



# Courts Act 1971

## 1971 CHAPTER 23

### PART VI

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Merger or abolition of certain courts and offices*

#### **41 Merger of Palatine Courts with High Court.**

<sup>F1</sup> .....

#### **Textual Amendments**

<sup>F1</sup> S. 41 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), s. 1\(1\)](#), {Sch. 1 Pt. 1 Group 3}

#### **42 Local court for City of London.**

(1) <sup>F2</sup> .....

(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) <sup>F3</sup> .....

*Status: Point in time view as at 01/10/2013.*

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

**Textual Amendments**

- F2 S. 42(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 3}
- F3 S. 42(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 3}

**43 Abolition of certain other local courts.**

F4 .....

**Textual Amendments**

- F4 S. 43 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 3}

**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.

45 ..... F5

**Textual Amendments**

F5 S. 45 repealed by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), s. 46(3), [Sch. 3](#)

46 ..... F6

**Textual Amendments**

F6 S. 46 repealed by [Patents Act 1977 \(c. 37\)](#), [Sch. 6](#)

*Costs*

47— ..... F7  
49.

**Textual Amendments**

F7 Ss. 47–49, 51(1) repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), [Sch. 2](#)

50 ..... F8

**Textual Amendments**

F8 S. 50 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

**51 Construction and consequential amendments**

(1) ..... F9

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

**Textual Amendments**

F9 Ss. 47–49, 51(1) repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), [Sch. 2](#)

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#### 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.

- (1) . . . . . <sup>F10</sup>
- (3) Where—
- (a) . . . . . <sup>F11</sup>
- (b) a complaint is made to a justice of the peace [<sup>F12</sup>acting in any local justice area]<sup>F12</sup> but the complaint is not proceeded with, a magistrates' court [<sup>F13</sup>acting in that area]<sup>F13</sup> may make such order as to costs to be paid . . . <sup>F14</sup>, by the complainant to the defendant as it thinks just and reasonable.
- [<sup>F15</sup>(3A) Subsection (3) does not apply to family proceedings (within the meaning of section 65 of the Magistrates' Courts Act 1980).]
- (4) An order under subsection (3) above shall specify the amount of the costs ordered to be paid.
- (5) . . . <sup>F14</sup> 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 [<sup>F16</sup>section 64 of the Magistrates' Courts Act 1980] (power to award, and enforcement of, costs in civil proceedings).

#### Textual Amendments

- F10** S. 52(1)(2) repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), [Sch. 2](#)
- F11** S. 52(3)(a) repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), [Sch. 2](#)
- F12** Words in s. 52(3)(b) substituted (1.4.2005) by [Courts Act 2003 \(c. 29\)](#), ss. 109(1), 110, [Sch. 8 para. 140\(a\)](#); [S.I. 2009/910](#), [art. 3\(y\)](#)
- F13** Words in s. 52(3) substituted (1.4.2005) by [Courts Act 2003 \(c. 29\)](#), ss. 109(1), 110, [Sch. 8 para. 140\(b\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F14** Words repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), [Sch. 2](#)
- F15** [S. 52\(3A\)](#) inserted (6.4.2011) by [The Family Procedure \(Modification of Enactments\) Order 2011 \(S.I. 2011/1045\)](#), arts. 1, 3 (with art. 39)
- F16** 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.

- <sup>F17</sup> . . . . .

#### Textual Amendments

- F17** [S. 53](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [s. 1\(1\)](#), {[Sch. 1 Pt. 1 Group 3](#)}

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*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) ..... <sup>F18</sup>
- (3) A person shall not be qualified to hold office as an honorary recorder of a borough . . .  
<sup>F19</sup> 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) ..... <sup>F18</sup>

**Textual Amendments**

**F18** S. 54(2)(4) repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

**F19** Words repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

*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) <sup>F20</sup> .....

**Textual Amendments**

**F20** S. 55(4) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **s. 1(1)**, {Sch. 1 Pt. 1 Group 3}

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

- (1) Schedule 8 to this Act (which contains consequential and other amendments) shall have effect.

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- (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 <sup>M1</sup>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)**

**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** 1889 c. 63.

**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,  

F21
  - “sentence”, in relation to an offence, includes any order made by a court when dealing with an offender including—
    - (a) a hospital order under [F22Part 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.
- (2) ..... F23
- (3) Except where the context otherwise requires, in this or any other Act—
  - (a) ..... F24
  - (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.

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- (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**

- F21** Definition of “the Judicature Act 1925” repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)
- F22** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148(1), [Sch. 4 para. 28](#)
- F23** [S. 57\(2\)](#) repealed by [Criminal Law Act 1977 \(c. 45\)](#), [Sch. 13](#)
- F24** [S. 57\(3\)\(a\)](#) repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

**58** ..... <sup>F25</sup>

**Textual Amendments**

- F25** [S. 58](#) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), s. 42, [Sch. 6 Pt. I](#)

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

- (1) This Act may be cited as the Courts Act 1971.
- (2) <sup>F26</sup> .....
- (3) <sup>F26</sup> .....
- (4) <sup>F26</sup> .....
- (5) The following provisions of this Act, and no others, shall extend to Scotland—
  - (a) <sup>F27</sup> .....
  - (b) ..... <sup>F28</sup>
  - (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) <sup>F29</sup> .....
- (6) The following provisions of this Act, and no others, shall extend to Northern Ireland—
  - (a) <sup>F30</sup> .....
  - (b) ..... <sup>F31</sup>
  - (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 <sup>F32</sup>... section 30 of the <sup>M2</sup>Petty Sessions (Ireland) Act 1851.

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(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 <sup>M3</sup>Indictable Offences Act 1848.

#### Textual Amendments

- F26** S. 59(2)-(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 3}
- F27** S. 59(5)(a) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 3}
- F28** S. 59(5)(b) repealed by House of Commons Disqualification Act 1975 (c. 24), Sch. 3
- F29** S. 59(5)(e) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 3}
- F30** S. 59(6)(a) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 3}
- F31** 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. 1
- F32** Words in s. 59(6)(e) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 3}

#### Marginal Citations

- M2** 1851 c. 93.
- M3** 1848 c. 42.



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