



Courts Act 1971

1971 CHAPTER 23

PART VI **U.K.**

MISCELLANEOUS AND SUPPLEMENTAL

Merger or abolition of certain courts and offices

41 Merger of Palatine Courts with High Court. **E+W**

- (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. **E+W**

- (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.

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Changes to legislation: There are currently no known outstanding effects for the Courts Act 1971, Part VI. (See end of Document for details)

- (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. E+W

- (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. E+W

- (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,

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- (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,

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.

45 ^{F1} **E+W**

Textual Amendments

F1 S. 45 repealed by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), s. 46(3), **Sch. 3**

46 ^{F2} **U.K.**

Textual Amendments

F2 S. 46 repealed by [Patents Act 1977 \(c. 37\)](#), **Sch. 6**

Costs

47— ^{F3} **E+W**
49.

Textual Amendments

F3 Ss. 47–49, 51(1) repealed by [Costs in Criminal Cases Act 1973 \(c. 14\)](#), **Sch. 2**

50 ^{F4} **E+W**

Textual Amendments

F4 S. 50 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), **Sch. 7**

51 **Construction and consequential amendments** **E+W**

(1) ^{F5}

(2) Schedule 6 to this Act, which amends enactments about costs, shall have effect.

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Textual Amendments

F5 Ss. 47–49, 51(1) repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), [Sch. 2](#)

Modifications etc. (not altering text)

C1 The text of ss. 26(3)(4), 51(2), 53(5) and 56(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

52 Award of costs where information or complaint is not proceeded with. **E+W**

- (1) ^{F6}
- (3) Where—
- (a) ^{F7}
- (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 . . . ^{F8}, 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) . . . ^{F8} 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 [^{F9}section 64 of the Magistrates' Courts Act 1980] (power to award, and enforcement of, costs in civil proceedings).

Textual Amendments

F6 S. 52(1)(2) repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), [Sch. 2](#)

F7 S. 52(3)(a) repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), [Sch. 2](#)

F8 Words repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), [Sch. 2](#)

F9 Words substituted by [Magistrates Courts' Act 1980 \(c. 43, SIF 82\)](#), s. 154(1), [Sch. 7 para. 96](#)

Administrative functions of justices

53 Administrative functions of justices. **E+W**

- (1) ^{F10} 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) (a) ^{F11}
- (b) ^{F12}
- (3) Visiting committees appointed as mentioned in subsection (1) of section 6 of the ^{M1}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

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the ^{M2}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.

(4) For the purpose of replacing the references to courts of quarter sessions where they occur in the ^{M3}Licensing Act 1964 in relation to—

(a) ^{F13}

(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 ^{M4}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 [^{F14}deemed to be made under paragraph 1 of Schedule 3 to the ^{M5}Powers of Criminal Courts Act 1973] (relating to combined probation and after-care areas), and

(b) any amalgamation scheme within the meaning of Part I of the ^{M6}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.

Textual Amendments

F10 Words repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, **Sch. 3**

F11 [S. 53\(2\)\(a\)](#) repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 6**

F12 [S. 53\(2\)\(b\)](#) repealed by [Criminal Justice Act 1972 \(c. 71\)](#), **Sch. 6 Pt. II**

F13 [S. 53\(4\)\(a\)](#) repealed (with saving) by [Licensing \(Alcohol Education and Research\) Act 1981 \(c. 28, SIF 68A:1\)](#), s. 11, **Sch. 2 Pt. I**

F14 Words substituted by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 5 para. 41**

Modifications etc. (not altering text)

C2 The text of ss. 26(3)(4), 51(2), 53(5) and 56(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 [1952 c. 52](#).

M2 [1952 c. 52](#).

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M3	1964 c. 26.
M4	1964 c. 48
M5	1973 c. 62.
M6	1964 c. 48.

Boroughs: honorary offices

54 Boroughs: honorary offices. E+W

- (1) The council of a borough shall have power to appoint a person to be honorary recorder of the borough.
- (2) ^{F15}
- (3) A person shall not be qualified to hold office as an honorary recorder of a borough . . . ^{F16} 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.
- (4) ^{F15}

Textual Amendments

- F15** S. 54(2)(4) repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**
- F16** Words repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

Supplemental

55 Financial provisions. E+W

- (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 ^{M7}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

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- (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).

Marginal Citations

M7 1966 c. 42.

56 Minor and consequential amendments, transitional provisions and repeals. E

+W

- (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 ^{M8}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 proviso at the end of that Schedule.

Modifications etc. (not altering text)

C3 The text of ss. 26(3)(4), 51(2), 53(5) and 56(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M8 1889 c. 63.

57 Interpretation of this Act and rules of construction of other Acts. U.K.

- (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,
-
F17
- “sentence”, in relation to an offence, includes any order made by a court when dealing with an offender including—
- (a) a hospital order under [F18Part III of the Mental Health Act 1983], with or without an order restricting discharge, and
- (b) a recommendation for deportation made when dealing with an offender.

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- (2) ^{F19}
- (3) Except where the context otherwise requires, in this or any other Act—
- (a) ^{F20}
- (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.

Textual Amendments

- F17** Definition of “the Judicature Act 1925” repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)
- F18** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148(1), [Sch. 4 para. 28](#)
- F19** [S. 57\(2\)](#) repealed by [Criminal Law Act 1977 \(c. 45\)](#), [Sch. 13](#)
- F20** [S. 57\(3\)\(a\)](#) repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

58 ^{F21} **E+W**

Textual Amendments

- F21** [S. 58](#) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), s. 42, [Sch. 6 Pt. I](#)

59 **Short title, commencement and extent.** **U.K.**

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

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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)^{F22}
 - (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 ^{M9}Indictable Offences Act 1848, . . .^{F23}
- (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 . . .^{F24}
 - (b)^{F25}
 - (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 ^{M10}Indictable Offences Act 1848 and section 30 of the ^{M11}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 ^{M12}Indictable Offences Act 1848.

Textual Amendments

- F22** S. 59(5)(b) repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), **Sch. 3**
- F23** Words repealed by [Criminal Law Act 1977 \(c. 45\)](#), s. 65(7), **Sch. 13**
- F24** Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), s. 42, **Sch. 6 Pt. I**
- F25** S. 59(6)(b) repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), **Sch. 3** and [Northern Ireland Assembly Disqualification Act 1975 \(c. 25\)](#), **Sch. 3 Pt. I**

Modifications etc. (not altering text)

- C4** Power of appointment conferred by s. 59(2) exercised by [S.I. 1971/1151](#)

Marginal Citations

- M9** 1848 c. 42.
- M10** 1848 c. 42.
- M11** 1851 c. 93.
- M12** 1848 c. 42.

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

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