



# Courts Act 2003

## 2003 CHAPTER 39

### PART 2

#### JUSTICES OF THE PEACE

##### *Miscellaneous*

#### **41 Disqualification of lay justices who are members of local authorities**

- (1) A lay justice who is a member of a local authority may not act as a member of the Crown Court or a magistrates' court in proceedings brought by or against, or by way of an appeal from a decision of—
  - (a) that local authority,
  - (b) a committee or officer of that local authority, or
  - (c) if that local authority is operating executive arrangements (within the meaning of Part 2 of the Local Government Act 2000 (c. 22))—
    - (i) the executive of that local authority (within the meaning of that Part),  
or
    - (ii) any person acting on behalf of that executive.
- (2) A lay justice who is a member of the Common Council of the City of London may not act as a member of the Crown Court or a magistrates' court in proceedings brought by or against, or by way of an appeal from a decision of—
  - (a) the Corporation of the City,
  - (b) the Common Council, or
  - (c) a committee or officer of the Corporation or the Common Council.
- (3) A joint committee, joint board, joint authority or other combined body—
  - (a) of which a local authority, the Corporation or the Common Council is a member, or
  - (b) on which the local authority, the Corporation or the Council is represented,

*Status: Point in time view as at 17/12/2009.*

*Changes to legislation: Courts Act 2003, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 31 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)*

is to be regarded for the purposes of this section as a committee of the local authority, Corporation or Common Council.

(4) Any reference in this section to an officer of—

- (a) a local authority,
- (b) the Corporation, or
- (c) the Common Council,

is to a person employed or appointed by, or by a committee of, the local authority, Corporation or Common Council in the capacity in which he is employed or appointed to act.

(5) No act is invalidated merely because of the disqualification under this section of the person by whom it is done.

(6) “Local authority” means—

- (a) a local authority within the meaning of the Local Government Act 1972 (c. 70),
- (b) a local authority constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39),
- (c) a police authority established under section 3 of the Police Act 1996 (c. 16), the Metropolitan Police Authority [<sup>F1</sup>or the Serious Organised Crime Agency]
- (d) the London Fire and Emergency Planning Authority,
- (e) a joint authority established under Part 4 of the Local Government Act 1985 (c. 51),
- [<sup>F2</sup>(ea) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009,
- (eb) a combined authority established under section 103 of that Act,]
- (f) a National Park Authority,
- (g) the Broads Authority, or
- (h) a housing action trust established under Part 3 of the Housing Act 1988 (c. 50).

#### Textual Amendments

- F1** Words in [s. 41\(6\)\(c\)](#) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005, (c. 15), s. 59, {Sch. 4 para. 192}; [S.I. 2006/378](#), [art. 4](#), Sch. para. 10
- F2** [S. 41\(6\)\(ea\)\(eb\)](#) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009](#) (c. 20), ss. 119, 148, [Sch. 6 para. 118](#); [S.I. 2009/3318](#), [art. 2](#)

## 42 Effect of Act of Settlement on existing justices of the peace

Nothing in section 3 of the Act of Settlement (1700 c. 2) (certain persons born outside the United Kingdom) invalidates—

- (a) any appointment, whether made before or after the passing of this Act, of a justice of the peace, or
- (b) any act done by virtue of such an appointment.

**Status:**

Point in time view as at 17/12/2009.

**Changes to legislation:**

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