



# Courts Act 2003

## 2003 CHAPTER 39

### PART 1

#### MAINTAINING THE COURT SYSTEM

##### *The general duty*

#### **1 The general duty**

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

##### *Court staff and accommodation*

#### **2 Court officers, staff and services**

- (1) The Lord Chancellor may appoint such officers and other staff as appear to him appropriate for the purpose of discharging his general duty in relation to the courts.

*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: Courts Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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

### 3 **Provision of accommodation**

- (1) The Lord Chancellor may provide, equip, maintain and manage such court-houses, offices and other accommodation as appear to him appropriate for the purpose of discharging his general duty in relation to the courts.
- (2) The Lord Chancellor may enter into such arrangements for the provision, equipment, maintenance or management of court-houses, offices or other accommodation as appear to him appropriate for the purpose of discharging his general duty in relation to the courts.
- (3) The powers under—
  - (a) section 2 of the Commissioners of Works Act 1852 (c. 28) (acquisition by agreement), and

---

*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: Courts Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- (b) section 228(1) of the Town and Country Planning Act 1990 (c. 8) (compulsory acquisition),
- to acquire land necessary for the public service are to be treated as including power to acquire land for the purpose of its provision under arrangements entered into under subsection (2).
- (4) “Court-house” means any place where a court sits, including the precincts of any building in which it sits.

### *Courts boards*

## **4 Establishment of courts boards**

- (1) England and Wales is to be divided into areas for each of which there is to be a courts board.
- (2) The areas are to be those specified by an order made by the Lord Chancellor.
- (3) Each area established by an order under subsection (2) is to be known by such name as is specified in the order (but subject to subsection (4)).
- (4) The Lord Chancellor may make orders altering the areas.
- (5) “Altering”, in relation to an area, includes (as well as changing its boundaries)—
- (a) combining it with one or more other areas,
  - (b) dividing it between two or more other areas, and
  - (c) changing its name.
- (6) Before making an order under subsection (4), the Lord Chancellor must consult any courts board affected by the proposed order.
- (7) When making an order under subsection (2) the Lord Chancellor must have regard to the desirability of specifying areas which are the same as—
- (a) the police areas listed in Schedule 1 to the Police Act 1996 (c. 16) (division of England and Wales, except London, into police areas), and
  - (b) the area consisting of the Metropolitan Police District and the City of London police area.
- (8) Schedule 1 contains provisions about the constitution and procedure of courts boards.

## **5 Functions of courts boards**

- (1) Each courts board is under a duty, in accordance with guidance under this section—
- (a) to scrutinise, review and make recommendations about the way in which the Lord Chancellor is discharging his general duty in relation to the courts with which the board is concerned, and
  - (b) for the purposes mentioned in paragraph (a), to consider draft and final business plans relating to those courts.
- (2) In discharging his general duty in relation to the courts, the Lord Chancellor must give due consideration to recommendations made by the boards under subsection (1).

*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: Courts Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) If the Lord Chancellor rejects a recommendation made by a courts board under subsection (1) as a result of the board's consideration of a final business plan, he must give the board his written reasons for so doing.
- (4) The courts with which a courts board is concerned are—
  - (a) the Crown Court,
  - (b) county courts, and
  - (c) magistrates' courts,
 in the board's area.
- (5) The Lord Chancellor must prepare and issue the boards with guidance about how they should carry out their functions under subsection (1).
- (6) The guidance may in particular contain provisions about the procedures to be followed in connection with draft and final business plans.
- (7) The Lord Chancellor may from time to time issue the boards with revised guidance and revoke previous guidance.
- (8) Guidance issued under this section must be laid before both Houses of Parliament.

*Abolition of magistrates' courts committees*

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

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

### Commencement Information

- II** S. 6 wholly in force at 1.4.2005; s. 6 not in force at Royal Assent see s. 110(1)(2); s. 6(3) in force at 1.9.2004 by S.I. 2004/2066, art. 2(a) (subject to art. 3); s. 6 in force at 1.4.2005 insofar as not already in force by S.I. 2005/910, art. 3(d)

**Status:**

Point in time view as at 01/04/2005.

**Changes to legislation:**

Courts Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.