

Status: Point in time view as at 06/04/2006.

Changes to legislation: Courts Act 2003, SCHEDULE 9 is up to date with all changes known to be in force on or before 24 September 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)

SCHEDULES

SCHEDULE 9

Section 109(2)

TRANSITIONAL PROVISIONS AND SAVINGS

Interpretation

- 1 In this Schedule “the JPA 1997” means the Justices of the Peace Act 1997.

Orders contracting out the provision of officers and staff

- 2 Any order which, immediately before section 2 comes into force, was in force under section 27(3) of the Courts Act 1971, including, in particular, any order made under section 27(3) by virtue of—

- (a) section 4(7) of the Taxes Management Act 1970, or
- (b) section 82(3) of the Value Added Tax Act 1994,

shall have effect as if made under section 2 for the purpose of discharging the Lord Chancellor’s general duty in relation to the courts (and may be amended or revoked accordingly).

Local justice areas

- 3 The first order under section 8 must specify as a local justice area each area which was a petty sessions area immediately before the time when that section comes into force.

Appointment and assignment of lay justices

- 4 A person who, immediately before section 10 comes into force, was a justice of the peace for a commission area under section 5 of the JPA 1997 shall be treated as having been—

- (a) appointed under section 10(1) as a lay justice for England and Wales, and
- (b) assigned under section 10(2)(a) to the local justice area which—
 - (i) is specified as such in the first order under section 8, and
 - (ii) immediately before section 10 comes into force, was the petty sessions area in and for which he ordinarily acted.

The supplemental list

- 5 (1) The existing supplemental list shall have effect as the supplemental list required to be kept by section 12; and any name which, immediately before that section comes into force, was included in that list under a provision listed in column 1 of the table shall be treated as having been entered in the list under the provision listed in column 2—

Provision of the JPA 1997

Provision of this Act

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Section 7(2)	Section 13(1)
Section 7(4)	Section 13(5)
Section 7(6)	Section 13(4)

- (2) “The existing supplemental list” means the supplemental list having effect under the JPA 1997 immediately before section 12 comes into force.

Keepers of the rolls

- 6 A person who, immediately before section 16 comes into force, was under section 25 of the JPA 1997 keeper of the rolls for a commission area shall be treated as having been appointed under section 16 as keeper of the rolls for each local justice area which—
- (a) is specified as such in the first order under section 8, and
 - (b) immediately before section 16 comes into force, formed part of, or consisted of, that commission area.

Chairman and deputy chairmen of the bench

- 7 A person who, immediately before section 17 comes into force, was under section 22 of the JPA 1997 the chairman (or a deputy chairman) of the justices for a petty sessions area shall be treated as having been chosen under section 17 as the chairman (or a deputy chairman) of the lay justices assigned to the corresponding local justice area specified in the first order under section 8.

Senior District Judge (Chief Magistrate)

- 8 (1) The person who, immediately before section 23 comes into force, was under section 10A of the JPA 1997 the Senior District Judge (Chief Magistrate) shall be treated as having been designated as such under section 23(a).
- (2) A person who, immediately before section 23 comes into force, was under section 10A of the JPA 1997 the deputy of the Senior District Judge (Chief Magistrate) shall be treated as having been designated as such under section 23(b).

Justices' clerks and assistant clerks

- 9 A person who—
- (a) immediately before section 27 comes into force, was a justices' clerk for a petty sessions area (or areas), and
 - (b) is transferred to the Lord Chancellor’s employment by virtue of paragraph 11 of Schedule 2,
- shall be treated as having been designated as a justices' clerk under section 27(1)(b) and assigned under section 27(3)(a) to the corresponding local justice area (or areas) specified in the first order under section 8.

- 10 A person who—
- (a) immediately before section 27 comes into force, was employed to assist a justices' clerk by acting as a clerk in court in proceedings before a justice or justices, and

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- (b) is transferred to the Lord Chancellor's employment by virtue of paragraph 11 of Schedule 2,
shall be treated as having been designated as an assistant to a justices' clerk under section 27(5)(b).
- 11 (1) Any regulations made under—
- (a) section 42 of the Justices of the Peace Act 1949 (compensation in connection with Parts 2 and 3 of the 1949 Act), or
 - (b) paragraph 16 of Schedule 3 to the Justices of the Peace Act 1968 (compensation in connection with section 1 of the 1968 Act),
- and in force immediately before paragraph 20 of Schedule 4 to the JPA 1997 is repealed by this Act shall continue to have effect and may be revoked or amended despite the repeal by the Justices of the Peace Act 1979 of the provisions under which they were made.
- (2) The power to make amendments by virtue of sub-paragraph (1) of regulations falling within paragraph (a) of that sub-paragraph shall extend to making provision—
- (a) for compensation to or in respect of persons falling within sub-paragraph (3) to be payable if such persons suffer loss of employment, or loss or diminution of emoluments, attributable to anything done under Part 2;
 - (b) for the determination by persons other than magistrates' courts committees of claims for compensation to be made;
 - (c) for the payment by the Lord Chancellor of compensation payable under the regulations.
- (3) A person falls within this sub-paragraph if—
- (a) on 2nd February 1995 he held the office of justices' clerk or was employed to assist a justices' clerk, and
 - (b) is transferred to the Lord Chancellor's employment by virtue of paragraph 11 of Schedule 2.
- (4) A person who under regulations made by virtue of sub-paragraph (2)(a) is entitled to compensation in respect of anything done under Part 2 is not entitled to compensation in respect of that thing under a scheme made under section 1 of the Superannuation Act 1972 by virtue of section 2(2)(a) of that Act.

Family proceedings courts

- 12 Any justice of the peace who, immediately before section 49 comes into force, was qualified to sit as a member of a family proceedings court shall be treated as having been authorised to do so by the Lord Chancellor under section 67 of the 1980 Act (as substituted by section 49).

Youth courts

- 13 Any justice of the peace who, immediately before section 50 comes into force, was qualified to sit as a member of a youth court shall be treated as having been authorised to do so by the Lord Chancellor under section 45 of the 1933 Act (as substituted by section 50).

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Inspectors of court administration

- 14 Any person who, immediately before section 58 comes into force, was an inspector of the magistrates' courts service under section 62 of the JPA 1997 shall be treated as having been appointed as an inspector of court administration under section 58(1).

Collection of fines and discharge of fines by unpaid work

- 15 (1) This paragraph applies if section 97 and Schedule 5 are brought into force before section 8.
- (2) Section 97 and Schedule 5 have effect in relation to the period ending with the date on which section 8 comes into force as if any reference to a local justice area were a reference to a petty sessions area.

Commencement Information

- II** Sch. 9 para. 15 wholly in force at 5.4.2004; Sch. 9 para. 15 not in force at Royal Assent see s. 110(1) (2); Sch. 9 para. 15 in force for certain purposes at 23.2.2004 by S.I. 2004/174, art. 4(a); Sch. 9 para. 15 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, art. 4(b); Sch. 9 para. 15 in force for all purposes 5.4.2004 by S.I. 2004/174, art. 4(c)

Register of judgments and orders

- 16 The register having effect under section 73 of the County Courts Act 1984 immediately before section 98 comes into force shall be treated as part of the register required to be kept under section 98.

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