that recognizance fails to appear, the Crown Court may, without prejudice to the enforcement of the recognizance, issue a warrant for his arrest.
- (4) The Crown Court may admit to bail, or direct the admission to bail of, any person—
 - (a) who has been committed in custody for appearance before the Crown Court, or
 - (b) who is in custody pursuant to a sentence imposed by a magistrates' court, and who has appealed to the Crown Court against his conviction or sentence, or
 - (c) who is in the custody of the Crown Court pending the disposal of his case by the Crown Court, or
 - (d) who, after the decision of his case by the Crown Court, has applied to the Crown Court for the statement of a case for the High Court on that decision, or
 - (e) who has applied to the High Court for an order of certiorari to remove proceedings in the Crown Court in his case into the High Court, or has applied to the High Court for leave to make such an application,and the time during which a person is admitted to bail under any provision of this subsection shall not count as part of any term of imprisonment or detention under his sentence.
- (5) Provision may be made by Crown Court rules as respects the powers of the Crown Court relating to bail, including any provision—

- (a) allowing the court, instead of requiring a person to enter into a recognizance, to consent to his giving other security,
- (b) allowing the court to direct that a recognizance shall be entered into or other security given before a magistrates' court or a justice of the peace, or, if the rules so provide, a person of such other description as is specified in the rules,
- (c) prescribing the manner in which a recognizance is to be entered into or other security given, and the persons by whom and the manner in which the recognizance or security may be enforced,
- (d) authorising the recommittal, in such cases and by such courts or justices as may be prescribed by the rules, of persons released from custody in pursuance of the powers,
- (e) making provision corresponding to sections 94 and 95 of the Magistrates' Courts Act 1952 (varying or dispensing with requirements as to sureties, and postponement of taking recognizances).

Any reference in any enactment to a recognizance shall include, unless the context otherwise requires, a reference to any other description of security given instead of a recognizance, whether in pursuance of paragraph (a) above or otherwise.

- (6) The Crown Court, on issuing a warrant for the arrest of any person, may endorse the warrant for bail, and in any such case—
 - (a) the person arrested under the warrant shall, unless the Crown Court otherwise directs, be taken to a police station, and
 - (b) the officer in charge of the station shall release him from custody if he, and any sureties required by the endorsement and approved by the officer, enter into recognizances of such amount as may be fixed by the endorsement.
- (7) A person in custody in pursuance of a warrant issued by the Crown Court with a view to his appearance before the Crown Court shall be brought forthwith before either the Crown Court or a magistrates' court, and if he is brought before a magistrates' court—
 - (a) the court shall commit him in custody or release him on bail until he can be brought or appear before the Crown Court at the time and place appointed by the Crown Court,
 - (b) if the warrant is endorsed for bail, but the person in custody is unable to satisfy the conditions endorsed, the magistrates' court may vary those conditions, if satisfied that it is proper to do so.
- (8) Section 4 of the Summary Jurisdiction (Process) Act 1881 (execution of process of English courts in Scotland) shall apply to process issued under this section as it applies to process issued under the Magistrates' Courts Act 1952 by a magistrates' court.
- (9) A magistrates' court shall have jurisdiction, and a justice of the peace may act, under or in pursuance of this section whether or not the offence was committed, or the arrest was made, within the court's area, or the area for which he was appointed.

14 Practice and procedure: power to make rules

- (1) Crown Court rules may be made for the purpose of regulating and prescribing the procedure and the practice to be followed in the Crown Court.
- (2) Without prejudice to the generality of subsection (1) above, Crown Court rules may provide for the procedure and practice as respects appeals to the Crown Court, and in particular may make provision as respects—

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- (a) the time within which notice of appeal is to be given, and the circumstances in which further time may be allowed,
 - (b) any particulars to be included in the notice of appeal,
 - (c) the persons on whom notice of appeal is to be served, and the particulars, if any, to accompany the notice,
 - (d) the abandonment of an appeal,
 - (e) the circumstances in which a person concerned with the decision appealed against is to be disqualified from hearing the appeal, and the circumstances in which proceedings on the hearing of an appeal are to be valid notwithstanding that any person hearing the appeal is disqualified,
 - (f) the amendment or repeal of any enactment about appeals to the Crown Court so far as it relates to any matter within this subsection.
- (3) No rule which may involve an increase of expenditure out of public funds shall be made under this section except with the concurrence of the Treasury, but the validity of Crown Court rules shall not in any proceedings in any court be called in question either by the court or by any party to the proceedings on the ground only that it was a rule to which the concurrence of the Treasury was necessary and that the Treasury did not concur or are not expressed to have concurred in the making thereof.

15 Crown Court rules

- (1) In this or any other Act "Crown Court rules" means rules made under this section.
- (2) Crown Court rules shall be made by the Lord Chancellor together with any four or more of the following persons, namely—
- (a) the Lord Chief Justice,
 - (b) two other judges of the Supreme Court,
 - (c) two Circuit judges,
 - (d) the registrar of criminal appeals,
 - (e) a justice of the peace,
 - (f) two practising barristers, and
 - (g) two practising solicitors.

The said persons acting under this subsection shall be called " the Crown Court rule committee ".

- (3) The said persons to act under subsection (2) above with the Lord Chancellor (other than the Lord Chief Justice and the registrar of criminal appeals) shall be appointed by the Lord Chancellor for such time as he may think fit.
- (4) Before appointing a person under paragraph (f) or paragraph (g) of subsection (2) above the Lord Chancellor shall consult, if under paragraph (f), the Chairman of the General Council of the Bar, and if under paragraph (g), the President of the Law Society.
- (5) Crown Court rules shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

PART III

JUDGES

16 Appointment of Circuit judges

- (1) Her Majesty may from time to time appoint as Circuit judges, to serve in the Crown Court and county courts and to carry out such other judicial functions as may be conferred on them under this or any other enactment, such qualified persons as may be recommended to Her by the Lord Chancellor.
- (2) The maximum number of Circuit judges shall be such as may be determined from time to time by the Lord Chancellor with the concurrence of the Minister for the Civil Service.
- (3) No person shall be qualified to be appointed a Circuit judge unless he is a barrister of at least ten years' standing or a Recorder who has held that office for at least five years.
- (4) Before recommending any person to Her Majesty for appointment as a Circuit judge, the Lord Chancellor shall take steps to satisfy himself that that person's health is satisfactory.
- (5) The provisions of Part I of Schedule 2 to this Act shall have effect with respect to the appointment as Circuit judges of the holders of certain judicial offices, and the supplementary provisions in Part II of that Schedule shall have effect.

17 Retirement, removal and disqualifications of Circuit judges

- (1) Subject to subsections (2) to (4) below, a Circuit judge shall vacate his office at the end of the completed year of service in which he attains the age of seventy-two.
- (2) Where the Lord Chancellor considers it desirable in the public interest to retain a Circuit judge in office after the time at which he would otherwise retire in accordance with subsection (1) above, he may from time to time authorise the continuance in office of that judge until such date, not being later than the date on which the judge attains the age of seventy-five, as he thinks fit.
- (3) For the purposes of subsection (1) above a person who becomes a Circuit judge by virtue of any provision of paragraph 1 of Schedule 2 to this Act shall be treated as completing a year of service on the anniversary of his appointment to the office by virtue of which he becomes a Circuit judge.
- (4) The Lord Chancellor may, if he thinks fit, remove a Circuit judge from office on the ground of incapacity or misbehaviour.
- (5) In Part I of Schedule 1 to the House of Commons Disqualification Act 1957 (which lists judicial offices the holders of which are disqualified for membership of the House of Commons, and of the Senate and House of Commons of Northern Ireland) there shall be inserted, before the entry relating to sheriffs in Scotland, the words " Circuit judge ".
- (6) So long as he holds office as such, no Circuit judge shall practise as a barrister, or act for any remuneration to himself as arbitrator or referee, or be directly or indirectly concerned as a conveyancer, notary public or solicitor.

18 Salaries and allowances of Circuit judges

- (1) Subject to Part II of Schedule 2 to this Act, there shall be paid to each Circuit judge such salary as may be determined by the Lord Chancellor with the consent of the Minister for the Civil Service.
- (2) Every salary payable under this section—
- (a) shall be charged on and paid out of the Consolidated Fund;
 - (b) shall begin from the date of appointment and accrue due from day to day ;
 - (c) shall be payable at such intervals, not exceeding three months, as the Treasury may determine; and
 - (d) may be increased, but not reduced, by a further determination under this section.
- (3) Subject to subsection (4) below, the salary determined in accordance with subsection (1) above as payable to a Circuit judge shall be abated by the amount of any pension payable to him in respect of any public office in the United Kingdom to which he had previously been appointed or elected.
- (4) Subsection (3) above shall not apply in the case of a person who—
- (a) became a Circuit judge by virtue of having held any of the offices specified in paragraph 1 of Schedule 2 to this Act, and
 - (b) held that office before 10th May 1967 (that is to say before the passing of the Superannuation (Miscellaneous Provisions) Act 1967).
- (5) There shall be paid to Circuit judges out of money provided by Parliament such allowances as the Lord Chancellor may, with the approval of the Minister for the Civil Service, determine.

19 Pensions of Circuit judges

- (1) Subject to Part II of Schedule 2 to this Act, the Lord Chancellor may from time to time recommend to the Minister for the Civil Service that there shall be paid to any Circuit judge an annual sum by way of pension calculated in accordance with subsection (2) below—
- (a) if he vacates his office in accordance with section 17 above; or
 - (b) if the Lord Chancellor is satisfied by means of a medical certificate that, by reason of infirmity of mind or body, he is incapable of discharging the duties of his office, and that the incapacity is likely to be permanent; or
 - (c) if he retires after fifteen years' service and at the time of his retirement he has attained the age of sixty-five.
- (2) The annual pension payable to a Circuit judge in accordance with this section shall be that fraction of his last annual salary specified in the entry in the second column of the following table which corresponds to the entry in the first column of that table specifying the number of completed years he has served as a Circuit judge:—

TABLE

Completed years of service	Fraction of last annual salary
Less than 5	Six-fortieths
5	Ten-fortieths

Completed years of service	Fraction of last annual salary
6	Eleven-fortieths
7	Twelve-fortieths
8	Thirteen-fortieths
9	Fourteen-fortieths
10	Fifteen-fortieths
11	Sixteen-fortieths
12	Seventeen-fortieths
13	Eighteen-fortieths
14	Nineteen-fortieths
15 or more	Twenty-fortieths.

- (3) If a person to whom a pension has been granted under this section before he has attained the age of seventy-two in consequence of any such incapacity as is referred to in subsection (1)(b) above resumes the duties of a Circuit judge, the payment of the pension granted to him shall be suspended during the period of his resumed service, but at the end of that period the pension shall again be payable and be recalculated in accordance with subsection (2) above, and for that purpose the period of his resumed service shall be added to the period of his former service.
- (4) Sections 2 to 9 and 15 to 17 of the Administration of Justice (Pensions) Act 1950 (lump sums and widows' and dependants' pensions) shall apply in relation to a circuit judge and service as such a judge as they apply in relation to the persons specified in Schedule 1 to that Act and the service specified in that Schedule as their relevant service.
- (5) Notwithstanding that the annual salary of a Circuit judge is abated under section 18(3) above, for the purpose of computing any pension payable to him in respect of his office and any derivative benefits, within the meaning of the Administration of Justice (Pensions) Act 1950, which depend upon eligibility for such a pension, the amount of his annual salary shall be treated as the amount determined under section 18(1) above in his case and not the amount as so abated.
- (6) Any pension granted under this section shall be charged on and paid out of the Consolidated Fund and shall be payable at such intervals, not exceeding three months, as the Treasury may determine.
- (7) The decision of the Minister for the Civil Service shall be final on any question arising with regard to—
 - (a) the application of any of the provisions of this section to any person, or
 - (b) the amount of any pension under this section, or
 - (c) the reckoning of any service for the purpose of calculating such a pension.

20 Judges of county courts

- (1) Every Circuit judge shall, by virtue of his office, be capable of sitting as a judge for any county court district in England and Wales, and the Lord Chancellor shall assign one

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or more Circuit judges to each district and may from time to time vary the assignment of Circuit judges among the districts.

- (2) Subject to any directions given by or on behalf of the Lord Chancellor, in any case where more than one Circuit judge is assigned to a district under subsection (1) above, any function conferred by or under the County Courts Act 1959 on the judge for a district may be exercised by any of the Circuit judges for the time being assigned to that district.
- (3) The following, that is—
 - every judge of the Court of Appeal,
 - every judge of the High Court,
 - every Recorder,shall, by virtue of his office, be capable of sitting as a judge for any county court district in England and Wales and if he consents to do so, shall sit as such a judge at such times and on such occasions as the Lord Chancellor considers desirable.
- (4) Notwithstanding that he is not for the time being assigned to a particular district, a Circuit judge—
 - (a) shall sit as a judge of that district at such times and on such occasions as the Lord Chancellor may direct; and
 - (b) may sit as a judge of that district in any case where it appears to him that the judge of that district is not, or none of the judges of that district is, available to deal with the case.
- (5) So much of Part I of the County Courts Act 1959 as makes special provision in relation to county court districts within the Duchy of Lancaster shall cease to have effect.
- (6) On the appointed day all appointments of temporary and deputy judges of county courts shall terminate and the provisions of the County Courts Act 1959 relating to such temporary and deputy judges shall cease to have effect.
- (7) Nothing in this Act shall affect the operation, in relation to the superannuation and other benefits payable to or in respect of persons who ceased to be judges of county courts before the day appointed for the coming into force of section 16(5) of this Act, of any enactment repealed or amended by this Act.

21 Appointment of Recorders

- (1) Her Majesty may from time to time appoint qualified persons, to be known as Recorders, to act as part-time judges of the Crown Court and to carry out such other judicial functions as may be conferred on them under this or any other enactment.
- (2) Every appointment of a person to be a Recorder shall be of a person recommended to Her Majesty by the Lord Chancellor, and no person shall be qualified to be appointed a Recorder unless he is a barrister or solicitor of at least ten years' standing.
- (3) The appointment of a person as a Recorder shall specify the term for which he is appointed and the frequency and duration of the occasions during that term on which he will be required to be available to undertake the duties of a Recorder.
- (4) Subject to subsection (5) below the Lord Chancellor may, with the agreement of the Recorder concerned, from time to time extend for such period as he thinks appropriate the term for which a Recorder is appointed.

- (5) Neither the initial term for which a Recorder is appointed nor any extension of that term under subsection (4) above shall be such as to continue his appointment as a Recorder after the end of the completed year of service in which he attains the age of seventy-two.
- (6) The Lord Chancellor may if he thinks fit terminate the appointment of a Recorder on the ground of incapacity or misbehaviour or of a failure to comply with any requirement specified under subsection (3) above in the terms of his appointment.
- (7) There shall be paid to Recorders out of money provided by Parliament such remuneration and allowances as the Lord Chancellor may, with the approval of the Minister for the Civil Service, determine.

22 Oaths to be taken by Circuit judges and Recorders

- (1) Subject to the following provisions of this section, every Circuit judge and every Recorder shall take the oath of allegiance and the judicial oath; and the Promissory Oaths Act 1868 shall have effect as if the officers named in the Second Part of the Schedule to that Act included Circuit judges and Recorders.
- (2) Notwithstanding anything in the Promissory Oaths Act 1871, a Circuit judge shall take the oaths referred to in subsection (1) above before the Lord Chancellor, and a Recorder shall take those oaths before a judge of the Court of Appeal or of the High Court or a Circuit judge.
- (3) Nothing in this section shall require an oath to be taken by a person who becomes a Circuit judge in accordance with any provision of Part I of Schedule 2 to this Act.

23 Circuit judge or Recorder sitting as High Court judge

- (1) If requested to do so by or on behalf of the Lord Chancellor, a Circuit judge or Recorder shall sit as a judge of the High Court for the hearing of such case or cases or at such place and for such time as may be specified by or on behalf of the Lord Chancellor.
- (2) So long as a Circuit judge or Recorder sits as a judge of the High Court in pursuance of a request under this section he shall be treated, subject to subsection (3) below, for all purposes as, and accordingly may perform any of the functions of, a puisne judge of the High Court.
- (3) A Circuit judge or Recorder sitting as a judge of the High Court in pursuance of a request under this section shall not be treated as a judge of the High Court for the purpose of any provision made by or under any enactment and relating to—
 - (a) the appointment, retirement, removal or disqualification of judges of the High Court,
 - (b) the tenure of office and oaths to be taken by such judges, or
 - (c) the remuneration, allowances or pensions of such judges.
- (4) Where a Circuit judge or Recorder is requested to sit as a judge of the High Court for a period of time then, notwithstanding the expiry of that time, he may attend at the High Court for the purpose of continuing to deal with, giving judgment in, or dealing with any ancillary matter relating to, any case which may have been begun before him when sitting as a judge of that court, and for that purpose and for the purpose of any proceedings subsequent thereon he shall be treated as a judge of the High Court.

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24 Deputy High Court and Circuit judges

- (1) If it appears to the Lord Chancellor that it is expedient as a temporary measure to make an appointment under this subsection in order to facilitate the disposal of business in the High Court or the Crown Court he may appoint a person qualified for appointment as a puisne judge of the High Court under section 9 of the Judicature Act 1925 or any person who has held office as a judge of the Court of Appeal or of the High Court to be a deputy judge of the High Court during such period or on such occasions as the Lord Chancellor thinks fit.
- (2) If it appears to the Lord Chancellor that it is expedient as a temporary measure to make an appointment under this subsection in order to facilitate the disposal of business in the Crown Court or a county court he may appoint to be a deputy Circuit judge during such period or on such occasions as he thinks fit—
 - (a) any person qualified for appointment as a Circuit judge under section 16 above ;
 - (b) any person who has held office as a judge of the Court of Appeal or of the High Court or as a Circuit judge; or
 - (c) any person who, before the day appointed for the purposes of section 20 above, had retired from office as an official referee or judge of a county court.
- (3) Except as provided by subsection (4) below, during the period or on the occasions for which a deputy judge is appointed under this section, he shall be treated for all purposes as, and accordingly may perform any of the functions of, a puisne judge of the High Court or a Circuit judge, as the case may be.
- (4) A deputy judge appointed under this section shall not be treated as a judge of the High Court or Circuit judge for the purpose of any provision made by or under any enactment and relating to—
 - (a) the appointment, retirement, removal or disqualification of judges of the High Court or Circuit judges,
 - (b) the tenure of office and oaths to be taken by judges of the High Court or Circuit judges, or
 - (c) the remuneration, allowances or pensions of judges of the High Court or Circuit judges.
- (5) Notwithstanding the expiry of any period for which a person is appointed under this section a deputy judge of the High Court or a deputy Circuit judge, he may attend at the High court, for the purpose of continuing to deal with, giving judgment in, or dealing with any ancillary matter relating to, any case which may have been begun before him when sitting as a deputy judge of the High Court or a deputy Circuit judge, and for that purpose and for the purpose of any proceedings subsequent thereon he shall be treated as a judge of the High Court or a Circuit judge, as the case may be.
- (6) There shall be paid, out of money provided by Parliament, to deputy judges of the High Court and deputy Circuit judges appointed under this section such remuneration and allowances as the Lord Chancellor may, with the approval of the Minister for the Civil Service, determine.

25 Official referees' business

- (1) After the appointed day no person shall be appointed to the office of official referee and on and after that day functions conferred on official referees by provisions of rules

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of the Supreme Court, or by any other provision, shall be discharged in accordance with the provisions of this section.

- (2) Such of the Circuit judges as the Lord Chancellor may from time to time determine shall discharge the said functions conferred on official referees.
- (3) The cases in which jurisdiction or powers of the High Court or a judge of the High Court may be exercised by official referees, whether by virtue of rules of court made under section 15 of the Administration of Justice Act 1956 or otherwise, shall be known as " official referees' business ", and except where the context otherwise requires, any reference in any enactment, in rules of court or in any other document to an official referee shall, in accordance with this section, be construed as, or where the context requires as including, a reference to a Circuit judge discharging the functions of an official referee.
- (4) Subject to rules of court, the distribution of official referees' business, performed in accordance with this section, shall be determined in accordance with directions given by or on behalf of the Lord Chancellor.

PART IV

OFFICERS AND ACCOMMODATION

26 Masters and registrars to be appointed by Lord Chancellor

- (1) On and after the appointed day the following officers shall be appointed by the Lord Chancellor, with the concurrence of the Minister for the Civil Service as to numbers and salaries.—
 - (a) the masters, assistant masters and registrars specified in Part I of Schedule 3 to the Judicature Act 1925, other than the Master of the Court of Protection (for whose appointment by the Lord Chancellor provision is made by section 100 of the Mental Health Act 1959);
 - (b) the Queen's coroner and attorney and master of the Crown Office;
 - (c) the registrar, assistant registrars and deputy assistant registrars of criminal appeals ;
 - (d) the admiralty registrar;
 - (e) chancery registrars and assistant chancery registrars; and
 - (f) district probate registrars.
- (2) The person appointed to the office of Queen's coroner and attorney and master of the Crown Office shall, by virtue of his appointment, be a master of the Supreme Court (Queen's Bench Division).
- (3) In section 122 of the Judicature Act 1925 (which relates to certain additional duties of the senior master of the Queen's Bench Division) for the words " The senior master " there shall be substituted the words " The Lord Chancellor shall appoint one of the masters " and after the word " Division)" there shall be inserted the words " to be the senior master and the person so appointed ".
- (4) In section 128A of the Judicature Act 1925 (which relates to the office of district probate registrar) for any reference in subsection (2) or subsection (3) to the President of the Family Division there shall be substituted a reference to the Lord Chancellor.

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27 Administrative and other court staff

The Lord Chancellor may, with the concurrence of the Minister for the Civil Service as to numbers and salaries, appoint such officers and other staff for the Supreme Court (including the district probate registries) and county courts as appear to him necessary—

- (a) for setting up a unified administrative court service, and
- (b) for discharging any functions in those courts conferred by or under this or any other Act on officers so appointed, and
- (c) generally for carrying out the administrative work of those courts.

28 Provision of accommodation

- (1) The Secretary of State for the Environment may with the approval of the Treasury provide, equip, maintain and manage such courts, offices, buildings, judges' lodgings and other accommodation as may be necessary or desirable for carrying on the business of the Supreme Court and county courts.
- (2) It is hereby declared that the expression " land necessary for the public service " in—
 - (a) section 2 of the Commissioners of Works Act 1852 (acquisition by agreement), and
 - (b) section 29(1) of the Town and Country Planning Act 1968 (power of the said Secretary of State to acquire compulsorily land necessary for the public service),includes any land which is required to discharge the duties of the said Secretary of State under this section.
- (3) The Secretary of State for the Environment may, if he thinks fit, in discharging his duties under this section enter into arrangements with a local or other public authority for the provision of accommodation to be used in part for the purposes set out in this section, and in part for other purposes, including in particular the sittings of a magistrates' court.
- (4) Schedule 3 to this Act shall have effect as respects premises formerly used for business of the abolished courts, and judges' lodgings.

29 Accommodation in City of London

- (1) The courthouse and accommodation which up to the appointed day have been respectively known as the Central Criminal Court and the Mayor's and City of London Court shall continue to be known by those names, and it shall be the duty of the Common Council of the City of London (in this section referred to as " the Common Council") to continue to make the said premises available for use for the sittings and business of those courts respectively.
- (2) The Common Council shall not undertake any alteration or extension of the buildings or accommodation which they are to make available for the purpose of the said courts, or provide further accommodation for that purpose, without the consent of the Lord Chancellor.
- (3) The duties imposed by this section on the Common Council may at any time be varied, restricted or terminated by agreement between the Lord Chancellor and the Common Council.

30 Advisory committees

The Lord Chancellor may constitute, on a permanent or temporary basis, one or more advisory committees to advise him on such questions relating to the Supreme Court and county courts as he may from time to time refer to them, and shall appoint the members of any such committee with regard to their knowledge of the work of the courts and social conditions.

PART V

JURIES

31 Summoning of jurors

- (1) Subject to the provisions of this Part of this Act, the Lord Chancellor shall be responsible for the summoning of jurors to attend for service in the Crown Court, the High Court and county courts and for determining the occasions on which they are to attend when so summoned, and the number to be summoned.
- (2) In making arrangements to discharge his duty under subsection (1) above the Lord Chancellor shall have regard to the convenience of the persons summoned and as to their respective places of residence, and in particular to the desirability of selecting jurors within reasonable daily travelling distance of the place where they are to attend.
- (3) Subject to subsection (2) above, there shall be no restriction on the places in England and Wales at which a person may be required to attend or serve on a jury under this Part of this Act and in section 1 of the Juries Act 1825 (under which jurors' qualifications are related to issues triable in the county or other area in which they reside) for the words following " liable to serve on juries for the trial of all issues joined in " to the end of the section there shall be substituted the words " the Crown Court or the High Court or any county court ".
- (4) Subject to the provisions of this Part of this Act, jurors shall be so summoned by notice in writing sent by post, or delivered by hand.

For the purposes of section 26 of the Interpretation Act 1889 (presumption as to receipt of letter properly addressed and sent by post) the notice shall be regarded as properly addressed if the address is that recorded in the jurors book, and a notice so addressed, and delivered by hand to that address, shall be deemed to have been delivered personally to the person to whom it is addressed unless the contrary is proved.

- (5) A certificate signed by the appropriate officer and stating that a written summons under this Part of this Act, properly addressed and prepaid, was posted by him shall be admissible as evidence in any proceedings, and shall be so admissible without proof of his signature or official character.
- (6) If it appears to the appropriate officer, at any time before the day on which any person so summoned is first to attend, that his attendance is unnecessary, or can be dispensed with on any particular day or days, the appropriate officer may withdraw or alter the summons by notice served in the same way as a notice of summons.

- (7) Every written summons under this Part of this Act shall be accompanied by a notice stating the effect of subsections (1) to (4) of section 14 of the Criminal Justice Act 1967 (disqualification of ex-prisoners from serving on juries in criminal proceedings).

32 Panels of jurors

- (1) The arrangements to be made by the Lord Chancellor under this Part of this Act shall include the preparation of lists (called panels) of persons summoned as jurors, and the information to be included in panels, the court sittings for which they are prepared, their division into parts or sets (whether according to the day of first attendance or otherwise), their enlargement or amendment, and all other matters relating to the contents and form of the panels shall be such as the Lord Chancellor may from time to time direct.
- (2) A party to proceedings in which jurors are or may be called on to try an issue, and any person acting on behalf of a party to such proceedings, shall be entitled to reasonable facilities for inspecting the panel from which the jurors are or will be drawn.
- (3) The right conferred by subsection (2) above shall not be exercisable after the close of the trial by jury (or after the time when it is no longer possible for there to be a trial by jury).
- (4) The court may, if it thinks fit, at any time afford to any person facilities for inspecting the panel, although not given the right by subsection (2) above.

33 Summoning in exceptional circumstances

- (1) If it appears to the court that a jury to try any issue before the court will be, or probably will be, incomplete, the court may, if the court thinks fit, require any persons who are in, or in the vicinity of, the court, and who have the qualifications required by the Juries Act 1825, or who appear to the court, although not so qualified, to be responsible and suitable persons, to be summoned (without any written notice) up to such number as is needed (after allowing for refusals and challenges) to make up a full jury.
- (2) The names of the persons so summoned shall be added to the panel, and challenges may be made accordingly, and the court shall proceed as if those so summoned had been included in the panel in the first instance.
- (3) Notwithstanding section 8(2)(b) of the Juries Act 1922, a person shall be liable to serve as a juror in pursuance of a summons under this section even though his name is not included in the register of electors.

34 Attendance and service, and excusals

- (1) Subject to the provisions of this Part of this Act, a person summoned under this Part of this Act shall attend for so many days as may be directed by the summons or by the appropriate officer, and shall be liable to serve on any jury (in the Crown Court or the High Court or any county court) at the place to which he is summoned, or in the vicinity.
- (2) If any person summoned under this Part of this Act shows to the satisfaction of the appropriate officer that there is good reason why he should be excused from attending in pursuance of the summons, the appropriate officer may, notwithstanding anything in the Juries Act 1825 or any other Act, excuse that person from so attending.

- (3) Crown Court rules shall provide a right of appeal to the court (or one of the courts) before which the person is summoned to attend against any refusal of the appropriate officer to excuse him under subsection (2) above.
- (4) Without prejudice to the preceding provisions of this section, the court (or any of the courts) before whom a person is summoned to attend under this Part of this Act may excuse that person from so attending.

35 The ballot, and swearing of jurors

- (1) The jury to try an issue before a court shall be selected by ballot in open court from the panel, or part of the panel, of jurors summoned to attend at the time and place in question, and any challenge shall be made after the juror's name has been drawn by ballot, and before he is sworn.
- (2) The power of summoning jurors under section 33 of this Act may be exercised after balloting has begun, as well as earlier, and if exercised after balloting has begun the court may dispense with balloting for persons summoned under that section.
- (3) No two or more members of a jury to try an issue in a court shall be sworn together, and section 35(3) of the Criminal Justice Act 1948 shall cease to have effect.
- (4) Subject to subsection (5) below, the jury selected by any one ballot shall try only one issue (but any juror shall be liable to be selected on more than one ballot).
- (5) Subsection (4) above shall not prevent—
 - (a) the trial of two or more issues by the same jury if the trial of the second or last issue begins within 24 hours from the time when the jury is constituted, or
 - (b) in a criminal case, the trial of fitness to plead by the same jury as that by whom the accused is being tried, if that is so directed by the court under section 4(4)(b) of the Criminal Procedure (Insanity) Act 1964, or
 - (c) in a criminal case beginning with a special plea, the trial of the accused on the general issue by the jury trying the special plea.
- (6) In the cases within subsection (5)(a), (b) and (c) above the court may, on the trial of the second or any subsequent issue, instead of proceeding with the same entire jury, order any juror to withdraw, if the court considers he could be justly challenged or excused, or if the parties to the proceedings consent, and the juror to replace him shall, subject to subsection (2) above, be selected by ballot in open court.
- (7) Proviso (b) to section 1 of the Sex Disqualification (Removal) Act 1919 (under which a judge may order that a jury be composed of men only or of women only) shall cease to have effect.

36 Payments in respect of jury service

- (1) All payments under section 1 of the Juries Act 1949 (payments in respect of jury service) shall be made out of money provided by Parliament.
- (2) In section 1(4) of the said Act (regulations of the Secretary of State prescribing scales of payment, and conditions of payment) for both references to the Secretary of State there shall be substituted references to the Lord Chancellor.

- (3) The determination of the amounts payable to persons under the said section 1, and the manner of making those payments, shall be in accordance with arrangements made by the Lord Chancellor.
- (4) Subsection (1) and subsection (3) above and the said section 1(4) of the Act of 1949 shall not apply to payments in respect of service at a coroner's court, and—
 - (a) in the said section 1 as it applies to such service "prescribed", shall mean prescribed by regulations made by statutory instrument by the Secretary of State with the consent of the Treasury, and
 - (b) the amount due to any person in respect of such service shall be ascertained and paid over to him by the coroner.
- (5) Nothing in this section shall affect the validity of any regulations made before the appointed day.

37 Exemption for previous jury service

- (1) If a person summoned under this Part of this Act shows to the satisfaction of the appropriate officer, or of the court (or any of the courts) to which he is summoned—
 - (a) that he has served on a jury, or duly attended to serve on a jury, in the prescribed period ending with the service of the summons on him, or
 - (b) that the Crown Court or any other court has excused him from jury service for a period which has not terminated,the officer or court shall excuse him from attending, or further attending, in pursuance of the summons.
- (2) In subsection (1) above "the prescribed period" means two years or such longer period as the Lord Chancellor may from time to time prescribe by order in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Records of persons summoned under this Part of this Act, and of persons included in panels, shall be kept in such manner as the Lord Chancellor may direct, and the Lord Chancellor may, if he thinks fit, make arrangements for allowing inspection of the records so kept by members of the public in such circumstances and subject to such conditions as he may prescribe.
- (4) A person duly attending in compliance with a summons under this Part of this Act shall be entitled on application to the appropriate officer to a certificate recording that he has so attended.
- (5) In subsection (1) above the words "served on a jury" refer to service, whether before the appointed day or later, on a jury in any court, including any court of assize or other court abolished by this Act, but excluding service on a jury in a coroner's court.

38 Offences

- (1) Subject to the provisions of this section—
 - (a) if a person duly summoned under this Part of this Act fails to attend (on the first or on any subsequent day on which he is required to attend by the summons or by the appropriate officer) in compliance with the summons, or
 - (b) if a person, after attending in pursuance of a summons, is not available when called on to serve as a juror, or is unfit for service by reason of drink or drugs,

he shall be liable to a fine not exceeding £100.

- (2) An offence under subsection (1) above shall be punishable either on summary conviction or as if it were criminal contempt of court committed in the face of the court.
- (3) Subsection (1)(a) above shall not apply to a person summoned, otherwise than under section 33 of this Act, unless the summons was duly served on him on a date not later than fourteen days before the date fixed by the summons for his first attendance.
- (4) A person shall not be liable to be punished under this section if he can show some reasonable cause for his failure to comply with the summons, or for not being available when called on to serve, and this section has effect subject to the provisions of this Part of this Act about the withdrawal or alteration of a summons, and about the granting of any excusal or exemption.

39 Civil proceedings: majority verdicts

- (1) Subject to subsection (3) below, the verdict of a jury in proceedings in the High Court need not be unanimous if—
 - (a) in a case where there are not less than 11 jurors, 10 of them agree on the verdict, and
 - (b) in a case where there are 10 jurors, 9 of them agree on the verdict.
- (2) Subject to subsection (3) below, the verdict of a jury (that is to say a complete jury of 8) in proceedings in a county court need not be unanimous if 7 of them agree on the verdict.
- (3) The court shall not accept a verdict by virtue of subsection (1) or subsection (2) above unless it appears to the court that the jury have had such period of time for deliberation as the court thinks reasonable having regard to the nature and complexity of the case.
- (4) This section is without prejudice to any practice by which a court may accept a majority verdict with the consent of the parties, or by which the parties may agree to proceed in any case with an incomplete jury.

40 Abolition of special juries and supplemental provisions

- (1) Special juries shall be abolished, and sections 18 and 19 of the Juries Act 1949 (under which special juries were preserved for certain commercial cases) shall cease to have effect.
- (2) No judgment after verdict upon any indictment, or after verdict in any other trial by jury in any court, shall be stayed or reversed by reason—
 - (a) that the provisions of this Act about the summoning or impanelling of jurors, or the selection of jurors by ballot, have not been complied with, or
 - (b) that a juror was not included in the relevant jurors' book or jury list, or
 - (c) that any juror was misnamed or misdescribed, or
 - (d) that any juror was unfit to serve.
- (3) Subsection (2)(a) above shall not apply to any irregularity if objection is taken at, or as soon as practicable after, the time it occurs, and the irregularity is not corrected.
- (4) Nothing in subsection (2) above shall apply to any objection to a verdict on the ground of personation.

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- (5) Subject to the express provisions of this Act, all enactments and rules of law relating to trials by jury, juries and jurors, shall continue in force and, in criminal cases, apply to proceedings in the Crown Court as they applied to proceedings before a court of oyer and terminer or gaol delivery.
- (6) In this Part of this Act—
 " court " except where the context otherwise requires, means the Crown Court, the High Court, or a county court,
 " the appropriate officer " means such officer as may be designated for the purpose in question by arrangements made by the Lord Chancellor.
- (7) Schedule 4 to this Act shall have effect for supplementing this Part of this Act.

PART VI

MISCELLANEOUS AND SUPPLEMENTAL

Merger or abolition of certain courts and offices

41 Merger of Palatine Courts with High Court

- (1) On the appointed day—
 (a) the Court of Chancery of the county palatine of Lancaster (in this Act referred to as " the Lancaster Palatine Court "), and
 (b) the Court of Chancery of the county palatine of Durham and Sadberge (in this Act referred to as " the Durham Palatine Court"),
 shall be merged with the High Court and accordingly on and after that day no jurisdiction, whether conferred by statute or otherwise, shall be exercised by the Palatine Courts as such
- (2) The provisions of Part I of Schedule 5 to this Act shall have effect with respect to certain transitional matters consequential on the provisions of this section.

42 Local court for City of London

- (1) The Mayor's and City of London Court, as constituted immediately before the commencement of this Act, is hereby abolished.
- (2) For the purpose of establishing a court to exercise so much of the jurisdiction previously exercised by the Mayor's and City of London Court as is appropriate to a county court and for exercising any other jurisdiction which may hereafter be conferred on a county court, the City of London shall, by virtue of this section, become a county court district and accordingly the enactments relating to county courts shall apply in relation to the county court for the City of London as they apply in relation to a county court for any other county court district.
- (3) Without prejudice to subsection (1) above, the county court for the district constituted by subsection (2) above shall be known as the Mayor's and City of London Court and the Circuit judge assigned to that district under section 20(1) of this Act shall be known as the judge of the Mayor's and City of London Court.

- (4) The provisions of Part II of Schedule 5 to this Act shall have effect with respect to certain transitional matters consequential on the provisions of this section.

43 Abolition of certain other local courts

- (1) There are hereby abolished the following local courts of record, being those which actively exercise a civil jurisdiction comparable to or greater than that of the county court for the district in which they are situated:—
- (a) the Tolzey and Pie Poudre Courts of the City and County of Bristol;
 - (b) the Liverpool Court of Passage ;
 - (c) the Norwich Guildhall Court; and
 - (d) the Court of Record for the Hundred of Salford.
- (2) The provisions of Part III of Schedule 5 to this Act shall have effect with respect to certain transitional matters consequential on the abolition of the courts specified in subsection (1) above.

44 Abolition of certain offices

- (1) The following offices are hereby abolished:—
- (a) chairman and deputy chairman of county quarter sessions; recorder, and deputy, assistant or temporary recorder, of a borough (but not the Recorder of London); clerk and deputy clerk of the peace;
 - (b) any judicial or other office in a court abolished or merged with the High Court by the preceding provisions of this Part of this Act, other than the office of Vice-Chancellor of the County Palatine of Lancaster;
 - (c) clerk of assize, circuit bailiff and any other office the duties of which relate exclusively to courts of assize.
- (2) The Lord Chancellor may, with the concurrence of the Minister for the Civil Service, by regulations provide for the payment out of money provided by Parliament of compensation to or in respect of persons who suffer loss of employment or loss or diminution of emoluments which is attributable—
- (a) to the preceding provisions of this section, or
 - (b) to the abolition or merger of any court (including courts of assize, courts of quarter sessions and Palatine courts) by this Act, or
 - (c) to the transfer by this Act of any function to the Lord Chancellor or to any other Minister.
- (3) Regulations under this section may—
- (a) include provision as to the manner in which and the person to whom any claim for compensation under the regulations is to be made, and for the determination of all questions arising under the regulations,
 - (b) make special provision for persons who, but for any national service, would be holders of any office or engaged in any employment,
 - (c) make different provision for different classes of persons and for other different circumstances, and make, or authorise the Lord Chancellor to make, exceptions and conditions,
 - (d) be framed so as to have effect from a date earlier than the making of the regulations,

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but so that regulations having effect from a date earlier than their making shall not place any individual in a worse position than he would have been in if the regulations had been so framed as to have effect only from the date of their making.

- (4) Regulations under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Matrimonial jurisdiction and patent appeals

45 Matrimonial jurisdiction

- (1) This section has effect as respects any proceedings for the exercise of a power under—
- (a) Part II or Part III of the Matrimonial Causes Act 1965 ;
 - (b) Part I of the Matrimonial Proceedings and Property Act 1970;
 - (c) section 17 of the Married Women's Property Act 1882.
- (2) Rules of court may provide for the transfer or retransfer from a county court to the High Court, or from the High Court to a divorce county court, of any such proceedings.
- (3) The power conferred by subsection (2) above and the power conferred by section 1(3)(b) of the Matrimonial Causes Act 1967 (transfer of matrimonial causes) shall be construed as including power to provide for the removal of proceedings at the direction of the High Court.
- (4) A court shall have jurisdiction to entertain any proceedings transferred to the court by virtue of rules made in pursuance of subsection (2) above.
- (5) Rules of court may, as respects any of the jurisdiction conferred by the enactments referred to in paragraphs (a), (b) and (c) of subsection (1) above—
- (a) provide for its exercise in the principal probate registry,
 - (b) make any such provision as section 4 of the Matrimonial Causes Act 1967 (assimilation of proceedings in the principal probate registry to proceedings in divorce county courts) makes, or authorises rules of court to make, as respects any jurisdiction.
- (6) Where, in pursuance of rules of court made under this section or the said Act of 1967, any proceedings are removed into the High Court section 76 of the County Courts Act 1959 (costs) shall apply as if the proceedings had been transferred.
- (7) This section is without prejudice to any power of making rules of court conferred by the said Act of 1967, and in section 7(1)(b) of that Act (matrimonial causes rules) the reference to that Act shall include a reference to this section.
- (8) Any reference in this section to section 17 of the Married Women's Property Act 1882 is a reference to that Act as originally enacted, or as extended by section 7 of the Matrimonial Causes (Property and Maintenance) Act 1958 or by section 2 of the Law Reform (Miscellaneous Provisions) Act 1970 or by section 39 of the Matrimonial Proceedings and Property Act 1970.

46 Patent appeals

- (1) Section 87 of the Patents Act 1949 (appeal to Court of Appeal or, in Scotland, the Court of Session from Patents Appeal Tribunal and Scottish Patents Appeal Tribunal) shall be amended as follows.

- (2) In subsection (1) before paragraph (a) insert
- “(aa) from any decision of the Appeal Tribunal on the ground that it is wrong in law or is in excess of jurisdiction, but this paragraph applies only if leave to appeal is given by the Tribunal or the Court of Appeal”.
- (3) For subsection (3) substitute—
- “(3) An appeal shall lie to the Court of Session—
 - (a) from any decision of the Scottish Appeal Tribunal on the ground that it is wrong in law or is in excess of jurisdiction, but this paragraph applies only if leave to appeal is given by the Tribunal or by the Court of Session;
 - (b) from any decision of the Scottish Appeal Tribunal under section 55 of this Act”.

Costs

47 Costs awarded by Crown Court out of central funds

- (1) Subject to the provisions of this section where a person is prosecuted or tried on indictment before the Crown Court, the court may—
- (a) order the payment out of central funds of the costs of the prosecution;
 - (b) if the accused is acquitted, order the payment out of central funds of the costs of the defence.
- (2) Subject to the provisions of this section, where an appeal is brought to the Crown Court against a conviction by a magistrates' court of an indictable offence, or against the sentence imposed on such a conviction, the court may—
- (a) order the payment out of central funds of the costs of the prosecution,
 - (b) if the appeal is against a conviction, and the conviction is set aside in consequence of the decision on the appeal, order the payment out of central funds of the costs of the defence.
- (3) The costs payable out of central funds under the preceding provisions of this section shall be such sums as appear to the Crown Court reasonably sufficient—
- (a) to compensate the prosecutor, or as the case may be, the accused, for the expenses properly incurred by him in carrying on the proceedings, and
 - (b) to compensate any witness for the prosecution, or as the case may be for the defence, for the expense, trouble or loss of time properly incurred in or incidental to his attendance.
- (4) Notwithstanding that the court makes no order under this section as respects the costs of the defence, it may order the payment out of central funds of such sums as appear to the court reasonably sufficient to compensate any witness for the defence for the expense, trouble or loss of time properly incurred in or incidental to his attendance.
- (5) References in subsections (3) and (4) above to a witness include any person who is a witness to character only and in respect of whom the court certifies that the interests of justice required his attendance but no sums shall be payable in pursuance of an order made under this section to or in respect of any witness who is a witness to character only" and in respect of whom no such certificate is given.

Status: This is the original version (as it was originally enacted).

- (6) The amount of costs ordered to be paid under this section shall be ascertained as soon as practicable by the appropriate officer of the Crown Court.
- (7) In this section the expression " witness " means a person properly attending to give evidence, whether or not he gives evidence; and a person called to give evidence at the instance of the court may, whether or not he is a witness for the defence, be made the subject of an order under subsection (4) above.
- (8) The costs of carrying on the defence that may be awarded to any person under this section may include the costs of carrying on the defence before the examining justices who committed him for trial, or as the case may be before the magistrates' court who convicted him.

48 Costs awarded by Crown Court as between parties

- (1) Where a person is prosecuted or tried on indictment before the Crown Court, the Court may—
 - (a) if the accused is convicted, order him to pay the whole or any part of the costs incurred in or about the prosecution and conviction, including any proceedings before the examining justices ;
 - (b) if the accused is acquitted, order the prosecutor to pay the whole or any part of the costs incurred in or about the defence including any proceedings before the examining justices.
- (2) The amount of costs ordered to be paid under this section shall (except where it is a specific amount ordered to be so paid) be ascertained as soon as practicable by the appropriate officer of the Crown Court.

49 Costs awarded by Divisional Court or House of Lords out of central funds

- (1) A Divisional Court of the Queen's Bench Division may order the payment out of central funds of the costs of any party to proceedings before the Divisional Court in a criminal cause or matter.
- (2) The costs payable out of central funds under subsection (1) above shall be such sums as appear to the Divisional Court reasonably sufficient to compensate the party concerned for any expenses properly incurred by him in the proceedings or in any court below.
- (3) Where an appeal to the House of Lords from a decision of the Divisional Court in a criminal cause or matter is determined in favour of the accused, the House of Lords may order the payment to the accused out of central funds of such sums as appear to it reasonably sufficient to compensate him for any expenses properly incurred by him in the appeal to the House of Lords (including any application for leave to appeal), or in any court below.
- (4) Any amount ordered to be paid under this section shall be ascertained—
 - (a) if under subsection (1) above, by the master of the Crown Office, and
 - (b) if under subsection (3) above (except where it is a specific amount ordered to be paid towards the accused's expenses as a whole) by such officer or officers, and in such manner, as may be prescribed by order of the House of Lords.

50 Crown Court rules relating to costs

- (1) Crown Court rules may authorise the court to award costs and may regulate any matters relating to costs of proceedings in the Crown Court, and in particular may make provision as to—
 - (a) any discretion to award costs,
 - (b) the taxation of costs, or the fixing of a sum instead of directing a taxation, and as to the officer of the court or other person by whom costs are to be taxed,
 - (c) a right of appeal from any decision on the taxation of costs whether to a Taxing Master of the Supreme Court, or to any other officer or authority,
 - (d) the enforcement of an order for costs,
 - (e) the charges or expenses or other disbursements which are to be treated as costs for the purposes of the rules.
- (2) The costs dealt with by rules under this section may, where an appeal is brought to the Crown Court from the decision of a magistrates' court, or from the decision of any other court or tribunal, include costs in the proceedings in that court or tribunal.
- (3) Nothing in this section shall authorise the making of rules about the payment of costs out of central funds, whether under the Costs in Criminal Cases Act 1952 or otherwise, but rules under this section may make any such provision as is contained in section 48 above.
- (4) Rules under this section may amend or repeal all or any of the provisions of section 48 above or of any other enactment passed before this Act about costs between party and party in criminal or other proceedings in the Crown Court.
- (5) Rules under this section shall have effect subject to the provisions of section 41 of, and Schedule 9 to, the Administration of Justice Act 1970 (method of enforcing orders for costs).

51 Construction and consequential amendments

- (1) Sections 47, 48 and 49 above shall be construed as one with the Costs in Criminal Cases Act 1952, and accordingly references to that Act shall, unless the context otherwise requires, be construed as including references to those sections.
- (2) Schedule 6 to this Act, which amends the Costs in Criminal Cases Act 1952 and other enactments about costs, shall have effect.

52 Award of costs where information or complaint is not proceeded with

- (1) Where an information charging an indictable offence is laid before a justice of the peace for any area but the information is not proceeded with (either by summary trial or by an inquiry by examining justices) a magistrates' court for that area may order the payment out of central funds of—
 - (a) the costs properly incurred in preparing a defence to the offence charged; and
 - (b) such sums as appear to the court reasonably sufficient to compensate any person attending to give evidence as a witness for the defence for the expense, trouble or loss of time properly incurred in or incidental to his attendance.
- (2) The amount of costs ordered to be paid under subsection (1) above shall be ascertained as soon as practicable by the proper officer of the court.

Status: This is the original version (as it was originally enacted).

- (3) Where—
- (a) an information is laid before a justice of the peace for any area but the information is not proceeded with (either by summary trial or by an inquiry by examining magistrates), or
 - (b) a complaint is made to a justice of the peace acting for any area but the complaint is not proceeded with,
- a magistrates' court for that area may make such order as to costs to be paid by the prosecutor to the accused or, as the case may be, by the complainant to the defendant as it thinks just and reasonable.
- (4) An order under subsection (3) above shall specify the amount of the costs ordered to be paid.
- (5) Subsections (1) and (2) above and, so far as they relate to informations, subsections (3) and (4) above shall be construed as one with the Costs in Criminal Cases Act 1952; and for the purpose of enforcement an order under subsection (3) above made in relation to a complaint which is not proceeded with shall be treated as if it were an order made under section 55 of the Magistrates' Courts Act 1952 (power to award, and enforcement of, costs in civil proceedings).

Administrative functions of justices

53 Administrative functions of justices

- (1) The provisions of section 16 of and Schedule 4 to the Justices of the Peace Act 1949 (which provide for the establishment of magistrates' courts committees) shall be amended in accordance with Part I of Schedule 7 to this Act; and the following provisions of this section shall have effect with respect to certain administrative functions exercised by courts of quarter sessions and by members of such courts before the day appointed for the purposes of section 3 of this Act.
- (2) Schedule 5 to the Criminal Justice Act 1948 (which contains administrative provisions about probation and after-care areas and committees, etc.) shall be amended as follows:
- (a) in paragraph 1(1) (which relates to probation and after care areas comprising more than one petty sessional division) for the words " court of quarter sessions " there shall be substituted the words " magistrates' courts committee "; and
 - (b) in paragraph 2(1)(a) (which provides for the constitution of probation and after-care committees for areas comprising more than one petty sessional division) for the words from " such number of additional" to the end of paragraph (a) there shall be substituted the words " such number of judges of the Crown Court and of additional justices who have experience of sitting as members of the Crown Court, as may be specified in the order ".
- (3) Visiting committees appointed as mentioned in subsection (1) of section 6 of the Prison Act 1952 (that is to say by courts of quarter sessions for counties and benches of magistrates for boroughs) shall be replaced by boards of visitors appointed under subsection (2) of that section, and accordingly the said section 6 and section 43(4) of the Prison Act 1952 (which relates to the application of certain provisions of that Act about prisons to remand centres, detention centres and Borstal institutions) shall be amended in accordance with Part II of Schedule 7 to this Act.

Status: This is the original version (as it was originally enacted).

- (4) For the purpose of replacing the references to courts of quarter sessions where they occur in the Licensing Act 1964 in relation to—
- (a) county compensation committees, and
 - (b) the licensing planning committee for any licensing planning area that consists of or includes the metropolis, as defined in that Act,
- the provisions of that Act specified in Part III of Schedule 7 to this Act shall be amended in accordance with that Part of that Schedule.
- (5) In paragraph (b) of section 2(2) of the Police Act 1964 (one-third of police committee for a county police area to be magistrates for the county appointed by quarter sessions) for the words from " magistrates " in the first place where it occurs to the end of the paragraph there shall be substituted the words " appointed from among their own number by the magistrates for the county in accordance with a scheme made by the magistrates' courts committee for, or for an area including, the county and approved by the Secretary of State ".
- (6) Without prejudice to their effect on appointments made after the commencement of this Act, nothing in subsection (2), subsection (4) or subsection (5) above shall affect the membership of any probation and after-care committee, county compensation authority or police committee in existence at the commencement of this Act.
- (7) The Secretary of State may by order made by statutory instrument make such amendments as appear to him to be expedient in consequence of the provisions of this Act in—
- (a) any order made under paragraph 1 of Schedule 5 to the Criminal Justice Act 1948 (relating to combined probation and after-care areas), and
 - (b) any amalgamation scheme within the meaning of Part I of the Police Act 1964 ;
- and an order under this subsection amending any such amalgamation scheme shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Boroughs: honorary offices

54 Boroughs: honorary offices

- (1) The council of a borough shall have power to appoint a person to be honorary recorder of the borough.
- (2) Where there is a borough civil court, the council of the borough shall have power to appoint the honorary recorder of the borough, or some other person, to be the judge of the court, and a person appointed under this subsection shall hold his office during good behaviour.
- (3) A person shall not be qualified to hold office as an honorary recorder of a borough or as judge of a borough civil court unless he is a Circuit judge or Recorder (that is to say a Recorder appointed under this Act):

Provided that this subsection shall not apply to a borough which immediately before the appointed day—

- (a) had power by charter to appoint a recorder of the borough, and
- (b) did not have a separate court of quarter sessions.

Status: This is the original version (as it was originally enacted).

- (4) Where, immediately before the appointed day, there was a judge of a borough civil court, but he did not hold office by virtue of holding the office of recorder abolished by this Act, he shall continue to be and act as the judge as if appointed under subsection (2) above and subsection (3) above shall not apply to him.

Supplemental

55 Financial provisions

- (1) There shall be paid out of money provided by Parliament, or out of the Consolidated Fund, any increase attributable to the provisions of this Act in the sums respectively so payable under any other enactment.
- (2) There shall be paid out of money provided by Parliament any sums payable by any Minister under or by virtue of this Act.
- (3) Any sum payable under this Act to the Lord Chancellor or any other Minister shall be paid into the Consolidated Fund.
- (4) In the application of section 3(1) of the Local Government Act 1966 (variation of rate support grant orders) to a rate support grant order made before the date of the coming into operation of any provision of this Act for a grant period ending after that date, the Minister having power to make orders under the said section 3 shall take into account any relief obtained, or likely to be obtained, by local authorities—
- (a) which is attributable to the coming into operation of the said provision of this Act, and
 - (b) which was not taken into account in making the rate support grant order the variation of which is in question.

The provisions of this subsection are without prejudice to section 3(4) of the said Act of 1966 (under which an order under that section may vary the matters prescribed by a rate support grant order).

56 Minor and consequential amendments, transitional provisions and repeals

- (1) Schedule 8 to this Act (which contains consequential and other amendments) shall have effect.
- (2) In the enactments listed in Schedule 9 to this Act (which confer jurisdiction transferred to the Crown Court) for any reference to quarter sessions there shall be substituted a reference to the Crown Court.

This subsection applies to references to quarter sessions however expressed and in particular to any reference to " the next court of quarter sessions " , or to the quarter sessions for any particular area, or to any sessions which, by section 13(14) of the Interpretation Act 1889, were included in the expression " court of quarter sessions " .

- (3) Schedule 10 to this Act, which contains transitional provisions, shall have effect.
- (4) The enactments specified in Schedule 11 to this Act (which includes certain obsolete or unnecessary enactments) are hereby repealed to the extent specified in the third column of that Schedule, but subject to any provision at the end of that Schedule.

57 Interpretation of this Act and rules of construction of other Acts

- (1) In this Act, unless the context otherwise requires—
- the " appointed day " means the commencement of this Act which, as provided by this Act, may be a different date for different purposes,
 - " the Judicature Act 1925 " means the Supreme Court of Judicature (Consolidation) Act 1925,
 - " sentence ", in relation to an offence, includes any order made by a court when dealing with an offender including—
 - (a) a hospital order under Part V of the Mental Health Act 1959, with or without an order restricting discharge, and
 - (b) a recommendation for deportation made when dealing with an offender.
- (2) Except where the context otherwise requires, this Act applies in relation to proceedings on a coroner's inquisition and to matters arising out of such proceedings, as it applies in relation to proceedings on indictment and matters arising out of them.
- Except as otherwise provided, this subsection shall apply for the construction of any Act passed after this Act as it applies for the construction of this Act.
- (3) Except where the context otherwise requires, in this or any other Act—
- (a) a reference to a judge of the Supreme Court shall not include a reference to a judge of the Crown Court,
 - (b) any reference to the courts abolished by this Act shall include a reference to the Lancaster Palatine Court and the Durham Palatine Court (which are abolished on merger with the High Court).
- (4) Except where the context otherwise requires, in any Act passed after this Act the expression " recorder " shall not include the Recorder of London or an honorary recorder of a borough.
- (5) Any power of making orders contained in any provision of this Act shall include power to vary or revoke an order made under that provision.
- (6) It is hereby declared that any power conferred by this Act on the Lord Chancellor or any other authority to give directions includes a power to vary or rescind any direction so given.
- (7) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including this Act.

58 Northern Ireland powers concerning majority verdicts of juries

The provisions of the Government of Ireland Act 1920 about reserved matters shall not preclude the Parliament of Northern Ireland from making any law corresponding to section 13 of the Criminal Justice Act 1967, or otherwise authorising a majority verdict of a jury, or from making any provision related to or consequential upon a provision about majority verdicts of juries.

59 Short title, commencement and extent

- (1) This Act may be cited as the Courts Act 1971.

Status: This is the original version (as it was originally enacted).

- (2) This Act shall come into force on such date as the Lord Chancellor may by order in a statutory instrument appoint, and different dates may be appointed for different provisions of this Act, or for different purposes.
- (3) Without prejudice to the other transitory provisions of this Act, any order under this section may make such transitional provision as appears to the Lord Chancellor to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or any provisions of this Act then in force, and such savings of the provisions repealed by this Act, as appear to him to be necessary or expedient in consequence of the partial operation of this Act (whether before or after the day appointed by the order).
- (4) A statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) The following provisions of this Act, and no others, shall extend to Scotland—
 - (a) section 13(8) and, so far as it relates to the Court of Session, section 46,
 - (b) any provision of this Act amending or repealing any provision of the House of Commons Disqualification Act 1957,
 - (c) any provision of this Act affecting the operation of the law of Scotland in relation to courts in England and Wales,
 - (d) the provisions of this Act about interpretation and commencement,
 - (e) Schedule 8 to this Act so far as it amends section 14 of the Indictable Offences Act 1848, and sections 72A and 72B of the Magistrates' Courts Act 1952.
- (6) The following provisions of this Act, and no others, shall extend to Northern Ireland—
 - (a) section 46 of this Act except so far as it relates to the Court of Session and section 58,
 - (b) any provision of this Act which amends or repeals any provision of the House of Commons Disqualification Act 1957,
 - (c) any provision of this Act affecting the operation of the law of Northern Ireland in relation to courts in England and Wales,
 - (d) the provisions of this Act about interpretation and commencement,
 - (e) Schedule 8 to this Act so far as it amends section 12 of the Indictable Offences Act 1848 and section 30 of the Petty Sessions (Ireland) Act 1851.
- (7) Schedule 8 to this Act shall extend to the Isle of Man and the Channel Islands so far as it amends section 13 of the Indictable Offences Act 1848.