



Courts Act 2003

2003 CHAPTER 39

PART 1

MAINTAINING THE COURT SYSTEM

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.
- (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.

Changes to legislation: Courts Act 2003, Section 2 is up to date with all changes known to be in force on or before 02 July 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) View outstanding changes

- (7) Before making an order under subsection (6) the Lord Chancellor must consult—
- (a) the Lord Chief Justice,
 - (b) the Master of the Rolls,
 - [^{F1}(c) the President of the Queen's Bench Division,
 - (d) the President of the Family Division, and
 - (e) the Chancellor of the High Court.]
- 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.

Textual Amendments

- F1** S. 2(7)(c)-(e) substituted (1.10.2005) for s. 2(7)(c)(d) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 309\(1\)](#); S.I. 2005/2505, [art. 2\(c\)](#)

Changes to legislation:

Courts Act 2003, Section 2 is up to date with all changes known to be in force on or before 02 July 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 75(6) inserted by [2022 c. 35 Sch. 4 para. 3\(2\)](#)
- s. 76(2B) inserted by [2010 c. 26 Sch. 3 para. 14](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 81(6) inserted by [2022 c. 35 Sch. 4 para. 3\(3\)](#)
- s. 85EA(5) words substituted by [2022 c. 32 Sch. 11 para. 29](#)
- Sch. 5 para. 13(1)(ca) inserted by [2013 c. 22 s. 26\(3\)](#)

Commencement Orders yet to be applied to the Courts Act 2003

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2005/547 art. 2](#) commences ([2003 c. 39](#))