



Criminal Justice Act 1991

1991 CHAPTER 53

PART IV

PROVISION OF SERVICES

VALID FROM 31/10/1991

Court security

76 Provision of court security officers.

- (1) In relation to each petty sessions area, the committee shall from time to time determine—
 - (a) whether court security officers should be provided, that is to say, persons whose duty it is to maintain order in any court-house to which they are for the time being assigned by the committee; and
 - (b) if so, how many such officers should be provided, and whether they should be provided by the committee or by the [^{F1}paying authority or authorities].
- (2) As soon as practicable after the making of a determination under subsection (1)(b) above, the committee or, as the case may be, the [^{F1}paying authority or authorities] shall provide the required number of court security officers, on such terms and conditions as they may determine—
 - (a) by employing persons to act as court security officers; or
 - (b) by entering into a contract with another person for the employment by him of persons to act as such officers.
- (3) Before making any determination under subsection (1) or (2) above ^{F2}. . . , the committee shall consult with the [^{F3}paying authority or authorities].
- (4) Where, [^{F4}any paying authority] is aggrieved by any determination made by the committee under subsection (1) or (2) above, the authority may, within one month from the receipt by the authority of written notice of the determination, appeal to

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the [^{F5}Lord Chancellor], whose decision shall be binding on the committee and the authority.

- (5) Any determination which, in relation to a petty sessions area which consists of or forms part of the inner London area, is made by the committee under subsection (1) or (2) above, other than a determination that court security officers should not be provided for that area, shall not have effect unless it is confirmed, with or without modifications, by the [^{F5}Lord Chancellor].

[^{F6}(6) In this section—

“the committee”, in relation to a petty sessions area, means the magistrates’ courts committee whose area consists of or includes that petty sessions area, and

“paying authority”, in relation to a committee, has the same meaning as in section 55 of [^{F7}the Justices of the Peace Act 1997]].

Textual Amendments

- F1** Words in s. 76(1)(b)(2) substituted (1.4.1995) by 1994 c. 29, s. 91, **Sch. 8 Pt. II para. 33(2)**; S.I. 1995/685, **art. 4(1)(l)**, 7(2)(i)
- F2** Words in s. 76(3) repealed (1.4.1995) by 1994 c. 29, ss. 91, 93, Sch. 8 Pt. II para. 33(3)(a), **Sch. 9 Pt. II**; S.I. 1995/685, **arts. 4(n)**, 8(u)
- F3** Words in s. 76(3) substituted (1.4.1995) by 1994 c. 29, s. 91, **Sch. 8 Pt. II para. 33(3)(b)**; S.I. 1995/685, **art. 4(1)(l)**, 7(2)(i)
- F4** Words in s. 76(4) substituted (1.4.1995) by 1994 c. 29, s. 91, **Sch. 8 Pt. II para. 33(4)**; S.I. 1995/685, **art. 4(1)(l)**, 7(2)(i)
- F5** Words in s. 76(4)(5) substituted (1.4.1992) by S.I. 1992/709, art. 2(3), **Sch. 1**.
- F6** S. 76(6) substituted (1.4.1995) by 1994 c. 29, s. 91, **Sch. 8 Pt. II para. 33(6)**; S.I. 1995/685, **arts. 4(1)(l)**, 7(2)(i)
- F7** Words in s. 76(6) substituted (19.6.1997) by 1997 c. 25, ss. 73(2), 74(1), **Sch. 5 para. 29(2)**

Modifications etc. (not altering text)

- C1** S. 76 amended (temp.)(1.4.1995) by S.I. 1995/685, **art. 6(2)(c)**
S. 76 modified (19.6.1997) by 1997 c. 25, ss. 73(1), 74(1), **Sch. 4 para. 7(2)(d)(ii)**
- C2** Functions of the Secretary of State under s. 76(4)(5) transferred (1.4.1992) to the Lord Chancellor by S.I. 1992/709, art. 2(1)(c), **Sch. 1**.
S. 76(3)(4) excluded (19.6.1997) by 1997 c. 25, ss. 73(1), 74(1), **Sch. 4 para. 7(2)(e)**

Commencement Information

- I1** S. 76 wholly in force at 1.4.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(1), **Sch. 1**.

76 Provision of court security officers. **E+W**

- (1) In relation to each petty sessions area, the committee shall from time to time determine—
- whether court security officers should be provided, that is to say, persons whose duty it is to maintain order in any court-house to which they are for the time being assigned by the committee; and
 - if so, how many such officers should be provided, and whether they should be provided by the committee or by the responsible authority.

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- (2) As soon as practicable after the making of a determination under subsection (1)(b) above, the committee or, as the case may be, the responsible authority shall provide the required number of court security officers, on such terms and conditions as they may determine—
 - (a) by employing persons to act as court security officers; or
 - (b) by entering into a contract with another person for the employment by him of persons to act as such officers.
- (3) Before making any determination under subsection (1) or (2) above in relation to a petty sessions area which does not consist of or form part of the inner London area, the committee shall consult with the responsible authority.
- (4) Where, in relation to a petty sessions area which does not consist of or form part of the inner London area, the responsible authority is aggrieved by any determination made by the committee under subsection (1) or (2) above, the authority may, within one month from the receipt by the authority of written notice of the determination, appeal to the Secretary of State, whose decision shall be binding on the committee and the authority.
- (5) Any determination which, in relation to a petty sessions area which consists of or forms part of the inner London area, is made by the committee under subsection (1) or (2) above, other than a determination that court security officers should not be provided for that area, shall not have effect unless it is confirmed, with or without modifications, by the Secretary of State.
- (6) In this section—
 - “the committee” means—
 - (a) in relation to a petty sessions area which consists of or forms part of a non-metropolitan county, a metropolitan district, an outer London borough, the City of London or a joint committee area, the magistrates’ courts committee for that county, district, borough, City or area; and
 - (b) in relation to a petty sessions area which consists of or forms part of the inner London area, the committee of magistrates;
 - “the responsible authority” means—
 - (a) in relation to a petty sessions area which consists of or forms part of a non-metropolitan county, a metropolitan district, an outer London borough or the City of London, the council of that county, district or borough or, as the case may be, the Common Council of that City; and
 - (b) in relation to a petty sessions area which consists of or forms part of the inner London area, the Receiver.

VALID FROM 01/04/1992

77 Powers and duties of court security officers.

- (1) A court security officer acting in the execution of his duty shall have the following powers, namely—
 - (a) to search any person who is in or is seeking to enter the court-house, and any article in the possession of such a person;
 - (b) to exclude or remove from the court-house any person who refuses to permit such a search as is mentioned in paragraph (a) above, or refuses

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- to surrender any article in his possession which the officer reasonably believes may jeopardise the maintenance of order in the court-house;
- (c) to exclude or remove any person from the court-house, or restrain any person in the court-house, where (in either case) it is reasonably necessary to do so in order—
- (i) to maintain order in the court-house;
 - (ii) to enable court business to be carried on without interference or delay; or
 - (iii) to secure his or any other person’s safety.
- (2) The powers conferred by subsection (1)(a) above to search a person shall not be construed as authorising a court security officer to require a person to remove any of his clothing other than an outer coat, jacket or gloves.
- (3) The powers conferred by subsection (1)(b) and (c) above shall include power to use reasonable force, where necessary.
- (4) In the execution of his duty, a court security officer shall act in accordance with any general or specific instructions which have been given to him (whether orally or in writing) by a person in authority.
- (5) In subsection (4) above “person in authority”, in relation to any court-house, means—
- (a) a justice of the peace, chief clerk or justices’ clerk who is exercising any functions in the court-house; and
 - (b) any officer or staff employed to assist such a clerk and authorised by him for the purpose.
- (6) For the purposes of this section and section 78 below, a court security officer shall not be regarded as acting in the execution of his duty at any time when he is not readily identifiable as such an officer (whether by means of a uniform or badge which he is wearing or otherwise).

Commencement Information

I2 S. 77 wholly in force at 1.4.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(1), Sch. 1.

VALID FROM 01/04/1992

78 Protection of court security officers.

- (1) Any person who assaults a court security officer acting in the execution of his duty shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both.
- (2) Any person who resists or wilfully obstructs a court security officer acting in the execution of his duty shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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Commencement Information

I3 S. 77 wholly in force at 1.4.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(1), Sch. 1.

VALID FROM 01/04/1992

79 Duties of responsible authorities.

(1) In section 55(2) (duties of local authorities outside Greater London) of the Justices of the ^{M1}Peace Act 1979 (“the 1979 Act”), for paragraph (b) there shall be substituted the following paragraphs—

“(b) the sums payable under Part II of this Act on account of a person’s salary or expenses as justices’ clerk for the non-metropolitan county or metropolitan district or any part thereof, the remuneration of any staff employed by the magistrates’ courts committee to assist him and the remuneration of any court security officers employed (whether by that committee or the council) under section 76(2)(a) of the Criminal Justice Act 1991, together with—

- (i) secondary Class I contributions payable in respect of any such person, staff or officers under Part I of the Social Security Act 1975, and
- (ii) state scheme premiums so payable under Part III of the Social Security Pensions Act 1975;

(bb) the sums payable under any contract entered into (whether by the magistrates’ courts committee or the council) under section 76(2)(b) of the Criminal Justice Act 1991;”.

(2) In section 58(2) of that Act (corresponding arrangements in the inner London area), for paragraph (b) there shall be substituted the following paragraphs—

“(b) the sums payable by way of salary or expenses to justices’ clerks and other officers employed by the committee of magistrates and the remuneration of any court security officers employed (whether by that committee or the Receiver) under section 76(2)(a) of the Criminal Justice Act 1991, together with—

- (i) secondary Class I contributions payable in respect of any such officers under Part I of the Social Security Act 1975, and
- (ii) state scheme premiums so payable under Part III of the Social Security Pensions Act 1975;

(bb) the sums payable under any contract entered into (whether by the committee of magistrates or the Receiver) under section 76(2)(b) of the Criminal Justice Act 1991;”.

Commencement Information

I4 S. 79 wholly in force at 1.4.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(1), Sch. 1.

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Marginal Citations

M1 1979 c. 55.

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