



# Courts Act 2003

## 2003 CHAPTER 39

### PART 4

#### COURT SECURITY

##### Modifications etc. (not altering text)

- C1** Pt. 4 (ss. 51-57): power to apply in part (with modifications) conferred (prosp.) by [Coroners and Justice Act 2009](#) (c. 25), [ss. 148, 182](#) (with [s. 180](#))

#### **51 Court security officers**

- (1) A court security officer is a person who is—
- appointed by the Lord Chancellor under section 2(1) or provided under a contract made by virtue of section 2(4), and
  - designated by the Lord Chancellor as a court security officer.
- (2) The Lord Chancellor may by regulations make provision as to—
- training courses to be completed by court security officers;
  - conditions to be met before a person may be designated as a court security officer.
- (3) For the purposes of this Part a court security officer who is not readily identifiable as such (whether by means of his uniform or badge or otherwise), is not to be regarded as acting in the execution of his duty.

##### Modifications etc. (not altering text)

- C2** S. 51(1)(b) extended (1.4.2005) by [The Courts Act 2003 \(Transitional Provisions, Savings and Consequential Provisions\) Order 2005](#) (S.I. 2005/911), [art. 10](#)

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## **52 Powers of search**

- (1) A court security officer acting in the execution of his duty may search—
  - (a) any person who is in, or seeking to enter, a court building, and
  - (b) any article in the possession of such a person.
- (2) Subsection (1) does not authorise the officer to require a person to remove any of his clothing other than a coat, jacket, headgear, gloves or footwear.
- (3) In this Part “court building” means any building—
  - (a) where the business of any of the courts referred to in section 1 is carried on, and
  - (b) to which the public has access.

## **53 Powers to exclude, remove or restrain persons**

- (1) A court security officer acting in the execution of his duty may exclude or remove from a court building, or a part of a court building, any person who refuses—
  - (a) to permit a search under section 52(1), or
  - (b) to surrender an article in his possession when asked to do so under section 54(1).
- (2) A court security officer acting in the execution of his duty may—
  - (a) restrain any person who is in a court building, or
  - (b) exclude or remove any person from a court building, or a part of a court building,if it is reasonably necessary to do so for one of the purposes given in subsection (3).
- (3) The purposes are—
  - (a) enabling court business to be carried on without interference or delay;
  - (b) maintaining order;
  - (c) securing the safety of any person in the court building.
- (4) A court security officer acting in the execution of his duty may remove any person from a courtroom at the request of a judge or a justice of the peace.
- (5) The powers conferred by subsections (1), (2) and (4) include power to use reasonable force, where necessary.

## **54 Surrender and seizure of articles**

- (1) If a court security officer acting in the execution of his duty reasonably believes that an article in the possession of a person who is in, or seeking to enter, a court building ought to be surrendered on any of the grounds given in subsection (3), he must ask the person to surrender the article.
- (2) If the person refuses to surrender the article, the officer may seize it.
- (3) The grounds are that the article—
  - (a) may jeopardise the maintenance of order in the court building (or a part of it),
  - (b) may put the safety of any person in the court building at risk, or
  - (c) may be evidence of, or in relation to, an offence.

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## 55 Powers to retain articles surrendered or seized

- (1) Subject to subsection (2), a court security officer may retain an article which was—
  - (a) surrendered in response to a request under section 54(1), or
  - (b) seized under section 54(2),until the time when the person who surrendered it, or from whom it was seized, is leaving the court building.
- (2) If a court security officer reasonably believes that the article may be evidence of, or in relation to, an offence, he may retain it until—
  - (a) the time when the person who surrendered it, or from whom it was seized, is leaving the court building, or
  - (b) the end of the permitted period,whichever is later.
- (3) “The permitted period” means such period, not exceeding 24 hours from the time the article was surrendered or seized, as will enable the court security officer to draw the article to the attention of a constable.

[<sup>F1</sup>(4) This section is subject to section 55A.]

### Textual Amendments

**F1** S. 55(4) added (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 146\(2\)](#), [182\(4\)\(c\)](#) (with [s. 180](#), [Sch. 22 para. 44](#)); [S.I. 2010/816](#), [art. 2](#), [Sch. para. 9](#)

## [<sup>F2</sup>55A Retention of knives surrendered or seized

- (1) This section applies where a knife is surrendered to a court security officer in response to a request under section 54(1) or seized by a court security officer under section 54(2).
- (2) Section 55 does not apply.
- (3) The knife must be retained in accordance with regulations under subsection (5), unless returned or disposed of in accordance with those regulations or regulations made under section 56.
- (4) If a court security officer reasonably believes that a retained knife may be evidence of, or in relation to, an offence, nothing in subsection (3) prevents the officer retaining the knife for so long as necessary to enable the court security officer to draw it to the attention of a constable.
- (5) Without prejudice to the generality of section 56, the Lord Chancellor must by regulations make provision as to—
  - (a) the procedure to be followed when a knife is retained under this section;
  - (b) the making of requests by eligible persons for the return of knives so retained;
  - (c) the procedure to be followed when returning a knife pursuant to a request made in accordance with the regulations.
- (6) For the purposes of this section—

“eligible person”, in relation to a knife retained under this section, means

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- (a) the person who has surrendered the knife under section 54(1) or from whom the knife has been seized under section 54(2), or
- (b) any other person specified in regulations made under subsection (5);  
 “knife” includes—
  - (a) a knife-blade, and
  - (b) any other article which—
    - (i) has a blade or is sharply pointed, and
    - (ii) is made or adapted for use for causing injury to the person.]

#### Textual Amendments

**F2** S. 55A inserted (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), **ss. 146(3)**, 182 (with s. 180, [Sch. 22 para. 44](#)); S.I. 2010/816, art. 2, Sch. para. 9

## 56 Regulations about retention of articles

- (1) The Lord Chancellor may by regulations make provision as to—
  - (a) the provision to persons—
    - (i) by whom articles have been surrendered in response to a request under section 54(1), or
    - (ii) from whom articles have been seized under section 54(2),
 of written information about the powers of retention of court security officers,
  - (b) the keeping of records about articles which have been so surrendered or seized,
  - (c) the period for which unclaimed articles have to be kept, and
  - (d) the disposal of unclaimed articles at the end of that period.
- (2) “Unclaimed article” means an article—
  - (a) which has been retained under section 55 [<sup>F3</sup>or section 55A],
  - (b) which a person is entitled to have returned to him,
  - (c) which has not been returned, and
  - (d) whose return has not been requested by a person entitled to it.

#### Textual Amendments

**F3** Words in s. 56(2)(a) inserted (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), **ss. 146(4)**, 182(4)(c) (with s. 180, [Sch. 22 para. 44](#)); S.I. 2010/816, art. 2, Sch. para. 9

## 57 Assaulting and obstructing court security officers

- (1) Any person who assaults a court security officer acting in the execution of his duty commits an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to—
  - (a) a fine not exceeding level 5 on the standard scale, or
  - (b) imprisonment for a term not exceeding 6 months,
 or to both.

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- (3) A person who resists or wilfully obstructs a court security officer acting in the execution of his duty commits an offence.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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