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## SCHEDULES

### SCHEDULE 1 **E+W**

Section 4

#### CONSTITUTION AND PROCEDURE OF COURTS BOARDS

##### *Constitution*

- 1 [F1(1) The members of each courts board are to be appointed by the Lord Chancellor.
- (2) The Lord Chancellor may appoint a member of a description mentioned in paragraph 2(a) only with the concurrence of the Lord Chief Justice.]

##### **Textual Amendments**

- F1** Sch. 1 para. 1 substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, Sch. 4 para. 350(2); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(bb)

- 2 Each board must have—
- (a) at least one member who is a judge,
  - (b) at least two members who are lay justices, each of whom is assigned to a local justice area the whole or a part of which is included in the board's area,
  - (c) at least two other members who are persons appearing to the Lord Chancellor to have appropriate knowledge or experience of the work of the courts in the area for which the board acts, and
  - (d) at least two more members who are persons appearing to the Lord Chancellor to be representative of people living in that area,
- and may have such other members of a description mentioned in sub-paragraphs (a) to (d) as the Lord Chancellor considers appropriate.
- 3 Regulations may make provision in relation to the appointment of members of courts boards, including in particular provision about the procedures to be followed in connection with appointments.

##### *Chairman*

- 4 Regulations may make provision as to the selection of one of the members of each courts board to be its chairman.

##### *Tenure of office*

- 5 (1) Regulations may make provision as to—
- (a) the term of office of chairmen and members of courts boards;
  - (b) their resignation, suspension or removal.
- (2) Subject to the regulations, a person is to hold and vacate office as a member of a courts board in accordance with the terms of the instrument appointing him.

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*Payments in respect of expenses, etc.*

- 6 The Lord Chancellor may make such payments to or in respect of members of courts boards by way of reimbursement of expenses, allowances and remuneration as he may determine.

*Procedure*

- 7 Regulations may make provision about—
- (a) the procedure of courts boards (including quorum);
  - (b) the validation of proceedings in the event of a vacancy among the members of a courts board or a defect in the appointment of a member.

*Interpretation*

- 8 In this Schedule “regulations” means regulations made by the Lord Chancellor<sup>[F2]</sup> after consulting the Lord Chief Justice.]

**Textual Amendments**

- F2** Words in [Sch. 1 para. 8](#) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 15, [Sch. 4 para. 350\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), [Sch. 1 para. 11\(bb\)](#)

- <sup>[F3]</sup>9 The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this Schedule.]

**Textual Amendments**

- F3** [Sch. 1 para. 9](#) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 15, [Sch. 4 para. 350\(4\)](#); S.I. 2006/1014, [art. 2\(a\)](#), [Sch. 1 para. 11\(bb\)](#)

SCHEDULE 2 **E+W**

Section 6

ABOLITION OF MAGISTRATES' COURTS COMMITTEES: TRANSFERS

**PART 1 E+W**

PROPERTY TRANSFER SCHEMES

*Property transfer schemes: general*

- 1 (1) The Lord Chancellor may make a scheme or schemes for the transfer to him or another Minister of the Crown of any property, rights or liabilities—
- (a) to which magistrates' courts committees are entitled or subject immediately before the appointed day, or
  - (b) to which any of the persons specified in sub-paragraph (2) is entitled or subject immediately before the appointed day and which then subsist for

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the purposes of, or in connection with, or are otherwise attributable to, magistrates' courts.

- (2) The persons are—
- (a) an authority which is a responsible authority for the purposes of the Justices of the Peace Act 1997;
  - (b) the Receiver for the Metropolitan Police District;
  - (c) the council of an outer London borough;
  - (d) the Common Council of the City of London;
  - (e) a police authority established under section 3 of the Police Act 1996;
  - (f) a local probation board;
  - (g) any other body which acts under any enactment or instrument for public purposes and not for its own profit.
- (3) Without prejudice to the generality of paragraph (b) of sub-paragraph (1), any property, rights or liabilities are to be treated as falling within that paragraph if the Lord Chancellor issues a certificate to that effect.
- (4) In this Schedule “property transfer scheme” means a scheme under sub-paragraph (1).
- (5) In this Part of this Schedule “the appointed day” means—
- (a) in the case of the transfer of property, rights or liabilities to which magistrates' courts committees are entitled or subject, the day immediately before the abolition day;
  - (b) in any other case, the day specified in the scheme.
- (6) On the day which is the appointed day in relation to property, rights or liabilities to which provisions of a property transfer scheme apply, the property, rights and liabilities are transferred and vest in accordance with those provisions.
- (7) In this Schedule “the abolition day” means the day appointed under section 110(1) for the coming into force of section 6(1) (abolition of magistrates' courts committees).

*Property transfer schemes and terminated contracts of employment*

- 2 A property transfer scheme may not transfer rights or liabilities under a contract of employment, except where the rights or liabilities—
- (a) are those to which a magistrates' courts committee is entitled or subject, and
  - (b) relate to a person whose contract of employment was terminated before the appointed day.

*Property transfer schemes: supplementary*

- 3 (1) A property transfer scheme may provide for the creation of rights, or the imposition of liabilities, in relation to property transferred by the scheme.
- (2) A property transfer scheme may provide for the apportionment or division of any property, rights or liabilities.
- (3) A property transfer scheme may—
- (a) specify property, rights or liabilities to be transferred under or in accordance with the scheme, or

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- (b) provide for property, rights or liabilities to be transferred to be determined in accordance with the scheme.
- 4 (1) A property transfer scheme has effect in relation to the property, rights and liabilities to which it applies despite any provision (of whatever nature) which would otherwise prevent, penalise or restrict the transfer of any of the property, rights and liabilities.
- (2) A right of pre-emption, right of reverter or other similar right is not to operate or become exercisable as a result of a transfer under a property transfer scheme.
- (3) In the case of such a transfer, any such right has effect as if the transferee were the same person in law as the transferor and as if the transfer had not taken place.
- 5 (1) Such compensation as is just is to be paid to a third party in respect of any right which would, apart from paragraph 4, have operated in favour of, or become exercisable by, him but which, in consequence of the operation of that paragraph, cannot subsequently operate in his favour or become exercisable by him.
- (2) Any compensation payable by virtue of sub-paragraph (1) is to be paid by the transferor, by the transferee or by both.
- (3) A property transfer scheme may provide for the determination of any disputes as to—
- (a) whether, and (if so) how much, compensation is payable by virtue of sub-paragraph (1), and
- (b) the person to whom or by whom it is to be paid.
- (4) “Third party” means a person other than the transferor or the transferee.
- 6 Paragraphs 4 and 5 apply in relation to the creation of rights in relation to property as they apply in relation to a transfer of property; and references to the transferor and the transferee are to be read accordingly.
- 7 A certificate issued by the Lord Chancellor that any property, rights or liabilities have, or have not, been transferred under or in accordance with a property transfer scheme is conclusive evidence of the transfer, or of the fact that there has not been a transfer.

#### *Stamp duty*

- 8 (1) Stamp duty is not chargeable in respect of a transfer or grant effected under or in accordance with a property transfer scheme.
- (2) No instrument made or executed for the purposes of such a transfer or grant is to be treated as duly stamped unless—
- (a) it has, in accordance with section 12 of the Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with that duty or that it is duly stamped, or
- (b) it is stamped with the duty to which it would be liable, apart from this paragraph.

#### *Supplementary provisions in property transfer scheme*

- 9 A property transfer scheme may make such supplemental, consequential or transitional provision for the purposes of, or in connection with, a transfer made by the scheme as the Lord Chancellor considers appropriate.

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## PART 2 **E+W**

### STAFF TRANSFERS

#### *Interpretation*

- 10 In this Part of this Schedule—
- (a) “TUPE” means the Transfer of Undertakings (Protection of Employment) Regulations 1981 (S.I. 1981/1794),
  - (b) “the appointed day” means the day immediately before the abolition day,
  - (c) references to a responsible authority are to an authority which is a responsible authority under the Justices of the Peace Act 1997,
  - (d) references to a responsible authority’s relevant functions are to its functions under that Act, and
  - (e) references to a transferred employee are to an employee transferred to the Lord Chancellor’s employment by virtue of paragraph 11 or 12.

#### *Application of TUPE*

- 11 For the purposes of TUPE—
- (a) the functions of each magistrates' courts committee are to be treated as transferred on the appointed day from the committee to the Lord Chancellor, and
  - (b) each such transfer is to be treated as the transfer of an undertaking.
- 12 (1) For the purposes of TUPE—
- (a) the relevant functions of each responsible authority are to be treated as transferred on the appointed day from the authority to the Lord Chancellor,
  - (b) each such transfer is to be treated as the transfer of an undertaking, and
  - (c) each person falling within sub-paragraph (2) (but no other person) is to be treated as employed in the undertaking immediately before the appointed day.
- (2) A person falls within this sub-paragraph if—
- (a) immediately before the appointed day he is employed by the responsible authority under a contract of employment,
  - (b) he spends a substantial part of his time on duties connected with the relevant functions of the authority, and
  - (c) the Lord Chancellor certifies that in his opinion it is expedient that the person be transferred to the Lord Chancellor’s employment.
- (3) Where TUPE applies by virtue of this paragraph, it applies as if regulation 5(4B) were omitted.
- 13 A reference in any enactment to a person appointed under section 2(1) includes a transferred employee.

#### *Restrictions on employment of aliens not to apply to transferred employees*

- 14 Nothing in—
- (a) section 3 of the Act of Settlement,
  - (b) section 6 of the Aliens Restriction (Amendment) Act 1919, or

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(c) any rules prescribing requirements as to nationality which must be satisfied in the case of persons employed in a civil capacity under the Crown, applies to the employment of a transferred employee by the Lord Chancellor following his transfer by virtue of paragraph 11 or 12.

*Compensation for responsible authorities*

- 15 The Lord Chancellor may, to the extent he thinks fit, compensate a responsible authority in respect of costs incurred by the authority as a result of this Act in respect of a person who—
- (a) immediately before the appointed day is employed by the authority under a contract of employment, and
  - (b) spends part of his time on duties connected with the relevant functions of the authority,
- but who is not transferred to the Lord Chancellor's employment by virtue of paragraph 12.

**PART 3** **E+W**

MISCELLANEOUS AND SUPPLEMENTARY

*Continuing provision of court-houses, accommodation etc.*

- 16 (1) The Lord Chancellor may by regulations provide that any petty sessional court-house or other accommodation specified in the regulations which immediately before the abolition day was being provided by—
- (a) the council of an outer London borough, or
  - (b) the Common Council of the City of London,
- pursuant to regulations made under paragraph 35 of Schedule 14 to the Access to Justice Act 1999 shall on and after that day be provided by that council to the Lord Chancellor for the performance of his functions under section 3.
- (2) Regulations under sub-paragraph (1) may—
- (a) prescribe terms and conditions, including conditions as to payment, on which any court-house or other accommodation is to be provided, and
  - (b) prohibit a council providing a court-house or other accommodation under sub-paragraph (1) from altering or extending it without the consent of the Lord Chancellor.

*Assistance*

- 17 It is the duty of each magistrates' courts committee, and each person falling within paragraph 1(2) to provide the Lord Chancellor with such information or assistance as he may reasonably require for the purposes of, or in connection with—
- (a) the exercise of any powers exercisable by him in relation to a property transfer scheme, or
  - (b) Part 2 of this Schedule.

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## SCHEDULE 3 **E+W**

Section 45

### PRE-TRIAL HEARINGS IN MAGISTRATES' COURTS

After section 8 of the 1980 Act, insert—

#### *“Pre-trial hearings*

#### **8A Power to make rulings at pre-trial hearing**

- (1) For the purposes of this section a hearing is a pre-trial hearing if—
  - (a) it relates to an information—
    - (i) which is to be tried summarily, and
    - (ii) to which the accused has pleaded not guilty, and
  - (b) it takes place before the start of the trial.
- (2) For the purposes of subsection (1)(b), the start of a summary trial occurs when the court begins—
  - (a) to hear evidence from the prosecution at the trial, or
  - (b) to consider whether to exercise its power under section 37(3) of the Mental Health Act 1983 (power to make hospital order without convicting the accused).
- (3) At a pre-trial hearing, a magistrates' court may make a ruling as to any matter mentioned in subsection (4) if—
  - (a) the condition in subsection (5) is met,
  - (b) the court has given the parties an opportunity to be heard, and
  - (c) it appears to the court that it is in the interests of justice to make the ruling.
- (4) The matters are—
  - (a) any question as to the admissibility of evidence;
  - (b) any other question of law relating to the case.
- (5) The condition is that, if the accused is not legally represented, the court must—
  - (a) ask whether he wishes to be granted a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service, and
  - (b) if he does, decide whether or not to grant him that right.
- (6) A ruling may be made under this section—
  - (a) on an application by a party to the case, or
  - (b) of the court's own motion.
- (7) For the purposes of this section and section 8B, references to the prosecutor are to any person acting as prosecutor, whether an individual or body.

#### **8B Effect of rulings at pre-trial hearing**

- (1) Subject to subsections (3) and (6), a ruling under section 8A has binding effect from the time it is made until the case against the accused or, if there is more than one, against each of them, is disposed of.
- (2) The case against an accused is disposed of if—

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- (a) he is acquitted or convicted,
  - (b) the prosecutor decides not to proceed with the case against him, or
  - (c) the information is dismissed.
- (3) A magistrates' court may discharge or vary (or further vary) a ruling under section 8A if—
- (a) the condition in section 8A(5) is met,
  - (b) the court has given the parties an opportunity to be heard, and
  - (c) it appears to the court that it is in the interests of justice to do so.
- (4) The court may act under subsection (3)—
- (a) on an application by a party to the case, or
  - (b) of its own motion.
- (5) No application may be made under subsection (4)(a) unless there has been a material change of circumstances since the ruling was made or, if a previous application has been made, since the application (or last application) was made.
- (6) A ruling under section 8A is discharged in relation to an accused if—
- (a) the magistrates' court commits or sends him to the Crown Court for trial for the offence charged in the information, or
  - (b) a count charging him with the offence is included in an indictment by virtue of section 40 of the Criminal Justice Act 1988.

### **8C Restrictions on reporting**

- (1) Except as provided by this section no report of matters falling within subsection (2) may be published in England and Wales.
- (2) The following matters fall within this subsection—
- (a) a ruling under section 8A;
  - (b) proceedings on an application for a ruling under section 8A;
  - (c) an order under section 8B that a ruling under section 8A be discharged, varied or further varied;
  - (d) proceedings on an application under section 8B for a ruling under section 8A to be discharged, varied or further varied.
- (3) A magistrates' court dealing with any matter falling within subsection (2) may order that subsection (1) does not apply, or does not apply to a specified extent, to a report of the matter.
- (4) Where there is only one accused and he objects to the making of an order under subsection (3)—
- (a) the court may make the order if (and only if) satisfied after hearing the representations of the accused that it is in the interests of justice to do so, and
  - (b) if the order is made, it shall not apply to the extent that a report deals with any such objection or representations.
- (5) Where there are two or more accused and one or more of them objects to the making of an order under subsection (3)—
- (a) the court may make the order if (and only if) satisfied after hearing the representations of each of the accused that it is in the interests of justice to do so, and



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- (b) if the order is made, it shall not apply to the extent that a report deals with any such objection or representations.
- (6) Subsection (1) does not apply to the publication of a report of matters after the case against the accused or, if more than one, against each of them, is disposed of.
- (7) Subsection (1) does not apply to a report which contains only one or more of the following matters—
  - (a) the identity of the court and the names of the justices;
  - (b) the names, ages, home addresses and occupations of the accused and witnesses;
  - (c) the offence or offences, or a summary of them, with which the accused or any of the accused are charged;
  - (d) the names of counsel and solicitors in the proceedings;
  - (e) where the proceedings are adjourned, the date and place to which they are adjourned;
  - (f) any arrangements as to bail;
  - (g) whether a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service was granted to the accused or any of the accused.
- (8) The addresses that may be included in a report by virtue of subsection (7) are addresses—
  - (a) at any relevant time, and
  - (b) at the time of their inclusion in the publication.
- (9) In subsection (8), “relevant time” means a time when events giving rise to the charges to which the proceedings relate are alleged to have occurred.
- (10) Nothing in this section affects any prohibition or restriction imposed by virtue of any other enactment on the publication of a report of any matter.
- (11) In this section and in section 8D—
  - (a) references to publication of a report of matters falling within subsection (2)—
    - (i) include references to inclusion of those matters in any speech, writing, relevant programme or other communication in whatever form which is addressed to the public at large or any section of the public (and for this purpose every relevant programme is to be taken to be so addressed), but
    - (ii) do not include references to inclusion of those matters in a document prepared for use in particular legal proceedings;
  - (b) “relevant programme” means a programme included in a programme service, within the meaning of the Broadcasting Act 1990.

### **8D Offences in connection with reporting**

- (1) If a report is published in contravention of section 8C each of the following persons is guilty of an offence—
  - (a) in the case of a publication of a report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
  - (b) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme

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- is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper;
  - (c) in the case of any other publication, any person publishing it.
- (2) If an offence under this section committed by a body corporate is proved—
- (a) to have been committed with the consent or connivance of, or
  - (b) to be attributable to any neglect on the part of,
- an officer, the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (3) In subsection (2), “officer” means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.
- (4) If the affairs of a body corporate are managed by its members, “director” in subsection (3) means a member of that body.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.
- (6) Proceedings for an offence under this section may not be instituted otherwise than by or with the consent of the Attorney General.”

**SCHEDULE 3A E+W**

Section 61A

FURTHER PROVISION ABOUT THE INSPECTORS OF COURT ADMINISTRATION

<b>Textual Amendments</b>	
<b>F4</b>	Sch. 3A inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 32(2), 53(1)(a); S.I. 2007/709, art. 3(m) (subject to arts. 6, 7)
<b>Modifications etc. (not altering text)</b>	
<b>C1</b>	Sch. 3A modified (temp.) (1.10.2008) by The Health and Social Care Act 2008 (Consequential Amendments and Transitory Provisions) Order (S.I. 2008/2250), {art. 3(11)}

*Delegation of functions*

1 .....

*Inspection programmes and inspection frameworks*

2 .....

*Inspections by other inspectors of organisations within inspectors' remit*

3 .....

*Co-operation*

4 .....

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*Joint action*

5 .....

*Assistance for other public authorities*

- 6 (1) The inspectors of court administration may if they think it appropriate to do so provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.
- (2) Assistance under this paragraph may be provided on such terms (including terms as to payment) as the Chief Inspector thinks fit.]

PROSPECTIVE

<sup>X1</sup>SCHEDULE 4 **E+W**

Section 65

FURTHER FUNCTIONS CONFERRED ON DISTRICT JUDGES (MAGISTRATES' COURTS)

**Editorial Information**

**X1** Editorial note: In the absence of an express authority to bring into force Sch. 4 by [The Courts Act 2003 \(Commencement No. 10\) Order 2005 \(S.I. 2005/910\)](#), we have concluded that Sch. 4 is not yet in force (notwithstanding the commencement of s. 65 by art. 3(u) of said Order).

*Criminal Justice Act 1967 (c. 80)*

- 1 In section 9(5) (requirement for author of written statement to give evidence in person), for “by a puisne judge of the High Court, a Circuit judge or Recorder sitting alone” substitute “by any of the following sitting alone—
- (a) a puisne judge of the High Court;
  - (b) a Circuit judge;
  - (c) a District Judge (Magistrates' Courts);
  - (d) a Recorder.”

*Taxes Management Act 1970 (c. 9)*

- 2 In—
- (a) section 20D(1)(a) (meaning of “the appropriate judicial authority” in relation to England and Wales), and
  - (b) paragraph 9(2)(a) of Schedule 1AA (sanction for failure to comply with order under section 20BA),
- after “Circuit judge” insert “ or a District Judge (Magistrates' Courts) ”.

*Juries Act 1974 (c. 23)*

- 3 In section 9B, for subsection (3) (meaning of “the judge” for purposes of discharge of person incapable of acting effectively as juror) substitute—

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“(3) In this section and section 10 “the judge” means—

- (a) a judge of the High Court,
- (b) a Circuit judge,
- (c) a District Judge (Magistrates' Courts), or
- (d) a Recorder.”

4 In section 10 (discharge of summons in case of doubt as to capacity to act effectively as juror) omit “and for this purpose “the judge” means any judge of the High Court or any Circuit judge or Recorder”.

*Police and Criminal Evidence Act 1984 (c. 60)*

5 In section 9(2A) (application of enactments relating to execution of process in Scotland or Northern Ireland to processes issued by a Circuit judge under Schedule 1 to 1984 Act), for “circuit judge” substitute “ judge ”.

6 (1) In Schedule 1 (applications for access to excluded or special procedure material) for “circuit judge”, in each place, substitute “ judge ”.

(2) After paragraph 16 insert—

*“Interpretation*

17 In this Schedule “judge” means a Circuit judge or a District Judge (Magistrates' Courts).”

*Computer Misuse Act 1990 (c. 18)*

F57 .....

**Textual Amendments**

**F5** Sch. 4 para. 7 repealed (1.10.2008) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53(1)(b), [Sch. 15 Pt. 4; S.I. 2008/2503](#), [art. 2\(d\)\(ii\)](#)

*Data Protection Act 1998 (c. 29)*

8 In Schedule 9 (powers of entry and inspection) in paragraph 1(1) after “circuit judge” insert “ or a District Judge (Magistrates' Courts) ”.

*Terrorism Act 2000 (c. 11)*

9 In Schedule 5 (terrorist investigations: information)—

- (a) in paragraphs 5(1) and (5), 6(1), 10(1), 11(1), 12(1) and (2) and 13(1), after “Circuit judge” insert “ or a District Judge (Magistrates' Courts) ”, and
- (b) in paragraphs 5(4)(a) and 7(1)(b), after “Circuit judge” insert “ or the District Judge (Magistrates' Courts) ”.

10 In Schedule 6 (financial information), in paragraph 3(a), after “Circuit judge” insert “ or a District Judge (Magistrates' Courts) ”.

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11 In Schedule 6A (account monitoring orders), in paragraph 1(2)(a), for “a Circuit judge,” substitute “ a Circuit judge or a District Judge (Magistrates' Courts), ”.

*Regulation of Investigatory Powers Act 2000 (c. 23)*

12 In Schedule 2 (persons who have the appropriate permission), in paragraph 1(1)(a), after “Circuit judge” insert “ or a District Judge (Magistrates' Courts) ”.

*Freedom of Information Act 2000 (c. 36)*

13 In Schedule 3 (powers of entry and inspection), in paragraph 1(1), after “Circuit judge” insert “ or a District Judge (Magistrates' Courts) ”.

*International Criminal Court Act 2001 (c. 17)*

14 In Schedule 5 (investigation of proceeds of ICC crime) in paragraphs 1(1) and 8 for “a Circuit judge or, in Northern Ireland, a county court judge” substitute  
“(a) a Circuit judge or a District Judge (Magistrates' Courts), or  
(b) in Northern Ireland, a county court judge.”.

*Armed Forces Act 2001 (c. 19)*

15 In section 6(2)(a) (applications for access to excluded or special procedure material), for “circuit judges” substitute “ judges ”.

SCHEDULE 5 **E+W**

Section 97(1)

COLLECTION OF FINES <sup>F6</sup> AND OTHER SUMS IMPOSED ON CONVICTION]

**Textual Amendments**

**F6** Sch. 5: words in heading inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, 5 (with transitional provision in art. 3)

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

**C2** Sch. 5 applied (with modifications) (temp. from 23.3.2004 for certain purposes, 29.3.2004 for certain further purposes, 5.4.2004 for all purposes to 31.3.2006) by [S.I. 2004/175](#), arts. 1-3, Sch. (as amended by [S.I. 2004/1406](#), arts. 3, 4; [S.I. 2005/487](#), arts. 4-6; [S.I. 2005/642](#), art. 2; [S.I. 2005/2410](#), art. 2; [S.I. 2005/3166](#), art. 2)

**C3** Sch. 5 modified (temp. from 27.3.2006 to 2.7.2006) by [The Collection of Fines \(Pilot Scheme\) and Discharge of Fines by Unpaid Work \(Pilot Schemes\) \(Amendment\) Order 2006 \(S.I. 2006/502\)](#), arts. 1(1)(b)(2), 5 (with transitional provision in art. 4)

**C4** Sch. 5 restricted (prosp.) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 56-58, 173(4)

**C5** Sch. 5 applied (1.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 85(7)(b), 153; [S.I. 2009/2606](#), art. 2(f)

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## PART 1 E+W

### INTRODUCTORY

#### *[<sup>F7</sup>Application of Schedule]*

#### Textual Amendments

- F7** Sch. 5 para. 1 and heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, 6 (with transitional provision in art. 3)

- 1 <sup>[F8]</sup>This Schedule applies if a person aged 18 or over (“P”) is liable to pay a sum which is or is treated for the purposes of Part 3 of the 1980 Act as a sum adjudged to be paid by a conviction of a magistrates' court.]

#### Textual Amendments

- F8** Sch. 5 para. 1 and heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, 6 (with transitional provision in art. 3)

#### Commencement Information

- II** Sch. 5 para. 1 wholly in force at 5.4.2004; Sch. 5 para. 1 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 1 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. 4(a); Sch. 5 para. 1 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. 4(b); Sch. 5 para. 1 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. 4(c)

#### *[<sup>F9</sup>Meaning of “the sum due” etc]*

#### Textual Amendments

- F9** Sch. 5 para. 2 and heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, 7

- 2 <sup>[F10]</sup>(1) In this Schedule “the sum due” means the sum adjudged to be paid as mentioned in paragraph 1.
- (2) For the purposes of this Schedule—
- a “fine” does not include any pecuniary forfeiture or pecuniary compensation payable on conviction; and
- “a sum required to be paid by a compensation order” means any sum required to be paid by an order made under section 130(1) of the Powers of Criminal Courts (Sentencing) Act 2000.]

#### Textual Amendments

- F10** Sch. 5 para. 2 and heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), arts. 1, 7

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### Commencement Information

- I2** Sch. 5 para. 2 wholly in force at 5.4.2004; Sch. 5 para. 2 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 2 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 2 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 2 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

### *Meaning of “existing defaulter” etc.*

- 3 (1) For the purposes of this Schedule, P is an existing defaulter if it is shown that—
- (a) <sup>F11</sup> .....
  - (b) the sum due or any other sum is registered for enforcement against him as a fine under—
    - (i) section 71 of the Road Traffic Offenders Act 1988,
    - (ii) section 9 of the Criminal Justice and Police Act 2001, or
    - (iii) any other enactment specified in fines collection regulations,
  - (c) he is in default on a collection order in respect of another sum falling within paragraph [<sup>F12</sup>1], or
  - (d) he is in default in payment of another sum falling within paragraph [<sup>F13</sup>1] but in respect of which no collection order has been made.
- (2) For the purposes of this Schedule, P’s existing default can be disregarded only if he shows that there was an adequate reason for it.
- (3) Sub-paragraph (2) is subject to sub-paragraph (4).
- (4) Where a sum is registered for enforcement against P as mentioned in sub-paragraph (1)(b), P’s existing default is not one which can be disregarded for the purposes of the following provisions of this Schedule.
- (5) <sup>F14</sup> .....
- (6) <sup>F15</sup> .....
- (7) “Collection order” means an order made under Part 4 of this Schedule.

### Textual Amendments

- F11** Sch. 5 para. 3(1)(a) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), [arts. 1, 8\(a\)\(i\)](#)
- F12** Words in Sch. 5 para. 3(1)(c) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), [arts. 1, 8\(a\)\(ii\)](#)
- F13** Words in Sch. 5 para. 3(1)(d) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), [arts. 1, 8\(a\)\(ii\)](#)
- F14** [Sch. 5 para. 3\(5\)](#) omitted (3.7.2007) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), [arts. 1, 8\(b\)](#)
- F15** [Sch. 5 para. 3\(6\)](#) omitted (3.7.2007) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), [arts. 1, 8\(c\)](#)

### Commencement Information

- I3** Sch. 5 para. 3 wholly in force at 5.4.2004; Sch. 5 para. 3 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 3 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 3 in

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force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 3 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

## F16F16 **PART 2** **E+W**

### IMMEDIATE PAYMENT OF FINES: DISCOUNTS

.....

#### **Textual Amendments**

**F16** Sch. 5 Pt. 2 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **9**

## **PART 3** **E+W**

### ATTACHMENT OF EARNINGS ORDERS AND APPLICATIONS FOR BENEFIT DEDUCTIONS

#### *Application of Part*

- 7 <sup>F17</sup>(1) This Part does not apply where the court is hearing P's case following an appeal under paragraph 23, 32 or 37(9).]
- (2) In the following provisions of this Part, “the relevant court” means—
- (a) the court which is imposing the liability to pay the sum due, or
  - (b) <sup>F18</sup> . . . the magistrates' court responsible for enforcing payment of the sum due.
- <sup>F19</sup>(3) For the purposes of this Schedule—
- (a) an attachment of earnings order, or
  - (b) an application for benefit deductions,
- is an order or application to secure the payment of the whole of the sum due.]

#### **Textual Amendments**

- F17** Sch. 5 para. 7(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **10(a)**
- F18** Words in Sch. 5 para. 7(2)(b) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **10(b)**
- F19** Sch. 5 para. 7(3) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **10(c)**

#### **Commencement Information**

- I7** Sch. 5 para. 7 wholly in force at 5.4.2004; Sch. 5 para. 7 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 7 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 7 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 7 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**



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*Attachment of earnings order or application for benefit deductions where P is liable to pay compensation*

- [<sup>F20</sup>7A (1) This paragraph applies if the sum due consists of or includes a sum required to be paid by a compensation order.
- (2) The relevant court must make an attachment of earnings order if it appears to the court—
- (a) that P is in employment, and
  - (b) that it is not impracticable or inappropriate to make the order.
- (3) The relevant court must make an application for benefit deductions if it appears to the court—
- (a) that P is entitled to a relevant benefit, and
  - (b) that it is not impracticable or inappropriate to make the application.
- (4) If it appears to the court that (apart from this sub-paragraph) both sub-paragraph (2) and sub-paragraph (3) would apply, the court must make either an attachment of earnings order or an application for benefit deductions.]

**Textual Amendments**

**F20** Sch. 5 para. 7A inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **11**

*Attachment of earnings order or application for benefit deductions without P's consent*

- 8 [<sup>F21</sup>(1) This paragraph applies if—
- (a) paragraph 7A does not apply, and
  - (b) the relevant court concludes that P is an existing defaulter and that his existing default (or defaults) cannot be disregarded.]
- (2) The court must make an attachment of earnings order if it appears to the court—
- (a) that P is in employment, and
  - (b) that it is not impracticable or inappropriate to make the order.
- (3) The court must make an application for benefit deductions if it appears to the court—
- (a) that P is entitled to a relevant benefit, and
  - (b) that it is not impracticable or inappropriate to make the application.
- (4) If it appears to the court that (apart from this sub-paragraph) both sub-paragraph (2) and sub-paragraph (3) would apply, the court must make either an attachment of earnings order or an application for benefit deductions.

**Textual Amendments**

**F21** Sch. 5 para. 8(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **12**

**Commencement Information**

**I8** Sch. 5 para. 8 wholly in force at 5.4.2004; Sch. 5 para. 8 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 8 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 8 in

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force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 8 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

*Attachment of earnings order or application for benefit deductions with P's consent*

- 9 <sup>[F22]</sup>(1) This paragraph applies if—
- (a) paragraph 7A does not apply, and
  - (b) the relevant court concludes that P is not an existing defaulter or, if he is, that his existing default (or defaults) can be disregarded.]
- (2) The court may make—
- (a) an attachment of earnings order, or
  - (b) an application for benefit deductions,
- if P consents.

**Textual Amendments**

**F22** Sch. 5 para. 9(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), [arts. 1, 13](#)

**Commencement Information**

**I9** Sch. 5 para. 9 wholly in force at 5.4.2004; Sch. 5 para. 9 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 9 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 9 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 9 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

*<sup>[F23]</sup>Disclosure of information in connection with application for benefit deductions*

**Textual Amendments**

**F23** Sch. 5 paras. 9A-9C and cross-headings inserted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 41, 153](#); [S.I. 2008/2712](#), [art. 2](#), Sch. para. 6 (subject to [arts. 3, 4](#))

- 9A (1) The designated officer for a magistrates' court may make an information request to the Secretary of State for the purpose of facilitating the making of a decision by the court as to whether it is practicable or appropriate to make an application for benefit deductions in respect of P.
- (2) An information request is a request for the disclosure of some or all of the following information—
- (a) P's full name;
  - (b) P's address (or any of P's addresses);
  - (c) P's date of birth;
  - (d) P's national insurance number;
  - (e) P's benefit status.
- (3) On receiving an information request, the Secretary of State may disclose the information requested to—
- (a) the officer who made the request, or

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- (b) a justices' clerk specified in the request.

*Restrictions on disclosure*

- 9B (1) A person to whom information is disclosed under paragraph 9A(3), or this sub-paragraph, may disclose the information to any person to whom its disclosure is necessary or expedient in connection with facilitating the making of a decision by the court as to whether it is practicable or appropriate to make an application for benefit deductions in respect of P.
- (2) A person to whom such information is disclosed commits an offence if the person—
- (a) discloses or uses the information, and
  - (b) the disclosure is not authorised by sub-paragraph (1) or (as the case may be) the use is not for the purpose of facilitating the making of such a decision as is mentioned in that sub-paragraph.
- (3) But it is not an offence under sub-paragraph (2)—
- (a) to disclose any information in accordance with any enactment or order of a court or for the purposes of any proceedings before a court; or
  - (b) to disclose any information which has previously been lawfully disclosed to the public.
- (4) It is a defence for a person charged with an offence under sub-paragraph (2) to prove that the person reasonably believed that the disclosure or use was lawful.
- (5) A person guilty of an offence under sub-paragraph (2) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

*Paragraphs 9A and 9B: supplementary*

- 9C (1) This paragraph applies for the purposes of paragraphs 9A and 9B.
- (2) “Benefit status”, in relation to P, means whether or not P is in receipt of any prescribed benefit or benefits and, if so (in the case of each benefit)—
- (a) which benefit it is,
  - (b) where it is already subject to deductions under any enactment, the nature of the deductions concerned, and
  - (c) the amount received by P by way of the benefit, after allowing for any such deductions.
- (3) “Information” means information held in any form.
- (4) “Prescribed” means prescribed by regulations made by the Lord Chancellor.
- (5) Nothing in paragraph 9A or 9B authorises the making of a disclosure which contravenes the Data Protection Act 1998.]

*Meaning of “relevant benefit” and “application for benefit deductions”*

- 10 In this Schedule—
- (a) “relevant benefit” means a benefit from which the Secretary of State may make deductions by virtue of section 24 of the Criminal Justice Act 1991 (recovery of fines etc. by deductions from income support etc.), and

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- (b) “application for benefit deductions”, in relation to a relevant benefit, means an application to the Secretary of State asking him to deduct sums from any amounts payable to P by way of the benefit.

#### Commencement Information

- I10** Sch. 5 para. 10 wholly in force at 5.4.2004; Sch. 5 para. 10 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 10 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 10 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 10 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

## PART 4 E+W

### MAKING OF COLLECTION ORDERS

#### *Application of Part*

- 11 <sup>[F24]</sup>(1) This Part applies whether or not the relevant court has made an attachment of earnings order or an application for benefit deductions under Part 3 of this Schedule.]
- (2) In this Part “the relevant court” has the same meaning as in Part 3 of this Schedule.

#### Textual Amendments

- F24** Sch. 5 para. 11(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), [arts. 1, 14](#)

#### Commencement Information

- I11** Sch. 5 para. 11 wholly in force at 5.4.2004; Sch. 5 para. 11 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 11 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 11 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 11 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

#### *Court’s power to make a collection order*

- 12 (1) The relevant court must make an order (“a collection order”) relating to the payment of the sum due, unless it appears to the court that it is impracticable or inappropriate to make the order.
- (2) If P is subject to a collection order, the powers of any court to deal with P’s liability to pay the sum due are subject to the provisions of this Schedule and to fines collection regulations.

#### Commencement Information

- I12** Sch. 5 para. 12 wholly in force at 5.4.2004; Sch. 5 para. 12 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 12 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 12 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 12 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

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*Contents of collection orders: general*

- 13 (1) The collection order must—
- [<sup>F25</sup>(a) state the amount of the sum due,
  - (aa) where that sum consists of or includes a fine or a sum required to be paid by a compensation order, state—
    - (i) the amount of the fine, or the amount required to be paid by the compensation order (or, if applicable, the amount of the fine and the amount required to be paid by the compensation order), and
    - (ii) the amount of any other part of the sum due,]
  - (b) state the court’s conclusions as to whether P is an existing defaulter and if so whether the existing default (or defaults) can be disregarded,
  - (c) if the court has made an attachment of earnings order or an application for benefit deductions, state that fact,
  - (d) specify the fines office to which the order is allocated, and
  - (e) contain information about the effect of the order.
- (2) In this Schedule “the fines officer”, in relation to P, means any fines officer working at the fines office specified in the collection order.

**Textual Amendments**

- F25** Sch. 5 para. 13(1)(a)(aa) substituted (3.7.2006) for Sch. 5 para. 13(1)(a) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **15**

**Commencement Information**

- I13** Sch. 5 para. 13 wholly in force at 5.4.2004; Sch. 5 para. 13 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 13 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 13 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 13 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

*Contents of collection orders: no attachment of earnings order etc. made*

- 14 (1) If the relevant court has not under Part 3 made an attachment of earnings order or an application for benefit deductions, the collection order must state the payment terms.
- (2) “The payment terms” means—
- (a) a term requiring P to pay the sum due within a specified period, or
  - (b) terms requiring P to pay the sum due by instalments of specified amounts on or before specified dates.

**Commencement Information**

- I14** Sch. 5 para. 14 wholly in force at 5.4.2004; Sch. 5 para. 14 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 14 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 14 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 14 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

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*Contents of collection orders: attachment of earnings order etc. made*

- 15 (1) If the court has under Part 3 of this Schedule made an attachment of earnings order or an application for benefit deductions, the collection order must state the reserve terms.
- (2) “The reserve terms” means terms of a description mentioned in paragraph 14(2) but which (subject to paragraphs 31, 32<sup>F26</sup> . . . and 39) are to have effect if the attachment of earnings order or application for benefit deductions fails.

**Textual Amendments**

**F26** Words in Sch. 5 para. 15(2) omitted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 16

**Commencement Information**

**I15** Sch. 5 para. 15 wholly in force at 5.4.2004; Sch. 5 para. 15 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 15 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. 4(a); Sch. 5 para. 15 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. 4(b); Sch. 5 para. 15 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. 4(c)

*When an attachment of earnings order fails*

- 16 For the purposes of this Schedule, an attachment of earnings order fails if—
- (a) P’s employer fails to comply with the order, or
  - (b) the order is discharged at a time when P remains liable to pay any part of the sum due.

**Commencement Information**

**I16** Sch. 5 para. 16 wholly in force at 5.4.2004; Sch. 5 para. 16 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 16 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. 4(a); Sch. 5 para. 16 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. 4(b); Sch. 5 para. 16 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. 4(c)

*When an application for benefit deductions fails*

- 17 For the purposes of this Schedule, an application for benefit deductions fails if—
- (a) the application is withdrawn,
  - (b) the Secretary of State decides not to make deductions,
  - (c) an appeal against a decision of the Secretary of State to make deductions succeeds, or
  - (d) the Secretary of State ceases to make deductions at a time when P remains liable to pay any part of the sum due.

**Commencement Information**

**I17** Sch. 5 para. 17 wholly in force at 5.4.2004; Sch. 5 para. 17 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 17 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. 4(a); Sch. 5 para. 17 in

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force for certain further purposes at 29.3.2004 by S.I. 2004/174, art. 4(b); Sch. 5 para. 17 in force for all purposes at 5.4.2004 by S.I. 2004/174, art. 4(c)

## F27F27 PART 5 E+W

### DISCOUNT WHERE COLLECTION ORDER MADE

.....

#### Textual Amendments

**F27** Sch. 5 Pt. 5 omitted (3.7.2006) by virtue of The Collection of Fines (Final Scheme) Order (S.I. 2006/1737), arts. 1, 17

## PART 6 E+W

### VARIATION OF COLLECTION ORDERS CONTAINING PAYMENT TERMS

#### *Application of Part*

21 This Part applies if the court has made a collection order and the order contains payment terms.

#### Commencement Information

**I21** Sch. 5 para. 21 wholly in force at 5.4.2004; Sch. 5 para. 21 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 21 in force for certain purposes at 23.2.2004 by S.I. 2004/174, art. 4(a); Sch. 5 para. 21 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, art. 4(b); Sch. 5 para. 21 in force for all purposes at 5.4.2004 by S.I. 2004/174, art. 4(c)

#### *Application to fines officer for variation of order or attachment of earnings order etc.*

- 22 (1) P may, at any time—
- (a) after the collection order is made and before Part 7 applies, and
  - (b) when he is not in default on the order,
- apply to the fines officer under this paragraph.
- (2) P may apply for—
- (a) the payment terms to be varied, or
  - (b) an attachment of earnings order or application for benefit deductions to be made.
- (3) No application may be made under sub-paragraph (2)(a) unless—
- (a) there has been a material change in P's circumstances since the collection order was made (or the payment terms were last varied under this paragraph), or
  - (b) P is making further information about his circumstances available.
- (4) On an application under sub-paragraph (2)(a), the fines officer may decide—

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- (a) to vary the payment terms in P's favour, or
  - (b) not to vary them.
- (5) On an application under sub-paragraph (2)(b), the fines officer may decide—
- (a) to make an attachment of earnings order or application for benefit deductions, or
  - (b) not to do so.
- (6) If he decides to make an order or application he must vary the collection order so that it states reserve terms.
- (7) The reserve terms must not be less favourable to P than the payment terms.
- (8) A decision of the fines officer under this paragraph must be in writing, dated and delivered to P.
- (9) Subject to paragraph 23, the effect of—
- (a) a decision under sub-paragraph (4)(a), and
  - (b) a variation under sub-paragraph (6),
- is that the collection order has effect as varied by the fines officer.

#### Commencement Information

**I22** Sch. 5 para. 22 wholly in force at 5.4.2004; Sch. 5 para. 22 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 22 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 22 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 22 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

#### *Appeal against decision of fines officer*

- 23 (1) P may, within 10 working days from the date of a decision under paragraph 22, appeal to the magistrates' court against the decision.
- (2) On an appeal under this paragraph the magistrates' court may—
- (a) confirm or vary the payment terms (or the reserve terms),
  - (b) if the appeal is against a decision on an application under paragraph 22(2) (b) or if P consents, make an attachment of earnings order or an application for benefit deductions, or
  - (c) discharge the collection order and exercise any of its standard powers in respect of persons liable to pay fines.
- (3) If the court makes an attachment of earnings order or an application for benefit deductions, it must vary the collection order so that it states reserve terms.

#### Commencement Information

**I23** Sch. 5 para. 23 wholly in force at 5.4.2004; Sch. 5 para. 23 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 23 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 23 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 23 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)



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*Nature of power to vary terms of collection order*

- 24 (1) A power to vary the payment terms of a collection order includes power to—
- (a) substitute terms requiring P to pay by specified instalments on or before specified dates for a term requiring P to pay within a specified period, or
  - (b) substitute a term requiring P to pay within a specified period for terms requiring P to pay the sum due by specified instalments on or before specified dates.
- (2) Subject to sub-paragraph (1), a power to vary the payment terms of a collection order under which the sum due is required to be paid within a specified period is a power to vary the date on or before which the sum due is to be paid.
- (3) Subject to sub-paragraph (1), a power to vary the payment terms of a collection order under which the sum due is required to be paid by specified instalments on or before specified dates is a power to vary—
- (a) the number of instalments payable;
  - (b) the amount of any instalment;
  - (c) the date on or before which any instalment is required to be paid.
- (4) This paragraph applies in relation to the variation of the reserve terms as it applies in relation to the payment terms.

**Commencement Information**

**I24** Sch. 5 para. 24 wholly in force at 5.4.2004; Sch. 5 para. 24 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 24 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 24 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 24 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

*Meaning of “in default on a collection order”*

[<sup>F28</sup>24A For the purposes of this Schedule, P is in default on a collection order if he fails to pay any amount due under the payment terms (or, if they have effect, the reserve terms) on or before the date on which it is required to be paid.]

**Textual Amendments**

**F28** Sch. 5 para. 24A inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **18**

**PART 7** **E+W**

EFFECT OF FIRST DEFAULT ON COLLECTION ORDER CONTAINING PAYMENT TERMS

*Application of Part*

- 25 This Part applies on the first occasion on which P is in default on a collection order containing payment terms and none of the following is pending—
- (a) an application under paragraph 22 (application to fines officer for variation of order or for attachment of earnings order etc.);

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- (b) an appeal under paragraph 23 (appeal against decision of fines officer);
- (c) a reference under paragraph 42 (power of fines officer to refer case to magistrates' court).

#### Commencement Information

**I25** Sch. 5 para. 25 wholly in force at 5.4.2004; Sch. 5 para. 25 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 25 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 25 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 25 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

#### *Attachment of earnings order or application for benefit deductions to be made*

- 26 (1) The fines officer must make an attachment of earnings order if it appears to him—
- (a) that P is in employment, and
  - (b) that it is not impracticable or inappropriate to make the order.
- (2) The fines officer must make an application for benefit deductions if it appears to him—
- (a) that P is entitled to a relevant benefit, and
  - (b) that it is not impracticable or inappropriate to make the application.
- (3) If it appears to the fines officer that (apart from this sub-paragraph) both sub-paragraph (1) and sub-paragraph (2) would apply, he must make either an attachment of earnings order or an application for benefit deductions.

#### Commencement Information

**I26** Sch. 5 para. 26 wholly in force at 5.4.2004; Sch. 5 para. 26 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 26 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 26 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 26 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

#### *Increase in fine*

27 **F29** .....

#### Textual Amendments

**F29** Sch. 5 para. 27 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, [19\(a\)](#)

#### Commencement Information

**I27** Sch. 5 para. 27 wholly in force at 5.4.2004; Sch. 5 para. 27 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 27 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 27 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 27 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

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*Notice of increase etc.*

28 F30 .....

**Textual Amendments**

**F30** Sch. 5 para. 28 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **19(a)**

**Commencement Information**

**I28** Sch. 5 para. 28 wholly in force at 5.4.2004; Sch. 5 para. 28 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 28 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 28 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 28 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

**PART 8** **E+W**

OPERATION OF COLLECTION ORDERS CONTAINING RESERVE TERMS

*Application of Part*

29 This Part applies if—  
(a) a collection order contains reserve terms, and  
(b) the attachment of earnings order or application for benefit deductions made under Part 3 or 6 fails.

**Commencement Information**

**I29** Sch. 5 para. 29 wholly in force at 5.4.2004; Sch. 5 para. 29 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 29 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 29 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 29 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

*Requirement to notify P on failure of an attachment of earnings order etc.*

30 The fines officer must deliver to P a notice (“a payment notice”) informing P—  
(a) that the order or application has failed and the reserve terms have effect,  
(b) what P has to do to comply with the reserve terms, and  
(c) of his right to make applications under paragraph 31.

**Commencement Information**

**I30** Sch. 5 para. 30 wholly in force at 5.4.2004; Sch. 5 para. 30 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 30 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 30 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 30 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

*Status: Point in time view as at 06/04/2009.*

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*Application to fines officer for variation of reserve terms*

- 31 (1) P may, at any time—
- (a) after the date of a payment notice under paragraph 30 and before [<sup>F31</sup>a further steps notice is delivered to him under paragraph 37] , and
  - (b) when he is not in default on the collection order,
- apply to the fines officer for the reserve terms to be varied.
- (2) No application may be made under sub-paragraph (1) unless—
- (a) there has been a material change in P’s circumstances since the reserve terms were set (or last varied under this paragraph), or
  - (b) P is making further information about his circumstances available.
- (3) On such an application being made, the fines officer may decide—
- (a) to vary the reserve terms in P’s favour, or
  - (b) not to vary them.
- (4) A decision of the fines officer under this paragraph must be in writing, dated and delivered to P.
- (5) Subject to paragraph 32, the effect of a decision under sub-paragraph (3)(a) is that the collection order has effect with the reserve terms varied in the way decided by the fines officer.

**Textual Amendments**

**F31** Words in [Sch. 5 para. 31](#) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, {20}

**Commencement Information**

**I31** Sch. 5 para. 31 wholly in force at 5.4.2004; Sch. 5 para. 31 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 31 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 31 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 31 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

*Appeal against decision of fines officer*

- 32 (1) P may, within 10 working days from the date of a decision under paragraph 31(3), appeal to the magistrates' court against the decision.
- (2) On an appeal under this paragraph the magistrates' court may—
- (a) confirm or vary the reserve terms, or
  - (b) discharge the order and exercise any of its standard powers in respect of persons liable to pay fines [<sup>F32</sup>or other sums] .

**Textual Amendments**

**F32** Words in Sch. 5 para. 32(2)(b) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **21**

*Status: Point in time view as at 06/04/2009.*

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**Commencement Information**

**I32** Sch. 5 para. 32 wholly in force at 5.4.2004; Sch. 5 para. 32 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 32 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 32 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 32 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

*Increase in fine on first default*

33 <sup>F33</sup> .....

**Textual Amendments**

**F33** Sch. 5 para. 33 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), [arts. 1, 22\(a\)](#)

**Commencement Information**

**I33** Sch. 5 para. 33 wholly in force at 5.4.2004; Sch. 5 para. 33 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 33 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 33 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 33 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

*Notice of increase etc.*

34 <sup>F34</sup> .....

**Textual Amendments**

**F34** Sch. 5 para. 34 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), [arts. 1, 22\(b\)](#)

**Commencement Information**

**I34** Sch. 5 para. 34 wholly in force at 5.4.2004; Sch. 5 para. 34 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 34 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 34 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 34 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

**PART 9 E+W**

[<sup>F35</sup>FURTHER STEPS]

**Textual Amendments**

**F35** Sch. 5 Pt. 9: heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), [arts. 1, 23](#)

*Status: Point in time view as at 06/04/2009.*

*Changes to legislation: Courts Act 2003 is up to date with all changes known to be in force on or before 29 June 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)*

*Effect of compliance with requirement to contact fines officer*

35

F36

**Textual Amendments**

**F36** Sch. 5 para. 35 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **24(a)**

**Commencement Information**

**I35** Sch. 5 para. 35 wholly in force at 5.4.2004; Sch. 5 para. 35 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 35 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. **4(a)**; Sch. 5 para. 35 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. **4(b)**; Sch. 5 para. 35 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. **4(c)**

*Application to fines officer after increase for variation of payment terms*

36

F37

**Textual Amendments**

**F37** Sch. 5 para. 36 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **24(b)**

**Commencement Information**

**I36** Sch. 5 para. 36 wholly in force at 5.4.2004; Sch. 5 para. 36 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 36 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. **4(a)**; Sch. 5 para. 36 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. **4(b)**; Sch. 5 para. 36 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. **4(c)**

*Functions of fines officer in relation to defaulters: referral or further steps notice*

37 [F38(1) This paragraph applies if—

- (a) P is in default on a collection order,
- (b) paragraph 26 does not apply, and
- (c) none of the following is pending—
  - (i) an application under paragraph 31(1) (application to fines officer for variation and reserve terms),
  - (ii) an appeal under paragraph 32(1) (appeal against decision of fines officer),
  - (iii) a reference under paragraph 42 (power of fines officer to refer case to magistrates' court).

F39

(6) The fines officer must—

- (a) refer P's case to the magistrates' court, or
- (b) deliver to P a notice (a “further steps notice”) that he intends to take one or more of the steps listed in paragraph 38.

(7) Any steps that the fines officer intends to take must be specified in the notice.

*Status: Point in time view as at 06/04/2009.*

*Changes to legislation: Courts Act 2003 is up to date with all changes known to be in force on or before 29 June 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)*

- (8) A further steps notice must be in writing and dated.
- (9) P may, within 10 working days from the date of the further steps notice, appeal to the magistrates' court against it.

#### Textual Amendments

- F38** Sch. 5 para. 37(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **25(a)**
- F39** Sch. 5 para. 37(2)-(5) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **25(b)**

#### Commencement Information

- I37** Sch. 5 para. 37 wholly in force at 5.4.2004; Sch. 5 para. 37 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 37 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 37 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 37 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

#### *The range of further steps available against defaulters*

- 38 (1) The steps referred to in paragraphs 37(6)(b) and 39(3) and (4) (powers to take further steps) are—
- (a) issuing a warrant of distress for the purpose of levying the sum due;
  - (b) registering the sum in the register of judgments and orders required to be kept by section 98;
  - (c) making an attachment of earnings order or an application for benefit deductions;
  - (d) subject to sub-paragraph (3), making a clamping order;
  - <sup>F40</sup>(e) taking proceedings by virtue of section 87(1) of the 1980 Act (enforcement of payment of fines by High Court and county court).]
- (2) A clamping order is an order—
- (a) that a motor vehicle be fitted with an immobilisation device (“clamped”), and
  - (b) which complies with any requirements that are imposed by fines collection regulations under paragraph 46 with respect to the making of clamping orders.
- (3) A clamping order must not be made except in relation to a vehicle which is registered under the Vehicle Excise and Registration Act 1994 in P’s name.

#### Textual Amendments

- F40** Sch. 5 para. 38(1)(e) substituted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **26**

#### Commencement Information

- I38** Sch. 5 para. 38 wholly in force at 5.4.2004; Sch. 5 para. 38 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 38 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 38 in

*Status: Point in time view as at 06/04/2009.*

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force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 38 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**

### *Powers of court <sup>F41</sup> . . .*

#### **Textual Amendments**

**F41** Sch. 5 para. 39: words in heading omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **27(d)**

- 39 (1) This paragraph applies if the magistrates' court is hearing P's case following—
- (a) <sup>F42</sup> . . . . .
  - (b) a referral under paragraph 37(6)(a) (functions of fines officer in relation to defaulters), or
  - (c) an appeal under paragraph 37(9) (appeal against a further steps notice).
- (2) <sup>F42</sup> . . . . .
- (3) On [<sup>F43</sup>a] referral falling within sub-paragraph [<sup>F44</sup>(1)(b)] , the court may—
- (a) vary the payment terms (or the reserve terms);
  - (b) take any of the steps listed in paragraph 38;
  - (c) discharge the order and exercise any of its standard powers in respect of persons liable to pay fines [<sup>F45</sup>or other sums] .
- (4) On an appeal against a further steps notice, the court may—
- (a) confirm or quash the notice;
  - (b) vary the notice so as to specify any step listed in paragraph 38;
  - (c) vary the payment terms (or the reserve terms);
  - (d) discharge the order and exercise any of its standard powers in respect of persons liable to pay fines [<sup>F46</sup>or other sums] .

#### **Textual Amendments**

**F42** Sch. 5 para. 39(1)(a)(2) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **27(a)**

**F43** Words in Sch. 5 para. 39(3) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **27(b)(i)**

**F44** Words in Sch. 5 para. 39(3) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **27(b)(ii)**

**F45** Words in Sch. 5 para. 39(3)(c) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **27(c)(i)**

**F46** Words in Sch. 5 para. 39(4)(d) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **27(c)(ii)**

#### **Commencement Information**

**I39** Sch. 5 para. 39 wholly in force at 5.4.2004; Sch. 5 para. 39 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 39 in force for certain purposes at 23.2.2004 by S.I. 2004/174, **art. 4(a)**; Sch. 5 para. 39 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, **art. 4(b)**; Sch. 5 para. 39 in force for all purposes at 5.4.2004 by S.I. 2004/174, **art. 4(c)**



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*Implementation of further steps notice*

- 40 If—
- (a) P does not appeal within 10 working days against a further steps notice, or
  - (b) he does so but the further steps notice is confirmed or varied,
- any step specified in the notice (or the notice as varied) may be taken.

**Commencement Information**

**I40** Sch. 5 para. 40 wholly in force at 5.4.2004; Sch. 5 para. 40 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 40 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 40 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 40 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

*Power to order sale of clamped vehicle*

- 41 (1) This paragraph applies if—
- (a) a motor vehicle has been clamped under a clamping order, and
  - (b) at the end of the period specified in fines collection regulations under paragraph 46 any part of the sum due is unpaid.
- (2) The magistrates' court may order that—
- (a) the vehicle is to be sold or otherwise disposed of in accordance with those regulations, and
  - (b) any proceeds are to be applied in accordance with those regulations in discharging P's liability in respect of the sum due.

**Commencement Information**

**I41** Sch. 5 para. 41 wholly in force at 5.4.2004; Sch. 5 para. 41 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 41 in force for certain purposes at 23.2.2004 by [S.I. 2004/174, art. 4\(a\)](#); Sch. 5 para. 41 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174, art. 4\(b\)](#); Sch. 5 para. 41 in force for all purposes at 5.4.2004 by [S.I. 2004/174, art. 4\(c\)](#)

*Power of fines officer to refer case to magistrates' court*

- 42 (1) The fines officer may refer a case to the magistrates' court at any time during the period which—
- (a) begins the day after the collection order is made, and
  - (b) ends with the date on which—
    - (i) the sum due (including any increase to which he remains liable) is paid, or
    - (ii) the order is discharged.
- (2) On a referral under this paragraph, the court may—
- (a) confirm or vary the payment terms (or the reserve terms),
  - <sup>F47</sup>(b) exercise any of its standard powers in respect of persons liable to pay fines or other sums, or]
  - (c) <sup>F48</sup> . . . exercise a power it could exercise under any other paragraph.

*Status: Point in time view as at 06/04/2009.*

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[<sup>F49</sup>(2A) Where the court exercises any of its standard powers under sub-paragraph (2)(b) it may also discharge the order.]

(3) Fines collection regulations may provide for the fines officer to have the power to issue a summons for the purpose of ensuring that P attends a magistrates' court to whom P's case has been referred under this paragraph or paragraph 37.

#### Textual Amendments

- F47** Sch. 5 para. 42(2)(b) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **28(a)(i)**
- F48** Words in Sch. 5 para. 42(2)(c) omitted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **28(a)(ii)**
- F49** Sch. 5 para. 42A(2A) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **28(b)**

#### Commencement Information

- I42** Sch. 5 para. 42 wholly in force at 5.4.2004; Sch. 5 para. 42 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 42 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 42 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 42 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

#### *Increase in fine by court*

[<sup>F50</sup>42A(1) This paragraph applies where—

- (a) P is in default on a collection order,
- (b) the sum due consists of or includes a fine, and
- (c) the fines officer has referred P's case to the court—
  - (i) under paragraph 37(6)(a), or
  - (ii) after taking any of the steps listed in paragraph 38.

(2) Where the court is satisfied that the default is due to P's wilful refusal or culpable neglect, the court may increase the fine which is the subject of the order.

(3) But the court may not increase any other sum which is the subject of the order.

(4) The amount of the increase is to be determined in accordance with fines collection regulations but must not be greater than 50% of the fine.

(5) The increase is given effect by treating it as part of the fine imposed on P by his conviction.]

#### Textual Amendments

- F50** Sch. 5 para. 42A inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **29**

*Status: Point in time view as at 06/04/2009.*

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## PART 10 **E+W**

### SUPPLEMENTARY PROVISIONS

#### *Fines collection regulations*

- 43 In this Schedule “fines collection regulations” means regulations made by the Lord Chancellor for the purpose of giving effect to this Schedule.

#### **Commencement Information**

- I43** Sch. 5 para. 43 wholly in force at 5.4.2004; Sch. 5 para. 43 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 43 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 43 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 43 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

- 44 (1) Fines collection regulations may, for the purpose of giving effect to this Schedule and section 97 so far as it relates to this Schedule, make provision modifying (or applying with modifications) any enactment which relates to fines or the enforcement of payment of sums falling within paragraph <sup>[F51]</sup> 1 .
- (2) The enactments which may be so modified (or applied with modifications) include enactments containing offences.
- (3) Fines collection regulations may make different provision for different cases.

#### **Textual Amendments**

- F51** Words in Sch. 5 para. 44(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), [arts. 1, 30](#)

#### **Commencement Information**

- I44** Sch. 5 para. 44 wholly in force at 5.4.2004; Sch. 5 para. 44 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 44 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 44 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 44 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

- 45 Fines collection regulations may, for the purpose of giving effect to the powers to make attachment of earnings orders, make provision as to the method for calculating the amounts which are to be deducted from P’s earnings.

#### **Commencement Information**

- I45** Sch. 5 para. 45 wholly in force at 5.4.2004; Sch. 5 para. 45 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 45 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 45 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 45 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

- 46 (1) Fines collection regulations may, for the purpose of giving effect to the powers to make clamping orders and to order the sale of clamped motor vehicles, make provision in connection with—
- (a) the fitting of immobilisation devices;

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- (b) the fitting of immobilisation notices to motor vehicles to which immobilisation devices have been fitted;
  - (c) the removal and storage of motor vehicles;
  - (d) the release of motor vehicles from immobilisation devices or from storage (including the conditions to be met before the vehicle is released);
  - (e) the sale or other disposal of motor vehicles not released.
- (2) Fines collection regulations must provide that an immobilisation device may not be fitted to a vehicle—
- (a) which displays a current disabled person’s badge [<sup>F52</sup>; or a current recognised badge] , or
  - (b) in relation to which there are reasonable grounds for believing that it is used for the carriage of a disabled person.

(3) In this Schedule—

“disabled person’s badge” means a badge issued, or having effect as if issued, under regulations made under section 21 of the Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons);

“immobilisation device” has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984 (immobilisation of vehicles illegally parked);

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, except that section 189 of the Road Traffic Act 1988 (exceptions for certain vehicles) applies for the purposes of this Schedule as it applies for the purposes of the Road Traffic Acts.

[<sup>F53</sup>“recognised badge” has the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970 (recognition of badges issued outside Great Britain).]

#### Textual Amendments

**F52** Words in Sch. 5 para. 46(2)(a) inserted (30.6.2005 for E. and 30.3.2008 for W.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)(6) {Sch 1 para. 47(1)(2)}; S.I. 2005/1676, [art. 3\(c\)](#); S.I. 2007/3285, [art. 2\(b\)](#)

**F53** Words in Sch. 5 para. 46(3) inserted (30.6.2005 for E. and 30.3.2008 for W.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)(6), [Sch. 1 para. 47\(1\)\(3\)](#); S.I. 2005/1676, [art. 3\(c\)](#); S.I. 2007/3285, [art. 2\(b\)](#)

#### Commencement Information

**I46** Sch. 5 para. 46 wholly in force at 5.4.2004; Sch. 5 para. 46 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 46 in force for certain purposes at 23.2.2004 by S.I. 2004/174, [art. 4\(a\)](#); Sch. 5 para. 46 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, [art. 4\(b\)](#); Sch. 5 para. 46 in force for all purposes at 5.4.2004 by S.I. 2004/174, [art. 4\(c\)](#)

*Status: Point in time view as at 06/04/2009.*

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#### Textual Amendments

**F54** Words in Sch. 5 para. 47 omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, 31

#### Commencement Information

**I47** Sch. 5 para. 47 wholly in force at 5.4.2004; Sch. 5 para. 47 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 47 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. 4(a); Sch. 5 para. 47 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. 4(b); Sch. 5 para. 47 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. 4(c)

#### *Offences of providing false information, failing to disclose information etc.*

- 48 (1) P commits an offence if, in providing a statement of his financial circumstances to a fines officer in response to a relevant request, he—
- (a) makes a statement which he knows to be false in a material particular,
  - (b) recklessly provides a statement which is false in a material particular, or
  - (c) knowingly fails to disclose any material fact.
- (2) A person guilty of an offence under sub-paragraph (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) P commits an offence if he fails to provide a statement of his financial circumstances to a fines officer in response to a relevant request.
- (4) A person guilty of an offence under sub-paragraph (3) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) A relevant request is a request for information about P's financial circumstances which—
- (a) is made by a fines officer, and
  - (b) is expressed to be made for the purpose of determining whether or how the fines officer should vary the payment terms (or the reserve terms) of a collection order in P's favour.
- (6) Proceedings in respect of an offence under this paragraph may be commenced at any time within—
- (a) 2 years from the date of the commission of the offence, or
  - (b) 6 months from its first discovery by the prosecutor,
- whichever ends first.

#### Commencement Information

**I48** Sch. 5 para. 48 wholly in force at 5.4.2004; Sch. 5 para. 48 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 48 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), art. 4(a); Sch. 5 para. 48 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), art. 4(b); Sch. 5 para. 48 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), art. 4(c)

#### *Offence of meddling with vehicle clamp*

- 49 (1) A person commits an offence if he removes or attempts to remove—

*Status: Point in time view as at 06/04/2009.*

*Changes to legislation: Courts Act 2003 is up to date with all changes known to be in force on or before 29 June 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)*

- (a) an immobilisation device, or
  - (b) an immobilisation notice,
- fitted or fixed to a motor vehicle in accordance with a clamping order made under a further steps notice or under paragraph 39(3)(b) (powers of court<sup>F55</sup> . . . ).
- (2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Textual Amendments

**F55** Words in Sch. 5 para. 49(1) omitted (3.7.2006) by virtue of [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **32**

#### Commencement Information

**I49** Sch. 5 para. 49 wholly in force at 5.4.2004; Sch. 5 para. 49 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 49 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 49 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 49 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

*[<sup>F56</sup>Meaning of “standard powers in respect of persons liable to pay fines or other sums”]*

#### Textual Amendments

**F56** [Sch. 5 para. 50](#) and heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, {33}

- 50 *[<sup>F57</sup>In this Schedule “standard powers in respect of persons liable to pay fines or other sums” means any power that a magistrates' court would have had if P had not been subject to a collection order but had been liable to pay the sum due.]*

#### Textual Amendments

**F57** [Sch. 5 para. 50](#) and heading substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order \(S.I. 2006/1737\)](#), arts. 1, **33**

#### Commencement Information

**I50** Sch. 5 para. 50 wholly in force at 5.4.2004; Sch. 5 para. 50 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 50 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), **art. 4(a)**; Sch. 5 para. 50 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), **art. 4(b)**; Sch. 5 para. 50 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), **art. 4(c)**

#### *Meaning of references to pending appeals*

- 51 For the purposes of this Schedule the period during which an appeal under this Schedule is pending is to be treated as including the period within which the appeal may be brought (regardless of whether it is in fact brought).

*Status: Point in time view as at 06/04/2009.*

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#### Commencement Information

- I51** Sch. 5 para. 51 wholly in force at 5.4.2004; Sch. 5 para. 51 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 51 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 51 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 51 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

#### *Meaning of “10 working days”*

- 52 In this Schedule “10 working days” means any period of 10 days not including—
- (a) Saturday or Sunday,
  - (b) Christmas Day or Good Friday, or
  - (c) any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.

#### Commencement Information

- I52** Sch. 5 para. 52 wholly in force at 5.4.2004; Sch. 5 para. 52 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 52 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 52 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 52 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

#### *Meaning of “the magistrates' court”*

- 53 In this Schedule “the magistrates' court”, in relation to a collection order, means any magistrates' court acting in the local justice area in which the court which made the order was sitting.

#### Commencement Information

- I53** Sch. 5 para. 53 wholly in force at 5.4.2004; Sch. 5 para. 53 not in force at Royal Assent see s. 110(1)(2); Sch. 5 para. 53 in force for certain purposes at 23.2.2004 by [S.I. 2004/174](#), [art. 4\(a\)](#); Sch. 5 para. 53 in force for certain further purposes at 29.3.2004 by [S.I. 2004/174](#), [art. 4\(b\)](#); Sch. 5 para. 53 in force for all purposes at 5.4.2004 by [S.I. 2004/174](#), [art. 4\(c\)](#)

## SCHEDULE 6 **E+W**

Section 97(2)

### DISCHARGE OF FINES BY UNPAID WORK

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

- C6** Sch. 6 applied (1.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 85\(7\)\(b\)](#), 153; [S.I. 2009/2606](#), [art. 2\(f\)](#)
- C7** Sch. 6 restricted (prosp.) by [Education and Skills Act 2008 \(c. 25\)](#), [ss. 56-58](#), 173(4)

*Status: Point in time view as at 06/04/2009.*

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### *Introductory*

- 1 (1) This Schedule applies if a person aged 18 or over (“P”) is liable to pay a sum which is or is treated for the purposes of Part 3 of the 1980 Act as a sum adjudged to be paid by conviction of a magistrates' court.
- (2) In this Schedule—
- “the prescribed hourly sum” means such sum as may be prescribed by regulations;
- “regulations” means regulations made under this Schedule by the Lord Chancellor;
- “the relevant court” means—
- (a) the court imposing the liability to pay the relevant sum, or
- (b) if that liability has previously been imposed, the magistrates' court responsible for enforcing payment of the relevant sum;
- “the relevant sum” means the sum for which P is liable as mentioned in sub-paragraph (1), but excluding any pecuniary compensation, any pecuniary forfeiture or any sum due in respect of prosecution costs.

#### **Commencement Information**

**I54** Sch. 6 para. 1 wholly in force at 21.9.2004; Sch. 6 para. 1 not in force at Royal Assent see s. 110(1)(2); Sch. 6 para. 1(2) in force for certain purposes at 1.5.2004 by S.I. 2004/1104, art. 3(d); Sch. 6 para. 1 in force insofar as not already in force at 21.9.2004 by S.I. 2004/2195, art. 2

### *Cases where work order may be made*

- 2 (1) The relevant court may, on the application of a fines officer or of its own motion, make an order under this Schedule (a “work order”) where—
- (a) it appears to the court that in view of P’s financial circumstances all the following methods of enforcing payment of the relevant sum are likely to be impracticable or inappropriate—
- (i) a warrant of distress under section 76 of the 1980 Act,
- (ii) an application to the High Court or county court for enforcement under section 87 of the 1980 Act,
- (iii) an order under section 88 of the 1980 Act,
- (iv) an attachment of earnings order,
- (v) an application for deductions to be made by virtue of section 24 of the Criminal Justice Act 1991 (recovery of fines etc. by deductions from income support etc.), and
- (vi) a collection order under Schedule 5,
- (b) it appears to the court that P is a suitable person to perform unpaid work under this Schedule, and
- (c) P consents to the making of the order.
- (2) A court which is considering the making of a work order may issue a summons requiring P to appear before the court.
- (3) A magistrates' court which is considering the making of a work order may order P to give to the court, within a specified period, such a statement of his means as the court may require.



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- (4) Subsections (2) to (4) of section 84 of the 1980 Act (offences in respect of statement of means) apply to an order made under sub-paragraph (3) as they apply to an order made under subsection (1) of that section.

*Provisions of order*

- 3 (1) A work order is an order requiring P to perform unpaid work for a specified number of hours, in accordance with instructions to be given by the fines officer, in order to discharge by virtue of this Schedule his liability for the relevant sum.
- (2) The order must also—
- (a) state the amount of the relevant sum,
  - (b) specify a fines office to which the order is allocated, and
  - (c) specify a person (“the supervisor”) who is to act as supervisor in relation to P.
- (3) The specified number of hours is to be determined by dividing the relevant sum by the prescribed hourly sum and, where the result is not a whole number, adjusting the result upwards to the next whole number.
- (4) A work order must specify a date (“the specified date”) not later than which the required hours of unpaid work must be performed.
- (5) In the following provisions of this Schedule “the fines officer”, in relation to P, means any fines officer working at the fines office specified in the work order.

*Effect of order on enforcement of payment*

- 4 (1) Where a work order has been made in respect of the relevant sum, payment of that sum may not be enforced against P unless the order is revoked.
- (2) On making a work order, the court must revoke any order relating to the enforcement of the payment of the relevant sum.

*Appointment of, and duties of, supervisor*

- 5 (1) A person may not be appointed as the supervisor without his consent.
- (2) It is the duty of the supervisor—
- (a) to monitor P’s compliance with the requirements of the work order, and
  - (b) to provide the court with such information as the court may require relating to P’s compliance with those requirements.

*Obligations of person subject to work order, and effect of compliance*

- 6 (1) Where a work order is in force, P must perform for the number of hours specified in the order such work, at such places and at such times as he may be instructed by the fines officer.
- (2) The fines officer must ensure, as far as practicable, that any instructions given to P in pursuance of the work order are such as to avoid—
- (a) any conflict with P’s religious beliefs, and
  - (b) any interference with the times, if any, at which he normally works or attends school or any other educational establishment.

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- (3) If not later than the specified date P performs work in accordance with the instructions of the fines officer for the specified number of hours, his liability to pay the relevant sum is discharged.

*Effect of payment*

- 7 (1) Where a work order has been made in respect of any sum—
- (a) on payment of the whole of the sum to any person authorised to receive it, the work order ceases to have effect, and
  - (b) on payment of part of the sum to any such person, the number of hours specified in the order is to be taken to be reduced by a proportion corresponding to that which the part paid bears to the whole of the relevant sum.
- (2) In calculating any reduction required by sub-paragraph (1)(b), any fraction of an hour is to be disregarded.

*Revocation or variation of order*

- 8 (1) If, on the application of the fines officer, it appears to the relevant court that P is failing or has failed to comply with a work order without reasonable excuse, the court must revoke the order.
- (2) If, on the application of the fines officer, it appears to the relevant court—
- (a) that P has failed to comply with a work order but has a reasonable excuse for the failure, or
  - (b) that, because of a change in circumstances since the order was made, P is unlikely to be able to comply with a work order,
- the court may revoke the order or postpone the specified date.
- (3) The relevant court may of its own motion revoke a work order if it appears to the court that, because of a change in circumstances since the order was made, P is unlikely to be able to comply with the order.
- (4) A work order may be revoked under any of sub-paragraphs (1) to (3), or varied under sub-paragraph (2), before the specified date (as well as on or after that date).
- (5) Regulations may provide for the fines officer to have the power to issue a summons for the purpose of ensuring that P attends the court to which an application has been made under sub-paragraph (1) or (2).

*Allowing for work done*

- 9 (1) If it appears to the court revoking a work order under paragraph 8(1), (2) or (3) that P has performed at least one hour of unpaid work in accordance with the instructions of the fines officer, the court must by order specify the number of hours of work that have been performed; and for this purpose any fraction of an hour is to be disregarded.
- (2) Where the court has specified a number of hours under this paragraph, P's liability to pay the relevant sum is discharged to the extent of the prescribed hourly sum in respect of each hour.

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*Effect of revocation*

- 10 (1) Where a work order is revoked under paragraph 8(1), (2) or (3), immediate payment of the relevant sum (subject to any reduction under paragraph 9(2)) may be enforced against P.
- (2) Sub-paragraph (1) does not limit the court's power, on or after the revocation of the work order, to allow time for payment or to direct payment by instalments.

*Order not directly enforceable*

- 11 The obligations of P under a work order are not enforceable against him except by virtue of paragraph 10(1).

*Evidence of supervisor*

- 12 (1) This paragraph applies where—
- (a) it falls to a court to determine whether P has performed unpaid work in accordance with a work order, and
  - (b) the court is satisfied—
    - (i) that the supervisor is likely to be able to give evidence that may assist the court in determining that matter, and
    - (ii) that the supervisor will not voluntarily attend as a witness.
- (2) The court may issue a summons directed to that person requiring him to attend before the court at the time and place appointed in the summons to give evidence.

*Provision of information*

- 13 Regulations may—
- (a) require a work order to contain prescribed information,
  - (b) require the court making a work order to give a copy of the order to such persons as may be prescribed, and
  - (c) require the court revoking or varying a work order to give notice of the revocation or variation to such persons as may be prescribed.

**Textual Amendments**

**F58** Sch. 7 heading substituted (1.4.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), [ss. 140\(10\)\(b\)\(i\)](#), [148\(5\)](#); S.I. 2007/2709, [art. 5\(a\)](#)

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## ENFORCEMENT OFFICERS: GENERAL

*Districts for writs <sup>F59</sup>and warrants] enforced by enforcement officers*

### Textual Amendments

**F59** Words in Sch. 7 para. 1 heading substituted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 140(10)(b)(ii), 148(5); S.I. 2007/2709, art. 5(a)

- 1 (1) England and Wales is to be divided into districts for the purposes of this Schedule.  
 (2) The districts are to be those specified in regulations made under paragraph 12.

*Enforcement officers: authorisation and assignment to districts*

- 2 (1) An enforcement officer is an individual who is authorised to act as such by the Lord Chancellor or a person acting on his behalf.  
 (2) The Lord Chancellor or a person acting on his behalf must assign at least one enforcement officer to each district.  
 (3) The Lord Chancellor or a person acting on his behalf may—  
 (a) assign an enforcement officer to more than one district, and  
 (b) change any assignment of an enforcement officer so that he is assigned to a different district or to different districts.

*Direction of writs of execution to enforcement officers*

- 3 (1) A writ of execution issued from the High Court may be directed—  
 (a) if only one enforcement officer is assigned to the district in which the writ is to be executed, to that officer,  
 (b) if two or more enforcement officers are assigned to that district, to those officers collectively, or  
 (c) to a named enforcement officer who, whether or not assigned to that district, has undertaken to execute the writ.  
 (2) In this paragraph “writ of execution” does not include—  
 (a) a writ of sequestration, or  
 (b) a writ relating to ecclesiastical property.

*<sup>F60</sup>Issue of certain warrants to enforcement officers*

### Textual Amendments

**F60** Sch. 7 para. 3A and cross heading inserted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. {140(2)}, 148(5); S.I. 2007/2709, art. 5(a)

- 3A (1) Sub-paragraph (2) applies for the purpose of identifying the enforcement officer to whom a warrant may be issued under—  
 (a) section 91(1) of the Lands Clauses Consolidation Act 1845 (proceedings in case of refusal to deliver possession of lands), or

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- (b) section 13(1) of the Compulsory Purchase Act 1965 (refusal to give possession to acquiring authority).
- (2) The enforcement officer, in relation to such a warrant, is—
  - (a) the enforcement officer assigned to a relevant district or, if two or more enforcement officers are assigned to that district, those officers collectively, or
  - (b) a named enforcement officer who, whether or not assigned to a relevant district, has undertaken to execute the warrant.
- (3) In sub-paragraph (2), “a relevant district”, in relation to a warrant, means—
  - (a) the district where the land in respect of which the warrant was issued is situated, or
  - (b) if that land (being land in one ownership) is not situated wholly in one district, a district where any part of that land is situated.]

*Enforcement officers to have traditional powers etc. of sheriff*

- 4 (1) This paragraph applies in relation to writs directed to one or more enforcement officers under paragraph 3 [<sup>F61</sup>and warrants issued to one or more enforcement officers under an enactment mentioned in paragraph 3A(1)(a) or (b)] .
- (2) The relevant officer has, in relation to the writ, the duties, powers, rights, privileges and liabilities that a sheriff of a county would have had at common law if—
  - (a) the writ had been directed to him, and
  - (b) the district in which it is to be executed had been within his county.
- [<sup>F62</sup>(2A) The relevant officer has, in relation to the warrant, the duties, powers, rights, privileges and liabilities that a sheriff of a county would have had at common law if—
  - (a) the warrant had been issued to him, and
  - (b) the district in which it is to be executed had been within his county.]
- [<sup>F63</sup>(3) “The relevant officer” means—
  - (a) in relation to a writ—
    - (i) if the writ is directed to a single enforcement officer under paragraph 3(1)(a) or (c), that officer;
    - (ii) if the writ is directed to two or more enforcement officers collectively under paragraph 3(1)(b), the officer to whom, in accordance with approved arrangements, the execution of the writ is allocated,
  - (b) in relation to a warrant—
    - (i) if the warrant is issued to a single enforcement officer in accordance with paragraph 3A(2)(a) or (b), that officer;
    - (ii) if the warrant is issued to two or more enforcement officers collectively in accordance with paragraph 3A(2)(a), the officer to whom, in accordance with approved arrangements, the execution of the warrant is allocated.]
- [<sup>F64</sup>(4) Sub-paragraphs (2) and (2A) apply to a person acting under the authority of the relevant officer as they apply to the relevant officer.]
- (5) In this Schedule “approved arrangements” means arrangements approved by the Lord Chancellor or a person acting on his behalf.

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#### Textual Amendments

- F61** Words in Sch. 7 para. 4(1) inserted (1.4.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), [ss. 140\(4\)](#), [148\(5\)](#); S.I. 2007/2709, [art. 5\(a\)](#)
- F62** Sch. 7 para. 4(2A) inserted (1.4.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), [ss. 140\(5\)](#), [148\(5\)](#); S.I. 2007/2709, [art. 5\(a\)](#)
- F63** Sch. 7 para. 4(3) substituted (1.4.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), [ss. 140\(6\)](#), [148\(5\)](#), S.I. 2007/2709, {[art. 5\(a\)](#)}
- F64** Sch. 7 para. 4(4) substituted (1.4.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), [ss. 140\(7\)](#), [148\(5\)](#); S.I. 2007/2709, [art. 5\(a\)](#)

#### *Constable's duty to assist enforcement officers*

- 5 It is the duty of every constable, at the request of—
- (a) an enforcement officer, or
  - (b) a person acting under the officer's authority,
- to assist the officer or that person in the execution of a writ [<sup>F65</sup>or warrant] .

#### Textual Amendments

- F65** Words in [Sch. 7 para. 5](#) inserted (1.4.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), [ss. 140\(8\)](#), [148\(5\)](#); S.I. 2007/2709, [art. 5\(a\)](#)

### WRITS OF EXECUTION AGAINST GOODS

#### *Application of paragraphs 7 to 11*

- 6 Paragraphs 7 to 11 apply to any writ of execution against goods which is issued from the High Court.

#### *Endorsement of writ with date and time of receipt*

- 7 (1) If the writ is directed to a single enforcement officer under paragraph 3(1)(a) or (c), that officer must endorse it as soon as possible after receiving it.
- (2) If the writ is directed to two or more enforcement officers collectively under paragraph 3(1)(b), the individual who, in accordance with approved arrangements, is responsible for allocating its execution to one of those officers, must endorse it as soon as possible after receiving it.
- (3) If the writ is directed to a person who is not an enforcement officer but is under a duty to execute it, that person must endorse it as soon as possible after receiving it.
- (4) For the purposes of this paragraph, a person endorses a writ by endorsing on the back of it the date and time when he received it.
- (5) No fee may be charged for endorsing a writ under this paragraph.

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### *Effect of writ*

- 8
- (1) Subject to sub-paragraph (2), the writ binds the property in the goods of the execution debtor from the time when the writ is received by the person who is under a duty to endorse it.
  - (2) The writ does not prejudice the title to any goods of the execution debtor acquired by a person in good faith and for valuable consideration.
  - (3) Sub-paragraph (2) does not apply if the person acquiring goods of the execution debtor had notice, at the time of the acquisition, that—
    - (a) the writ, or
    - (b) any other writ by virtue of which the goods of the execution debtor might be seized or attached,had been received by the person who was under a duty to endorse it but had not been executed.
  - (4) Sub-paragraph (2) does not apply if the person acquiring goods of the execution debtor had notice, at the time of the acquisition, that—
    - (a) an application for the issue of a warrant of execution against the goods of the execution debtor had been made to the district judge of a county court, and
    - (b) the warrant issued on the application—
      - (i) remained unexecuted in the hands of the district judge of the court from which it was issued, or
      - (ii) had been sent for execution to, and received by, the district judge of another county court and remained unexecuted in the hands of that district judge.
  - (5) In sub-paragraph (1) “property” means the general property in goods (and not merely a special property).
  - (6) For the purposes of sub-paragraph (2) a thing shall be treated as done in good faith if it is in fact done honestly (whether it is done negligently or not).
  - (7) Any reference in this paragraph to the goods of the execution debtor includes anything else of his that may lawfully be seized in execution.

### *Seizure of goods*

- 9
- (1) This paragraph applies where an enforcement officer or other person who is under a duty to execute the writ is executing it.
  - (2) The officer may, by virtue of the writ, seize—
    - (a) any goods of the execution debtor that are not exempt goods, and
    - (b) any money, banknotes, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to the execution debtor.
  - (3) “Exempt goods” means—
    - (a) such tools, books, vehicles and other items of equipment as are necessary to the execution debtor for use personally by him in his employment, business or vocation;
    - (b) such clothing, bedding, furniture, household equipment and provisions as are necessary for satisfying the basic domestic needs of the execution debtor and his family.

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### *Sale of goods seized*

- 10 (1) This paragraph applies if—
- (a) a writ of execution has been issued from the High Court,
  - (b) goods are seized under the writ by an enforcement officer or other person under a duty to execute it, and
  - (c) the goods are to be sold for a sum which, including legal incidental expenses, exceeds £20.
- (2) The sale must be—
- (a) made by public auction, and not by bill of sale or private contract, unless the court otherwise orders, and
  - (b) publicly advertised on, and during the three days preceding, the day of sale.
- (3) If the person who seized the goods has notice of another execution or other executions, the court must not consider an application for leave to sell privately until the notice prescribed by Civil Procedure Rules has been given to the other execution creditor or creditors.
- (4) An execution creditor given notice under sub-paragraph (3) is entitled—
- (a) to appear before the court, and
  - (b) to be heard on the application for the order.

### *Protection of officers selling seized goods*

- 11 (1) This paragraph applies if—
- (a) a writ of execution has been issued from the High Court,
  - (b) goods in the possession of an execution debtor are seized by an enforcement officer or other person under a duty to execute the writ, and
  - (c) the goods are sold by that officer without any claims having been made to them.
- (2) If this paragraph applies—
- (a) the purchaser of the goods acquires a good title to them, and
  - (b) no person is entitled to recover against the officer or anyone acting under his authority—
    - (i) for any sale of the goods, or
    - (ii) for paying over the proceeds prior to the receipt of a claim to the goods,
 unless it is proved that the person from whom recovery is sought had notice, or might by making reasonable enquiry have ascertained, that the goods were not the property of the execution debtor.
- (3) Nothing in this paragraph affects the right of a lawful claimant to any remedy to which he is entitled against any person other than the enforcement officer or other officer charged with the execution of the writ.
- (4) “Lawful claimant” means a person who proves that at the time of sale he had a title to any goods seized and sold.
- (5) This paragraph is subject to sections 183, 184 and 346 of the Insolvency Act 1986.



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## SUPPLEMENTARY

### Regulations

- 12 (1) The Lord Chancellor may make regulations for the purpose of giving effect to the provisions of this Schedule that relate to enforcement officers.
- (2) The regulations may, in particular, make provision as to—
- (a) conditions to be met by individuals seeking to be authorised to act as enforcement officers;
  - (b) the circumstances in which authorisations may be terminated;
  - (c) the procedures to be followed in relation to the assignment of enforcement officers or changes in their assignments;
  - (d) the publication of—
    - (i) lists of enforcement officers assigned to each district, and
    - (ii) addresses to which writs of execution issued from the High Court to enforcement officers <sup>F66</sup>, or warrants issued to enforcement officers under an enactment mentioned in paragraph 3A(1)(a) or (b),] may be sent.
- (3) Subject to paragraph 7(5) the regulations may make provision for the determination of fees that may be charged by enforcement officers.
- (4) Before making any regulations under this paragraph, the Lord Chancellor must consult—
- (a) the Lord Chief Justice,
  - (b) the Master of the Rolls,
  - <sup>F67</sup>(ba) the President of the Queen's Bench Division,
  - (c) the President of the Family Division,
  - (d) the Chancellor of the High Court, and]
  - (e) the Head of Civil Justice.

#### Textual Amendments

**F66** Words in Sch. 7 para. 12(2)(d)(ii) inserted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. {140(9)}, 148(5); S.I. 2007/2709, art. 5(a)

**F67** Sch. 7 para. 12(4)(ba)-(d) substituted (1.10.2005) for Sch. 7 para. 12(4)(c)(d) by Constitutional Reform Act 2005 (c. 4), s. 15, Sch. 4 para. 351; S.I. 2005/2505, art. 2(c)

## SCHEDULE 8 U.K.

Section 109(1)

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### Parochial Libraries Act 1708 (c. 14)

- 1 In section 10 (warrant to search for lost books), omit “for the commission area”.

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*Distress for Rent Act 1737 (c. 19)*

- 2 In section 4 (application to justices where goods carried off or concealed), omit “of the same commission area”.
- 3 In section 16 (possession of property deserted by tenant), omit “of the county, riding, division, or place”.

*Inclosure Act 1773 (c. 81)*

- 4 In section 4 (issue of warrant for recovery of expenses by distress and sale), omit—
- (a) “under the hand and seal”, and
  - (b) “of the commission area wherein such common field lands shall lie”.

*Sale of Farming Stock Act 1816 (c. 50)*

- 5 In section 10 (indemnity to sheriff and others acting under the provisions of the Act), for “or under sheriff” substitute “, under sheriff or other officer”.

*Burial Ground Act 1816 (c. 141)*

- 6 In section 2 (verification of value of land), omit “for the commission area in which such land is situated”.

*Inclosure and Drainage (Rates) Act 1833 (c. 35)*

- 7 In section 1 (recovery of rates or assessments), omit “acting for any commission area, in petty sessions assembled”.
- 8 In section 2 (form of warrant or distress), omit “for the said (county, riding, or division, as the case may be)”.

*Judgments Act 1838 (c. 110)*

- 9 In section 12 (sheriff may seize money, bank notes, etc.), after “poundage and expences” insert “ or other officer’s fees”.

*Metropolitan Police Act 1839 (c. 47)*

- 10 For section 75 (meaning of “magistrate”), substitute—

**“75 Meaning of “magistrate” in this Act**

In this Act “magistrate” means any two justices of the peace sitting together in public.”

*Ordnance Survey Act 1841 (c. 30)*

- 11 In section 2 (dispute as to damage caused during survey)—
- (a) for “by any two or more justices in petty sessions assembled of the place in which the lands, grounds, heritages, or trees may be situate” substitute “ by a magistrates' court ”, and
  - (b) for “the justices, may appeal” substitute “ the magistrates' court, may appeal ”.

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*Railway Regulation Act 1842 (c. 55)*

12 F68 .....

**Textual Amendments**

**F68** Sch. 8 para. 12 repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 174(2), Sch. 17 Pt. 2; S.I. 2005/3495, art. 2(1)(f)(u)(iv) (subject to art. 2(2))

*Defence Act 1842 (c. 94)*

- 13 (1) In section 24 (compensation for damage caused by temporary buildings), omit “of the county, riding, city, or place”.
- (2) This paragraph extends only to England and Wales.

*London Hackney Carriages Act 1843 (c. 86)*

- 14 (1) Amend section 24 (proceedings with respect to licences on quitting service) as follows.
- (2) Re-number the existing provision subsection (1).
- (3) In that subsection—
- (a) for “any time not exceeding” substitute “ a time which, excluding any day mentioned in subsection (2), does not exceed ”,
  - (b) for “the magistrates' court for the petty sessions area in which the said proprietor shall dwell” substitute “ a magistrates' court ”,
  - (c) for “at the time of applying” substitute “ when applying ”,
  - (d) for “justices' chief executive for such” substitute “ designated officer for the ”,
  - (e) for “twenty-four hours, exclusive of Sunday or any day on which the magistrates' court shall not sit,” substitute “ that time ”, and
  - (f) for “at the same magistrates' court” substitute “ to a magistrates' court ”.
- (4) After that subsection insert—
- “(2) The days are—
- (a) Saturday or Sunday;
  - (b) Christmas Day or Good Friday;
  - (c) a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.”

*Companies Clauses Consolidation Act 1845 (c. 16)*

- 15 In section 3 (interpretation), omit the words from “The word “justice”” to “acting together in petty sessions”.
- 16 In section 18 (transmission of shares by other means than transfer to be authenticated by a declaration), for the words from “before a justice” to “and such declaration” substitute “ before a justice or a person authorised to administer oaths; and such declaration ”.

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17 In section 33 (evidence as to forfeiture of shares), for the words from “before any justice” to “that the call” substitute “ before any justice or a person authorised to administer oaths, that the call ”.

18 Paragraphs 15 to 17 extend only to England and Wales.

*Lands Clauses Consolidation Act 1845 (c. 18)*

19 (1) In section 3 (interpretation), omit the words from “The word “justices”” to “acting together”.

(2) This paragraph extends only to England and Wales.

*Railway Clauses Consolidation Act 1845 (c. 20)*

20 In section 3 (interpretation), omit the words from “The word “justice”” to “acting together:”.

21 In section 11 (limiting deviation from datum line described on sections, etc.)—

(a) for “in petty sessions assembled for that purpose, and acting for the district” substitute “ acting in the local justice area ”, and

(b) for the words from “every petty sessions” to “holding of such petty sessions” substitute “ every hearing before two or more justices to be held for the purpose of obtaining their consent as mentioned above shall, at least 14 days before the hearing ”.

22 In section 46 (crossings of roads—level crossings), omit “in petty sessions”.

23 In section 59 (proceedings on application to justices to consent to level crossings over highways other than public carriage roads)—

- (a) for “fourteen days at least previous to the holding of the petty sessions at which such application is intended to be made” substitute “ at least 14 days before the application is intended to be made ”,
- (b) for “acting for the district” substitute “ acting in the local justice area ”, and
- (c) omit “, and assembled in petty sessions,”.

24 Paragraphs 20 to 23 extend only to England and Wales.

*Geological Survey Act 1845 (c. 63)*

25 In section 1 (dispute as to damage caused during survey), for “by any two or more justices of the peace, in petty sessions assembled, of the place where the lands or trees may be situate” substitute “ by a magistrates' court ”.

26 In section 6 (interpretation), for “the word “justices” shall include all persons acting in the commission of the peace and” substitute “ the words “magistrates' court” shall include ”.

*Markets and Fairs Clauses Act 1847 (c. 14)*

27 (1) In section 3 (interpretation), omit the words from “The word “justice”” to “acting together:”.

(2) This paragraph does not extend to Northern Ireland.

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*Harbours, Docks and Piers Clauses Act 1847 (c. 27)*

- 28 (1) In section 3 (interpretation), omit the words from “The word “justice”” to “acting together.”.
- (2) This paragraph does not extend to Northern Ireland.

*Towns Improvement Clauses Act 1847 (c. 34)*

- 29 (1) In section 3 (interpretation), omit the words from “The word “justice”” to “acting together.”.
- (2) This paragraph does not extend to Northern Ireland.

*Cemeteries Clauses Act 1847 (c. 65)*

- 30 (1) In section 3 (interpretation), omit the words from “The word “justice”” to “acting together.”.
- (2) This paragraph does not extend to Northern Ireland.

*Town Police Clauses Act 1847 (c. 89)*

- 31 (1) In section 3 (interpretation), omit the words from “The word “justice”” to “acting together.”.
- (2) This paragraph does not extend to Northern Ireland.

*Hares Act 1848 (c. 29)*

- 32 [F69]In section 2 (registration of authorisation)—
- (a) for “clerk of the magistrates acting for the petty sessions area” substitute “ designated officer for the local justice area ”, and
- (b) for “clerk of the magistrates as” substitute “ designated officer as ”.]

**Textual Amendments**

**F69** Sch. 8 para. 32 repealed (E.W.) (1.8.2007) by The Regulatory Reform (Game) Order (S.I. 2007/2007), art. 6, {Sch. para. 1(q)}

*Indictable Offences Act 1848 (c. 42)*

- 33 In section 13 (English warrants may be backed in the Isles of Man, Guernsey, Jersey, Alderney or Sark, and vice versa)—
- (a) omit “any county, riding, division, liberty, city, borough, or place in” (in both places),
- (b) for “and for the county or place into which such person shall escape or go, or where he shall reside or be, or be supposed or suspected to be,” substitute “ England and Wales ”,
- (c) for “indorsing the same has jurisdiction” substitute “ indorsing the same is acting or has jurisdiction ”,

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- (d) for “issued such warrant or process shall have jurisdiction” substitute “ issued such warrant or process is acting or has jurisdiction ”, and
- (e) for “had been apprehended within his jurisdiction” substitute “ had been apprehended in England or Wales or (as the case may be) within his jurisdiction ”.

*Evidence Act 1851 (c. 99)*

- 34 In section 13(2)(a) (proof of conviction of defendant by copy of certified record), for “justices' chief executive” substitute “ designated officer ”.

*Inclosure Act 1859 (c. 43)*

- 35 In section 4 (how damage to be assessed), for “for the county or riding or other division or place within which” substitute “ acting in the local justice area in which ”.
- 36 In section 6 (justices' warrant for distress), for “of such county or riding, or other district or place as aforesaid, shall, by warrant under their hands and seals,” substitute “ acting in the local justice area shall by warrant ”.

*Ecclesiastical Courts Jurisdiction Act 1860 (c. 32)*

- 37 In section 2 (offence of making a disturbance in churches, chapels, churchyards etc.)—
- (a) for “before two justices of the peace” substitute “ by a magistrates' court ”,
  - (b) for “a penalty of not more than” substitute “ a fine not exceeding ”, and
  - (c) for “for every such offence, or may, if the justices before whom he shall be convicted think fit, instead of being subjected to any pecuniary penalty, be committed to prison for any time” substitute “ or to imprisonment for a term ”.
- 38 In section 3 (power to arrest offenders and take them before a justice of the peace), for “justice of the peace of the county or place where the said offence shall have been so committed,” substitute “ magistrates' court ”.
- 39 Paragraphs 37 and 38 do not extend to Northern Ireland.

*Defence Act 1860 (c. 112)*

- 40 (1) In section 47 (interpretation), omit the words from “The word “justices”” to “acting together:”.
- (2) This paragraph extends only to England and Wales.

*Offences Against the Person Act 1861 (c. 100)*

- 41 In section 44 (if magistrates dismiss case of assault or battery, they must make out certificate to that effect), omit “under their hands”.
- 42 In section 65 (justices may issue search warrants for explosive substances)—
- (a) for “Any justice of the peace of any county or place in which” substitute “ Where ”,
  - (b) after “in this Act mentioned,” insert “ a justice of the peace, ”, and

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(c) omit “under his hand and seal”.

43 Paragraphs 41 and 42 do not extend to Northern Ireland.

*Poaching Prevention Act 1862 (c. 114)*

44 (1) In section 1 (interpretation), omit from “; and the words “justice” and “justices”” onwards.

(2) This paragraph does not extend to Northern Ireland.

45 In section 2 (summons to appear before justice of the peace)—

- (a) after “citing such person to appear before” insert “, in England and Wales, a magistrates' court or ”,
- (b) omit “England and”, and
- (c) for “forfeit and pay any sum” substitute “ be liable to a fine ”.

46 In section 3 (recovery of penalties), omit “in England in the same manner as penalties under the Game Act 1831 and”.

*Criminal Procedure Act 1865 (c. 18)*

47 In section 6(2)(a) (proof of conviction of witness by signed certificate), for “justices' chief executive” substitute “ designated officer ”.

*Dockyard Ports Regulation Act 1865 (c. 125)*

48 (1) In section 2 (interpretation), omit the words from “The term “justice”” to “arises:”.

(2) This paragraph does not extend to Northern Ireland.

49 In section 22 (jurisdiction of justice of the peace), for “Where any district” substitute—

“(1) For the purposes of this Act, where a local justice area in England and Wales abuts on the shore of the sea or other navigable water, any magistrates' court in England and Wales has jurisdiction over—

- (a) any vessel which is near or passes near the shore, and
  - (b) every person on board the vessel or belonging to it,
- as if the vessel or person were in England and Wales.

(2) Where any other district.”

*Newspapers, Printers and Reading Rooms Repeal Act 1869 (c. 24)*

50 In Schedule 2 (which sets out enactments continued in force under section 1)—

- (a) in section 29 of the Unlawful Societies Act 1799 (penalty for neglecting or refusing to produce copy), for “forfeit and lose the sum” substitute “ be liable on summary conviction to a fine ”,
- (b) in section 34 of the 1799 Act (prosecutions to be commenced within 3 months), omit “or sued” and “, or such action shall be brought,”,
- (c) omit section 35 of the 1799 Act (recovery of penalties),
- (d) omit section 36 of the 1799 Act (application of penalties), and

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- (e) in section 2 of the Printers and Publishers Act 1839 (penalty upon printers for not printing their name, etc.), for “forfeit a sum not more than” substitute “be liable on summary conviction to a fine not exceeding”.

*Promissory Oaths Act 1871 (c. 48)*

- 51 In section 2 (persons before whom oaths to be taken), for the paragraph beginning “In England” substitute—

“In England and Wales—

- (a) before the Lord Chancellor, or  
 (b) in open court before one or more judges of the High Court or before one or more Circuit judges.”

*Prevention of Crimes Act 1871 (c. 112)*

- 52 In paragraph (a) of the last sentence of section 18 (proof of conviction by certificate or copy of conviction), for “justices' chief executive” substitute “designated officer”.

*Fairs Act 1873 (c. 37)*

- 53 The amendments of section 6 (alteration of fair day on representation of local authority) made by—  
 (a) paragraph 10 of Schedule 10 to the Access to Justice Act 1999, and  
 (b) paragraph 5 of Schedule 13 to that Act,  
 shall be treated as if they had never had effect.

*Commons Act 1876 (c. 56)*

- 54 In section 20 (prohibition of gravel digging on certain commons without authority of justices), for “in petty sessions assembled, and acting in and for the petty sessions area in which such common is situate,” substitute “of the peace”.

*Municipal Corporations Act 1882 (c. 50)*

- 55 In section 153(3) (issue of warrant following failure by borough to pay sum due to county), omit “for a commission area consisting of or including the whole or part of the county”.

*Explosive Substances Act 1883 (c. 3)*

- 56 (1) In section 6(1) (inquiry into offences)—  
 (a) omit “for the county, borough, or place in which the crime was committed or is suspected to have been committed,”  
 (b) omit “sit at a petty sessional or occasional court-house, or police station in the said county, borough or place, and”, and  
 (c) for “the next petty sessions, or” substitute “a magistrates' court”.
- (2) This paragraph does not extend to Northern Ireland.



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- 57 In section 9(2) (application of Act to Scotland), for “ “petty sessional court house”” substitute “ “magistrates' court””.

*Sheriffs Act 1887 (c. 55)*

- 58 In section 7(1) (declaration of office), for the words from “effect before” onwards substitute “effect—

- (a) before one of the judges of Her Majesty’s High Court; or
- (b) in the county of which he is sheriff before a justice of the peace.”

- 59 In section 17 (disqualification from acting as justice of the peace), for “peace for” substitute “ peace in any local justice area consisting of or including the whole or a part of”.

- 60 In section 23(3) (declaration of office by under-sheriff), for the words from “effect before” onwards substitute “effect—

- (a) before one of the judges of Her Majesty’s High Court; or
- (b) in the county for which such under-sheriff is appointed before a justice of the peace.”

- 61 (1) Amend section 26 (declaration by bailiffs, etc.) as follows.

- (2) Re-number the existing provision subsection (1).

- (3) In that subsection, for the words from “effect before” onwards substitute “effect—

- (a) before any judge of the High Court; or
- (b) in the county in which he exercises his authority before a justice of the peace.”

- (4) After that subsection insert—

“(2) Subsection (1) does not apply to any enforcement officer or any person acting under the authority of an enforcement officer.”

**Commencement Information**

**I55** Sch. 8 para. 61 wholly in force; Sch. 8 para. 61 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 61(1)(2)(4) in force at 15.3.2004 by S.I. 2004/401, art. 2(b)(iii) (with art. 3); Sch. 8 para 61(3) in force at 1.4.2005 insofar as not already in force by S.I. 2005/910, art. 3(y)

- 62 In section 29 (punishment for misconduct), after subsection (2) insert—

“(2A) Subsection (2) does not apply to any enforcement officer or any person acting under the authority of an enforcement officer.”

- 63 In section 38 (definitions), after the definition of “county” insert—

““enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003;”, and omit from “Any reference” to the end of the section.

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**Commencement Information**

**I56** Sch. 8 para. 63 partly in force; Sch. 8 para. 63 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 63 in force for certain purposes at 15.3.2004 by S.I. 2004/401, art. 2(b)(iii) (with art. 3); Sch. 8 para. 63 in force 1.4.2005 insofar as not already in force by S.I. 2005/910, art. 3(y)

*Local Government Act 1888 (c. 41)*

- 64 In section 28(2) (power of county council to delegate to justices functions relating to contagious diseases of animals), for “for a commission” substitute “ acting in a local justice ”.

*Behring Sea Award Act 1894 (c. 2)*

- 65 The Behring Sea Award Act 1894 shall have effect in relation to England and Wales as if in Schedule 2 for section 521 of the Merchant Shipping Act 1854 (which under section 1(5) of the 1894 Act is applied to any offence or forfeiture under that Act) there were substituted—

**“521 Jurisdiction over ships lying off the coasts**

Courts in England and Wales (including magistrates' courts) have jurisdiction—

- (a) over any ship or boat which—
  - (i) is on or is lying or passing off the coast of England and Wales, or
  - (ii) is in or near any bay, channel, lake, river or other navigable water on which any part of England and Wales abuts or into which any part of England and Wales projects, and
- (b) over all persons on board the ship or boat or for the time being belonging to it,

as if the ship, boat or persons were in England and Wales.”

*Public Health Acts Amendment Act 1907 (c. 53)*

- 66 In section 94(7) (licensing of pleasure boats: appeals to magistrates' court), for “justices' chief executive for the court” substitute “ designated officer for the court ”.

*Indictments Act 1915 (c. 90)*

- 67 In section 2(2) (powers of rule committee), for the words preceding “shall have power” substitute “ The Criminal Procedure Rule Committee ”.

**Commencement Information**

**I57** Sch. 8 para. 67 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(i) (subject to art. 3)

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*Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)*

- 68 In section 3(4) (return of order to original court for further evidence to be taken), omit “appointed for the same commission area”.
- 69 (1) Amend section 4 (power of court of summary jurisdiction to confirm maintenance orders made in certain Commonwealth countries) as follows.
- (2) In subsection (5B), for “a justices' chief executive” (in both places) substitute “ the designated officer for the court or for any other magistrates' court ”.
- (3) In subsection (6A)—
- (a) in paragraph (b), in the paragraph to be regarded as substituted for subsection (4)(b) of section 60 of the 1980 Act, for “a justices' chief executive” substitute “ the designated officer for the court or for any other magistrates' court ”, and
- (b) in paragraph (c), in the words to be regarded as replaced in section 60(5) of the 1980 Act, for “justices' chief executive for the court” substitute “ designated officer for the court ”.
- (4) Nothing in this paragraph is to be read as amending section 4 as modified in relation to Northern Ireland by section 11.
- 70 (1) In section 7(2) (power to make rules about proceedings under the Act), for the words from “Without prejudice” to “such rules” substitute “ For the purpose of giving effect to this Act rules of court ”.
- (2) Sub-paragraph (1) does not extend to Northern Ireland.

*Criminal Justice Act 1925 (c. 86)*

- 71 In section 33(4) (rules about service of documents on a corporation), omit “, except in so far as such provision may be made by rules under section 144 of the Magistrates' Courts Act 1980”.

**Commencement Information**

**I58** Sch. 8 para. 71 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(ii) (subject to art. 3)

*Children and Young Persons Act 1933 (c. 12)*

- 72 In section 7(2) (offence of selling tobacco to persons under 16: complaint to court of summary jurisdiction), for “court of summary jurisdiction” substitute “ magistrates' court ”.
- 73 (1) Amend section 25 (restrictions on persons under 18 going abroad to perform for profit) as follows.
- (2) In subsection (6), for “court of summary jurisdiction” substitute “ relevant court ”.
- (3) After subsection (10), insert—
- “(11) In this section “the relevant court”—
- (a) in relation to England and Wales, means a magistrates' court;
- (b) in relation to Scotland, means a sheriff court;

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- (c) in relation to Northern Ireland, means a court of summary jurisdiction.”
- 74 (1) Amend section 46 (assignment of certain matters to youth courts) as follows.
- (2) In subsection (1), for “court of summary jurisdiction” (in each place) substitute “magistrates' court”.
- (3) In subsection (1A), for “justices' chief executive for” substitute “designated officer for”.
- 75 In section 48(3) (remand of child or young person by youth court), for “for the same petty sessions area or place” substitute “in the same local justice area”.
- 76 Omit section 101 (application of Summary Jurisdiction Acts).
- 77 In section 102(1) (appeals to Crown Court), for “court of summary jurisdiction” substitute “magistrates' court”.

*Foreign Judgments (Reciprocal Enforcement) Act 1933 (c. 13)*

- 78 (1) In section 3(1) (power to make rules of court for purposes of Act), for “rules of court under section 84 of the Supreme Court Act 1981” substitute “Civil Procedure Rules”.
- (2) Sub-paragraph (1) extends only to England and Wales.

*Public Offices (Site) Act 1947 (c. 45)*

- 79 Omit section 7 (correction of errors in deposited plan and book of reference).

*The National Assistance Act 1948 (c. 29)*

80 F70 .....

**Textual Amendments**

**F70** Sch. 8 para. 80 repealed (S.) (5.10.2007) by [Adult Support and Protection \(Scotland\) Act 2007 \(asp. 10\)](#), ss. 77(2), 79(3), [Sch. 2](#); S.S.I. 2007/334, art. 2(b), [Sch. 2](#) (with arts. 4-6)

- 81 (1) Amend section 47 (removal to suitable premises of persons in need of care and attention) as follows.
- (2) In subsection (2), for “a court of summary jurisdiction having jurisdiction in the place where the premises are situated” substitute “the court”.
- (3) After subsection (12) insert—
- “(12A) In this section, “the court”—
- (a) in England and Wales, means a magistrates' court acting in the local justice area where the premises are situated;
- (b) in Scotland, means the sheriff having jurisdiction in the place where the premises are situated.”
- 82 Omit section 65(c) (in application of Act to Scotland, references to court of summary jurisdiction to be read as references to sheriff).

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*Criminal Justice Act 1948 (c. 58)*

- 83 For section 37(4) (recommittal following appeal etc.) substitute—
- “(4) Criminal Procedure Rules may be made for authorising the recommittal, in such cases and by such courts or justices as may be prescribed by the rules, of persons released from custody under this section.”

**Commencement Information**

**I59** Sch. 8 para. 83 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(iii) (subject to art. 3)

*Prevention of Damage by Pests Act 1949 (c. 55)*

- 84 (1) Amend section 15 (appeal against directions) as follows.
- (2) In subsection (1), omit “for the petty sessions area or place in which the works are required to be carried out or, as the case may be, in which the food or container is for the time being situated”.
- (3) In subsection (5), for “from “to a court” to the end of the subsection” substitute “ “to a court of summary jurisdiction” ”.

*Marriage Act 1949 (c. 76)*

- 85 In section 3(5) (meaning of “the court”), for “appointed for the commission area” substitute “ acting in the local justice area ”.

*National Parks and Access to the Countryside Act 1949 (c. 97)*

- 86 In section 68(3) (complaint to court about access requirement), omit “for the petty sessions area or place within which the land to which the notice relates is situated”.

*Maintenance Orders Act 1950 (c. 37)*

- 87 In section 17(1)(a) (registration of maintenance orders in England), for “for the same place” substitute “ acting in the same local justice area ”.
- 88 (1) Amend section 18 (enforcement of registered orders) as follows.
- (2) In subsection (2ZA), in the subsection to be regarded as substituted for section 76(5) of the 1980 Act, for “a justices' chief executive” (in both places) substitute “ the designated officer for the court or for any other magistrates' court ”.
- (3) In subsection (2B)(a), for “justices' chief executive” substitute “ designated officer ”.
- 89 (1) Amend section 22 (discharge and variation of registered orders) as follows.
- (2) In subsection (1B), for “a justices' chief executive” (in both places) substitute “ the designated officer for the court or for any other magistrates' court in England and Wales ”.
- (3) In subsection (1E)—

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- (a) in paragraph (a), in the paragraph to be regarded as substituted for section 60(4)(b) of the 1980 Act, for “a justices' chief executive” substitute “the designated officer for the court or for any other magistrates' court”, and
  - (b) in paragraph (b), in the words to be regarded as replaced in section 60(5) of the 1980 Act, for “justices' chief executive for the court” substitute “designated officer for the court”.
- 90 In section 24(5A)(b) (cessation of order requiring payment), for “a justices' chief executive” substitute “the designated officer for a magistrates' court in England and Wales”.
- 91 (1) Amend section 25 (rules as to procedure of magistrates' courts) as follows.
- (2) Omit subsection (1).
  - (3) In subsection (3)—
    - (a) after “Rules” insert “ of court ”, and
    - (b) in paragraph (a), for the words from “by means of” onwards, substitute “ in accordance with the rules ”.
  - (4) Sub-paragraph (3) does not extend to Northern Ireland.

#### **Commencement Information**

**160** Sch. 8 para. 91 partly in force; Sch. 8 para. 91 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para 91(1)(3)(4) in force at 1.4.2005 by S.I. 2005/910, art. 3(y)

- 92 (1) Amend section 28(1) (interpretation) as follows.
- (2) In the definition of “collecting officer”, after “officer”, insert “ in relation to a court of summary jurisdiction in England, means the designated officer for the court, and ”.
  - (3) In the definition of “prescribed”, omit—
    - (a) “England or”,
    - (b) “by rules made under section fifteen of the Justices of the Peace Act 1949, or”, and
    - (c) “as the case may be,”.

#### *Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*

- 93 (1) In Schedule 2 (paying authorities under Part 5), omit Part 2.
- (2) Nothing in sub-paragraph (1) is to be read as amending Schedule 2 as it extends to Northern Ireland.

#### *Prison Act 1952 (c. 52)*

- 94 (1) Amend section 19 (right of justice to visit prison) as follows.
- (2) In subsection (1), for “for any commission area” substitute “ assigned to any local justice area ”.
  - (3) In subsection (2), omit “or to visit any prisoner under sentence of death”.

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*Army Act 1955 (3 & 4 Eliz. 2 c. 18)*

- 95 In—
- (a) section 189(3A)(a) (fee for certificate on delivery into military custody of person dealt with by court of summary jurisdiction as illegally absent), and
  - (b) section 199(4)(a) (certificate as proof of outcome of civil trial),
- for “justices' chief executive” substitute “ designated officer ”.

*Air Force Act 1955 (3 & 4 Eliz. 2 c. 19)*

- 96 In—
- (a) section 189(3A)(a) (fee for certificate on delivery into air force custody of person dealt with by court of summary jurisdiction as illegally absent), and
  - (b) section 199(4)(a) (certificate as proof of outcome of civil trial),
- for “justices' chief executive” substitute “ designated officer ”.

*Naval Discipline Act 1957 (c. 53)*

- 97 In—
- (a) section 110(2A)(a) (fee for certificate on delivery into naval custody of person dealt with by court of summary jurisdiction as illegally absent), and
  - (b) section 129B(4)(a) (certificate as proof of outcome of civil trial),
- for “justices' chief executive” substitute “ designated officer ”.

*Maintenance Orders Act 1958 (c. 39)*

- 98 (1) Amend section 2 (registration of orders) as follows.
- (2) In subsection (2)(b), for “justices' chief executive for the magistrates' court acting for the petty sessions area” substitute “ designated officer for the magistrates' court acting in the local justice area ”.
  - (3) In subsection (5), for “of, or justices' chief executive for,” substitute “ of, or for, ”.
  - (4) In subsection (6), for “a justices' chief executive” (in both places) substitute “ the designated officer for a magistrates' court ”.
  - (5) In subsection (6ZA), for “a justices' chief executive” substitute “ the designated officer for the court or for any other magistrates' court ”.
  - (6) In subsection (6ZC), for “a justices' chief executive” substitute “ the designated officer for a magistrates' court ”.
- 99 In section 3(3A) (requirement of person liable under order to notify change of address), for “justices' chief executive for” substitute “ designated officer for ”.
- 100 In section 4(5B) (variation of orders registered in magistrates' courts)—
- (a) in paragraph (a), in the paragraph to be regarded as substituted for section 60(4)(b) of the 1980 Act, for “a justices' chief executive” substitute “ the designated officer for the court or for any other magistrates' court ”,
  - (b) in paragraph (b), in the words to be regarded as replaced in section 60(5) of the 1980 Act, for “justices' chief executive for the court” substitute “ designated officer for the court ”, and

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- (c) in paragraph (e), in the subsection (9) to be regarded as substituted for sections 60(9) and (10) of the 1980 Act, for “a justices' chief executive” (in both places) substitute “ the designated officer for the court or for any other magistrates' court ”.
- 101 (1) Amend section 5 (cancellation of registration) as follows.
- (2) In subsection (5), for “a justices' chief executive” (in both places) substitute “ the designated officer for a magistrates' court ”.
- (3) In subsection (6)(b), for “justices' chief executive for” substitute “ designated officer for ”.
- 102 (1) Amend section 18 (powers of magistrates to renew committals) as follows.
- (2) For “justices' chief executive for” (in each place) substitute “ designated officer for ”.
- (3) In subsections (2) and (4), for “acting for the same petty sessions area” substitute “ acting in the same local justice area ”.
- 103 In section 20(1) (registration of order at request of person entitled to receive payments)—
- (a) for “a justices' chief executive who” substitute “ the designated officer for a magistrates' court who ”, and
- (b) for “a justices' chief executive is” substitute “ the designated officer is ”.
- 104 In section 21(1) (interpretation), omit the definition of “rules of court”.

*Manoeuvres Act 1958 (7 & 8 Eliz. 2 c. 7)*

- 105 (1) Amend section 3 (power to close highways) as follows.
- (2) In subsection (1), omit “sitting in petty sessions in the petty sessions area within which that highway or part of a highway is situated”.
- (3) In subsection (2), omit “, being a highway or part within the jurisdiction of those justices”.
- (4) For subsection (5)(c) substitute—
- “ (c) the references to justices of the peace shall be construed as references to the district court for the area in which the highway or part of a highway is situated.”

*Obscene Publications Act 1959 (c. 66)*

- 106 (1) Amend section 3 (powers of search, seizure and forfeiture) as follows.
- (2) In subsection (1), omit “in the petty sessions area for which he acts,” and “in that area”.
- (3) In subsection (3)—
- (a) for “for the same petty sessions area as the justice who issued the warrant, and the justice before whom the articles are brought” substitute “ in the local justice area in which the articles were seized, who ”;
- (b) for “for that petty sessions area” substitute “ acting in that local justice area ”.



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*Road Traffic Act 1960 (c. 16)*

- 107 In section 243(a) (proof in summary proceedings of identity of driver), for “rules made under section fifteen of the Justices of the Peace Act 1949” substitute “Criminal Procedure Rules”.

**Commencement Information**

- I61** Sch. 8 para. 107 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(iv) (subject to art. 3)

*Caravan Sites and Control of Development Act 1960 (c. 62)*

- 108 In section 7(1) (appeal to magistrates' court against conditions attached to site licence), omit “acting for the petty sessions area in which the land is situated”.
- 109 In section 8(2) (appeal to magistrates' court against alteration to site licence conditions), omit “acting for the petty sessions area in which the land to which the site licence relates is situated”.
- 110 In section 32(1)(c) (application to Scotland), omit “acting for the petty sessions area in which the land is situated”.

*Administration of Justice Act 1960 (c. 65)*

- 111 In section 2(3) (power to extend time for applying for leave to appeal to House of Lords), omit “Except in a case involving sentence of death,”.
- 112 Omit section 3 (special provision as to capital cases).

*Betting, Gaming and Lotteries Act 1963 (c. 2)*

.....

*Offices, Shops and Railway Premises Act 1963 (c. 41)*

- 116 In section 46(11) (appeals relating to exemptions from Act), omit “acting for the petty sessions area in which they are situate”.

*Administration of Justice Act 1964 (c. 42)*

- 117 For section 19(4)(a) (application of Sheriffs Act 1887 to Greater London) substitute—  
    “(a) in sections 7(1), 17, 23(3) and 26(1) any reference to a county shall be construed as a reference to Greater London;”.
- 118 In section 26 (Inner and Middle Temples), omit “commissions of the peace,”.

*Backing of Warrants (Republic of Ireland) Act 1965 (c. 45)*

- 119 In section 1(1) (endorsement of warrants issued in Republic of Ireland)—  
    (a) in paragraph (b), after “within the area” insert “ in or ”, and  
    (b) for “comprising the area for” substitute “ which consists of or includes the area in or for ”.

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- 120 In section 4(1) (issue of provisional warrant), in paragraph (c), after “within the area” insert “ in or ”.
- 121 In section 6(2) (discharge of persons where police of Republic no longer require his delivery into their custody), after “justice of the peace acting” insert “ in or ”.
- 122 In section 8(1) (rules of court), for paragraph (a) substitute—  
“(a) in England and Wales, Criminal Procedure Rules;”.

**Commencement Information**

**I62** Sch. 8 para. 122 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(v) (subject to art. 3)

- 123 (1) Amend the Schedule (supplementary provisions as to proceedings under section 2) as follows.
- (2) For paragraphs 2 and 2A substitute—  
“2 The court shall sit in open court and shall consist of—  
(a) at least two justices, or  
(b) a District Judge (Magistrates' Courts).”
- (3) In paragraph 3, for “paragraphs 2 and 2A” substitute “ paragraph 2 ”.

*Compulsory Purchase Act 1965 (c. 56)*

- 124 Omit section 1(5) (jurisdiction of justices of the peace).

*Public Works Loans Act 1965 (c. 63)*

- 125 In section 2(1)(a) (loan to relevant authority)—  
(a) in sub-paragraph (iii), after “applies;” insert “ and ”, and  
(b) omit sub-paragraph (v) and “and” before it.

*Criminal Procedure (Attendance of Witnesses) Act 1965 (c. 69)*

- 126 In each of the following provisions, for “Crown Court rules”, in each place it occurs, substitute “ Criminal Procedure Rules ”
- (a) section 2(7), (8) and (9) (issue of witness summons on application to Crown Court),  
(b) section 2B(2) and (3) (summons no longer needed),  
(c) section 2C(2), (3), (5), (6) and (7) (application to make section 2 summons ineffective), and  
(d) section 2E(3) and (4) (application to make section 2D summons ineffective).

**Commencement Information**

**I63** Sch. 8 para. 126 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(vi) (subject to art. 3)

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*National Loans Act 1968 (c. 18)*

- 127 In Schedule 4 (local loans), in paragraph 1, in paragraph (a) of the definition of “local authority”—
- (a) in sub-paragraph (iii), after “applies;” insert “ and ”, and
  - (b) omit sub-paragraph (v) and “and” before it.

*Criminal Appeal Act 1968 (c. 19)*

- 128 In section 45 (construction of references to single judge), for “31, 31A” substitute “ 31 to 31C ”.
- 129 Omit section 48 (appeal in capital cases).
- 130 Omit Schedule 4 (procedural and other modifications for capital cases).

*Courts-Martial (Appeals) Act 1968 (c. 20)*

- 131 Omit—
- (a) section 55 (modification of provisions of Parts 2 and 3 for capital cases), and
  - (b) Schedule 2 (procedural and other modifications for capital cases).

*Gaming Act 1968 (c. 65)*

- 132 F71 .....

**Textual Amendments**

**F71** Sch. 8 para. 132 repealed (1.9.2007) by the [Gambling Act 2005 \(c. 19\)](#), ss. 356(4), 358(1), [Sch. 17](#) (with ss. 352, 354); S.I. 2006/3272, [art. 2\(4\)](#) (with Sch. 4)

- 133 (1) Amend Schedule 3 (registration of members' clubs in England and Wales) as follows.
- (2) In—
- (a) paragraph 12(1) (in both places),
  - (b) paragraph 13(1),
  - (c) paragraph 15(1) (in both places),
  - (d) paragraph 16(1),
  - (e) paragraph 17(3) (in both places),
  - (f) paragraph 23, and
  - (g) paragraph 24(1) and (2),
- for “chief executive to” substitute “ designated officer for ”.
- (3) In paragraph 17(4), for “justices' chief executive” substitute “ designated officer ”.
- 134 In Schedule 7 (registration for gaming by means of machines), in—
- (a) paragraphs 3(1) and 4(1),
  - (b) paragraph 11(1) (in both places),
  - (c) paragraph 11(2),
  - (d) paragraphs 13(1) and 14,
  - (e) paragraph 20(1) (in both places), and

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(f) paragraphs 24 and 25(1) and (2),  
 for “chief executive to” substitute “ designated officer for ”.

*Children and Young Persons Act 1969 (c. 54)*

135 In section 23AA (electronic monitoring of conditions of remand), in each of subsections (4)(a) and (9), for “petty sessions area” substitute “ local justice area ”.

136 In section 23A(2)(a) (court appearance of person arrested for breaking remand conditions), omit “for the petty sessions area in which he was arrested”.

*Taxes Management Act 1970 (c. 9)*

137 In section 4(7) (power to appoint officers and staff for carrying out the administrative work of the Special Commissioners), for “section 27 of the Courts Act 1971” substitute “ section 2(1) of the Courts Act 2003 ”.

*Administration of Justice Act 1970 (c. 31)*

138 In section 41(5) (enforcement of orders for payment of costs and compensation made before the appointed day), for “the magistrates' court for the petty sessions area” substitute “ a magistrates' court acting in the local justice area ”.

*Courts Act 1971 (c. 23)*

139 Omit—  
 (a) section 27 (administrative and other court staff),  
 (b) section 28 (provision of accommodation), and  
 (c) Schedule 3 (premises formerly used for business of abolished courts).

140 In section 52(3) (award of costs where information or complaint is not proceeded with)—  
 (a) in paragraph (b), for “acting for any area” substitute “ acting in any local justice area ”, and  
 (b) for “for that area” substitute “ acting in that area ”.

*Attachment of Earnings Act 1971 (c. 32)*

141 In section 3(1)(c) (persons who may apply for an attachment of earnings order), for “a justices' chief executive, that justices' chief executive” substitute “ the designated officer for a magistrates' court, that officer ”.

142 In section 6(7)(c) (collecting officer in case of order made by magistrates' court), for “justices' chief executive for that court or for” substitute “ designated officer for that court or for ”.

143 (1) Amend section 18 (collecting officer in case of order made by magistrates' court not to apply for certain orders etc.) as follows.

(2) In subsection (1), for “A justices' chief executive” substitute “ A designated officer for a magistrates' court ”.

(3) In subsections (2) and (3), for “a justices' chief executive” substitute “ the designated officer for a magistrates' court ”.

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- 144 In section 21(2)(a)(ii) (costs to be sum due), for “justices' chief executive for the” substitute “ designated officer for the magistrates' ”.
- 145 In section 25(1) (interpretation), omit the definition of “rules of court” and “and” before it.

#### Commencement Information

- I64** Sch. 8 para. 145 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(vii) (subject to art. 3)

#### *Fire Precautions Act 1971 (c. 40)*

- 146 In section 43(1) (interpretation), in the definition of “the court”, omit “acting for the petty sessions area in which they are situated”.

#### *Immigration Act 1971 (c. 77)*

- 147 In section 25D(6)(a) (court to which application may be made following detention of ships, aircraft and vehicles), for sub-paragraphs (i) and (ii) substitute—  
“(ia) if the arrested person has not been charged, or he has been charged but proceedings for the offence have not begun to be heard, a magistrates' court.”.
- 148 (1) Amend section 28K (execution of search warrants issued to immigration officers) as follows.
- (2) For subsection (9)(a), substitute—  
“(a) if issued by a justice of the peace in England and Wales, to the designated officer for the local justice area in which the justice was acting when he issued the warrant;”.
- (3) In subsection (10), for “justices' chief executive” substitute “ designated officer ”.
- 149 (1) Amend Schedule 2 (administrative provisions about control on entry) as follows.
- (2) In paragraphs 23(1A)(a) and 31(3A)(a), for “justices' chief executive” substitute “ designated officer ”.
- (3) In paragraphs 23(3) and 31(4), for “purposes of the Justices of the Peace Act 1997 and, in particular section 60 of that Act, as being” substitute “ purposes of section 38 of the Courts Act 2003 (application of receipts of designated officers) as being ”.
- (4) In paragraphs 24(2)(a) and 33(2)(a), after “hours, before” insert “ in England and Wales, a justice of the peace, in Northern Ireland, ”.
- 150 (1) Amend Schedule 3 (supplementary provisions about deportation) as follows.
- (2) After paragraph 6(2) insert—  
“(2A) Where the Crown Court directed release, the appropriate court is that court or a magistrates' court.”
- (3) In paragraph 6(3), omit “the Crown Court or” and “commission area or”.
- (4) In paragraph 8(1)—

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- (a) for “England or Wales or” substitute “ England or Wales in pursuance of paragraph 7 above shall be brought as soon as practicable and in any event within twenty-four hours after his arrest before a justice of the peace in England or Wales, and a person arrested in ”;
- (b) omit “area or”.

*Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)*

- 151 In section 7(5B) (power of magistrates' court on confirming provisional order made in reciprocating country), for “a justices' chief executive” (in both places) substitute “ the designated officer for the court or for any other magistrates' court in England and Wales ”.
- 152 (1) Amend section 8 (enforcement of maintenance order registered in United Kingdom court) as follows.
- (2) In subsection (3A), for “justices' chief executive” substitute “ designated officer ”.
- (3) In subsection (4A), in the subsection to be regarded as substituted for section 76(5) of the 1980 Act, for “a justices' chief executive” (in both places) substitute “ the designated officer for the court or for any other magistrates' court ”.
- 153 In section 9(1ZA) (variation and revocation of maintenance order registered in UK court)—
- (a) in paragraph (a), in the subsection (3A) to be regarded as inserted in section 60 of the 1980 Act, for “a justices' chief executive” (in both places) substitute “ the designated officer for the court or for any other magistrates' court ”,
  - (b) in paragraph (b), in the paragraph to be regarded as substituted for section 60(4)(b) of the 1980 Act, for “a justices' chief executive” substitute “ the designated officer for the court or for any other magistrates' court ”, and
  - (c) in paragraph (c), in the words to be regarded as replaced in section 60(5) of the 1980 Act, for “justices' chief executive for the court” substitute “ designated officer for the court ”.
- 154 In section 17(4) (proceedings in magistrates' courts)—
- (a) for “for the same petty sessions area” substitute “ in the same local justice area ”, and
  - (b) after “Northern Ireland,” insert “ acting for the same ”.
- 155 (1) Amend section 18 (provision that may be made by magistrates' courts rules) as follows.
- (2) In subsection (1)—
- (a) for the words preceding paragraph (a) substitute “ Rules of court may make provision with respect to— ”;
  - (b) in paragraph (a), for “for a particular petty sessions area” substitute “ in a particular local justice area ”, and for “for such other petty sessions area” substitute “ in such other local justice area ”.
- (3) In subsection (1A), for “rules made under section 144 of the Magistrates' Courts Act 1980” substitute “ rules of court ”.
- 156 In section 21(1) (interpretation of Part 1), in the definition of “prescribed”, omit—

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- (a) “in England and Wales or”,
  - (b) “by rules made under section 144 of the Magistrates' Courts Act 1980 or”,  
and
  - (c) “as the case may be,”.
- 157 In section 23(6) (maintenance orders registered in High Court under Maintenance Orders (Facilities for Enforcement) Act 1920), for “justices' chief executive” substitute “ designated officer ”.
- 158 In section 26(6) (application for recovery of maintenance in convention country)—
- (a) in paragraph (a), for “justices' chief executive for the petty sessions area” substitute “ designated officer for the local justice area in which the applicant is residing ”, and
  - (b) in paragraph (b), after “district” insert “ in which the applicant is residing ”.
- 159 (1) Amend section 27B (sending application to appropriate magistrates' court) as follows.
- (2) In subsection (1), for “justices' chief executive for a magistrates' court acting for the petty sessions” substitute “ designated officer for a magistrates' court which is acting in the local justice ”.
  - (3) In subsection (2), for “justices' chief executive for” substitute “ designated officer for ”.
  - (4) For subsection (4) substitute—  
“ (4) If the designated officer for a court to whom the application is sent under this section is satisfied that the respondent is residing within another local justice area, he shall send the application and accompanying documents to the designated officer for a magistrates' court acting in that other area and shall inform the Lord Chancellor that he has done so.”
  - (5) In subsection (5), for “justices' chief executive for” substitute “ designated officer for ”.
- 160 (1) Amend section 27C (application for recovery of maintenance in England and Wales) as follows.
- (2) In subsection (4), for “a justices' chief executive” (in both places) substitute “ the designated officer for the court or for any other magistrates' court in England and Wales ”.
  - (3) In subsection (7), for “justices' chief executive for” substitute “ designated officer for ”.
- 161 In section 32(2A) (transfer of orders), for “justices' chief executive” substitute “ designated officer ”.
- 162 In section 34(3)(a) (application from abroad to vary registered order), for “justices' chief executive” substitute “ designated officer ”.
- 163 (1) Amend section 34A (variation of orders by magistrates' courts) as follows.
- (2) In subsection (3), for “a justices' chief executive” (in both places) substitute “ the designated officer for the court or for any other magistrates' court in England and Wales ”.

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- (3) In subsection (4)—
- (a) for “a justices' chief executive” substitute “ the designated officer for the court or for any other magistrates' court in England and Wales ”, and
  - (b) omit “the clerk of”.
- (4) In subsection (5), for “the clerk” substitute “ a justices' clerk ”.
- 164 In section 47(3) (construction of references to the jurisdiction of a court), for the words from “construed in relation” onwards substitute “construed—
- (a) in relation to a magistrates' court in England and Wales as a reference to the local justice area in which the court acts, and
  - (b) in relation to a magistrates' court in Northern Ireland as a reference to the petty sessions district for which the court acts.”

*Civil Evidence Act 1972 (c. 30)*

- 165 Omit section 2(8) (power to make rules of court under section 2 is without prejudice to other such powers).

*Criminal Justice Act 1972 (c. 71)*

- 166 In section 51(4) (execution of process between England and Wales and Scotland), for “by virtue of section 45(1) of the Justices of the Peace Act 1997, as it has” substitute “ by virtue of section 28(1) of the Courts Act 2003, as it has ”.

*Administration of Justice Act 1973 (c. 15)*

- 167 In section 5 (consequential) omit “Paragraph 7 of”.
- 168 In Schedule 1 (justices of the peace: consequential re-enactments and amendments), omit paragraphs 7 to 7B and 10(1).

*Matrimonial Causes Act 1973 (c. 18)*

- 169 In section 35(3) (jurisdiction to hear application for alteration of maintenance agreement), for “at least one of the parties is resident within the commission area for which the court is appointed” substitute “ the court acts in, or is authorised by the Lord Chancellor to act for, a local justice area in which at least one of the parties is resident ”.
- 170 (1) Amend section 38 (orders for repayment of sums paid after cessation of periodical payments order by reason of remarriage) as follows.
- (2) In subsection (6)—
- (a) for “A justices' chief executive” substitute “ The designated officer for a magistrates' court ”, and
  - (b) for “the justices' chief executive” substitute “ the designated officer ”.
- (3) In subsection (7), for “a justices' chief executive” substitute “ the designated officer for a magistrates' court ”.



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*Breeding of Dogs Act 1973 (c. 60)*

- 171 In section 3(9) (application to terminate disqualification), for “for the same petty sessions” substitute “ in the same local justice ”.

*Juries Act 1974 (c. 23)*

- 172 In—  
(a) section 9(3) (appeal against refusal to excuse from jury service), and  
(b) section 9A(3) (appeal against refusal to defer jury service),  
for “Crown Court rules” substitute “ Criminal Procedure Rules ”.

**Commencement Information**

**I65** Sch. 8 para. 172 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(viii) (subject to art. 3)

- 173 In section 14 (views by jurors), for “Crown Court rules, and rules of court for civil cases,” substitute “ Criminal Procedure Rules and Civil Procedure Rules ”.

**Commencement Information**

**I66** Sch. 8 para. 173 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(viii) (subject to art. 3)

- 174 In Schedule 1 (jury service: ineligibility, disqualification and excusal), in Group B, omit “Justices' chief executives,”.

*Friendly Societies Act 1974 (c. 46)*

- 175 For section 102 (jurisdiction of magistrates' courts) substitute—

**“102 Jurisdiction of magistrates' courts in Northern Ireland**

- (1) In Northern Ireland, a registered society or branch or any officer thereof may be prosecuted for any summary offence under this Act before a magistrates' court acting for the county court division in which the registered office of the society or branch is situated.
- (2) Subsection (1) is without prejudice to the provisions of the Magistrates' Courts (Northern Ireland) Order 1981 as to the jurisdiction of a magistrates' court.”

*Solicitors Act 1974 (c. 47)*

- 176 (1) Amend section 38 (circumstances in which solicitor who is justice of the peace may not act as solicitor) as follows.
- (2) In subsection (1), for “for any area, or for any partner of his, to act in connection with proceedings before any of those justices” substitute “ assigned to any local justice area, or for any partner of his, to act in connection with proceedings before any justice of the peace acting in that area ”.

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- (3) Omit subsections (2) and (3).
- (4) In subsection (3A)—
- (a) for “for any petty sessions” substitute “ in any local justice ”, and
  - (b) for “acting for” substitute “ acting in ”.
- Evidence (Proceedings in Other Jurisdictions) Act 1975 (c. 34)*
- 177 In section 7 (rules of court)—
- (a) for the words from “The power” to “1981 or” substitute “ Civil Procedure Rules or rules of court under ”, and
  - (b) for “shall include power to make rules of court under” substitute “ may make provision ”.
- Salmon and Freshwater Fisheries Act 1975 (c. 51)*
- 178 In paragraph 14 of Schedule 4 (offences: delivery of licences and certificates of conviction), for “justices' chief executive” substitute “ designated officer ”.
- Safety of Sports Grounds Act 1975 (c. 52)*
- 179 In section 17(1) (interpretation), in the definition of “the court”, omit “acting for the petty sessions area in which they are situated”.
- Bail Act 1976 (c. 63)*
- 180 In section 2 (definitions), omit the definitions of “Crown Court rules”, “magistrates' courts rules” and “Supreme Court rules”.
- 181 In section 3AA (electronic monitoring of compliance with bail conditions), in each of subsections (4)(a) and (12), for “petty sessions area” substitute “ local justice area ”.
- 182 In section 5(10) (meaning of “prescribed” in section 5), for “Supreme Court rules, Courts-Martial Appeal rules, Crown Court rules or magistrates' courts rules” substitute “ Civil Procedure Rules, Courts-Martial Appeal rules or Criminal Procedure Rules ”.

**Commencement Information**

**167** Sch. 8 para. 182 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(ix) (subject to art. 3)

- 183 (1) Amend section 5B (reconsideration of decisions granting bail) as follows.
- (2) In subsection (8), omit “for the petty sessions area in which he was arrested”.
  - (3) In subsection (9), for “Magistrates' court rules” substitute “ Criminal Procedure Rules ”.

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#### Commencement Information

**I68** Sch. 8 para. 183 wholly in force at 1.4.2005; Sch. 8 para. 183 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 183(1)(3) in force at 1.9.2004 by S.I. 2004/2066, art. 2(c)(ix) (subject to art. 3); Sch. 8 para. 183(2) in force at 1.4.2005 by S.I. 2005/910, art. 3(y)

- 184 In section 6(9)(c)(i) (certification of copy of record), for “justices' chief executive” substitute “ designated officer for the court ”.
- 185 In section 7(4)(a) (appearance before justice following arrest for absconding or breaking bail conditions), omit “for the petty sessions area in which he was arrested”.
- 186 (1) Amend section 8 (bail with sureties) as follows.
- (2) In subsection (4)—
- (a) in paragraph (a), for “magistrates' courts rules” substitute “ Criminal Procedure Rules ”,
  - (b) in paragraph (b), for “Crown Court rules” substitute “ Criminal Procedure Rules ”,
  - (c) in paragraph (c), for “Supreme Court rules” substitute “ Civil Procedure Rules or Criminal Procedure Rules ”, and
  - (d) for “Supreme Court rules, Crown Court rules, Courts-Martial Appeal rules or magistrates' courts rules” substitute “ Civil Procedure Rules, Criminal Procedure Rules or Courts-Martial Appeal rules ”.
- (3) In subsection (5)(b), omit “for the petty sessions area in which he resides”.

#### Commencement Information

**I69** Sch. 8 para. 186 wholly in force; Sch. 8 para. 186 not in force at Royal Assent see s. 110(1)(2); Sch 8 para. 186(1)(2) in force at 1.9.2004 by S.I. 2004/2066, art. 2(c)(ix) (with art. 3); Sch. 8 para. 186(3) in force at 1.4.2005 by S.I. 2005/910, art. 3(y)

#### *Race Relations Act 1976 (c. 74)*

- 187 (1) Amend Schedule 1A (bodies subject to general statutory duty) as follows.
- (2) In Part 1, omit paragraph 45.
- (3) In Part 2, under the heading “Regulatory, audit and inspection”—
- (a) insert in the appropriate place “ Her Majesty’s Inspectorate of Court Administration ”, and
  - (b) omit “Her Majesty’s Magistrates' Courts Service Inspectorate”.

#### *Administration of Justice Act 1977 (c. 38)*

- 188 Omit section 22 (membership of rule committees).

#### *Criminal Law Act 1977 (c. 45)*

- 189 (1) Amend section 10 (obstruction of court officers executing process for possession against unauthorised occupiers) as follows.

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- (2) Before subsection (1) insert—
- “(A1) A person is guilty of an offence if he resists or intentionally obstructs any person who—
- (a) is an enforcement officer, or is acting under the authority of an enforcement officer; and
- (b) is engaged in executing a writ issued from the High Court.”
- (3) In subsection (3), for “an officer of a court” substitute “ an enforcement officer, a person acting under the authority of an enforcement officer or an officer of a court (as the case may be) ”.
- (4) In subsection (5), after “uniform” insert “ , an enforcement officer ”.
- (5) For subsection (6), substitute—
- “(6) In this section—
- “enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003;
- “officer of a court” means—
- (a) any sheriff, under sheriff, deputy sheriff, bailiff or officer of a sheriff; and
- (b) any bailiff or other person who is an officer of a county court within the meaning of the County Courts Act 1984.”
- (6) In the section heading, for “court officers executing process for possession against unauthorised occupiers” substitute “ enforcement officers and court officers executing High Court or county court process ”.
- 190 In section 48(1) (power to make rules as to furnishing of information by prosecutor in criminal proceedings), for the words from “The power” to “include power to” substitute “ Criminal Procedure Rules may ”.

#### **Commencement Information**

**I70** Sch. 8 para. 190 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(x) (subject to art. 3)

#### *Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)*

- 191 In section 6(9) (restrictions on power to make order where respondent not present at hearing), for “rules” substitute “ rules of court ”.
- 192 (1) Amend section 20ZA (variation of orders for periodical payments) as follows.
- (2) In subsection (2), for “clerk to the justices for the petty sessions area for which the court is acting” substitute “ court ”.
- (3) In subsection (3)—
- (a) for “the clerk” substitute “ a justices' clerk ”, and
- (b) for “to the justices' chief executive for the court” substitute “ to the designated officer for the court ”.

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- (4) In subsection (10), for “the clerk to the justices” substitute “ a justices' clerk ”.
- 193 In section 27 (refusal of order in case more suitable for High Court), for “for the same petty sessions” substitute “ in the same local justice ”.
- 194 In section 30(1) (jurisdiction to hear application for order under Part 1 of the Act)—
- (a) for “a magistrates' courts committee” substitute “ the Lord Chancellor ”, and
  - (b) for the words from “at the” onwards substitute “ it acts in, or is authorised by the Lord Chancellor to act for, a local justice area in which either the applicant or the respondent ordinarily resides at the date of the making of the application ”.
- 195 (1) Amend section 32 (enforcement of orders for payment of money) as follows.
- (2) In subsection (2), for “a justices' chief executive” substitute “ the designated officer for a magistrates' court ”.
  - (3) In subsection (6), for “rules” substitute “ rules of court ”.
- 196 (1) Amend section 35 (orders for repayment of sums paid after cessation of order by reason of marriage) as follows.
- (2) In subsection (7)—
    - (a) for “A justices' chief executive” substitute “ The designated officer for a magistrates' court ”, and
    - (b) for “the justices' chief executive” substitute “ the designated officer ”.
  - (3) In subsection (8), for “, the officer designated by the Lord Chancellor or the justices' chief executive” substitute “ or the officer designated by the Lord Chancellor ”.
- 197 (1) Amend section 88 (interpretation) as follows.
- (2) In subsection (1), omit the definition of “rules”.
  - (3) In subsection (4), for “for the same petty sessions” substitute “ in the same local justice ”.

*Judicature (Northern Ireland) Act 1978 (c. 23)*

- 198 (1) Amend Schedule 1 (appeals to House of Lords in certain criminal matters) as follows.
- (2) In paragraph 1(2), omit “Except in a case involving sentence of death,”.
  - (3) Omit paragraph 2.

*Protection of Children Act 1978 (c. 37)*

- 199 (1) Amend section 4 (entry, search and seizure) as follows.
- (2) In subsection (1), omit “in the petty sessions area for which he acts”.
  - (3) <sup>F72</sup> .....

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**Textual Amendments**

**F72** Sch. 8 para. 199(3) repealed (1.4.2008 for E.W.) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53(1)(b), [Sch. 15 Pt. 4](#); S.I. 2008/790, [art. 2\(e\)](#)

200

F73

**Textual Amendments**

**F73** Sch. 8 para. 200 repealed (1.4.2008 for E.W.) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53(1)(b), [Sch. 15 Pt. 4](#); S.I. 2008/790, [art. 2\(e\)](#)

*Licensed Premises (Exclusion of Certain Persons) Act 1980 (c. 32)*

[<sup>F74</sup>In section 4 (supplemental), in subsection (4)(a), for “justices' chief executive” substitute “ designated officer ”.]

**Textual Amendments**

**F74** Sch. 8 unnumbered para. following Sch. 8 para. 200 repealed (1.2.2008 for (S.)) repealed by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), ss. 149, 150, [Sch. 7](#) (with s. 143); S.S.I. 2007/472, [art. 2](#), Schs. 1, 2

*Magistrates' Courts Act 1980 (c. 43)*

- 201 Omit section 3 (offences committed on boundaries etc.).
- 202 In section 6(5) (display of details of committal proceedings), for “justices' chief executive for” substitute “ designated officer for ”.
- 203 In section 12 (non-appearance of accused), in—
- (a) subsection (1)(b),
  - (b) subsection (4) (in both places), and
  - (c) subsection (6) (in both places),
- for “justices' chief executive for” substitute “ designated officer for ”.
- 204 (1) Amend section 12A (application of section 12 where accused appears) as follows.
- (2) In subsection (1), for “clerk of” substitute “ designated officer for ”.
  - (3) In subsection (2)—
    - (a) for “clerk of” substitute “ designated officer for ”, and
    - (b) for “clerk” substitute “ designated officer ”.
- 205 (1) Amend section 14 (proceedings invalid where accused did not know of them) as follows.
- (2) In subsection (1), for “justices' chief executive for the court” substitute “ designated officer for the court ”.
  - (3) In subsection (2), for “justices' chief executive” substitute “ designated officer ”.

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- 206 In section 43(2) (enforcement of recognizance of a surety for person granted bail), for “for the petty sessions” substitute “ acting in the local justice ”.
- 207 In section 47 (service of summons out of time after failure to prove service by post) for “the rules” (in the first place where it occurs) substitute “ rules of court ”.

#### Commencement Information

**I71** Sch. 8 para. 207 partly in force at 1.9.2004; Sch. 8 para. 207 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 207 in force for certain purposes at 1.9.2004 by [S.I. 2004/2066](#), [art. 2\(c\)\(xi\)](#)

- 208 (1) Amend section 59 (orders for periodical payment: means of payment) as follows.
- (2) In subsection (3)(b), for “a justices' chief executive” substitute “ the designated officer for the court or for any other magistrates' court ”.
- (3) In subsection (8), for “a justices' chief executive” substitute “ the designated officer for a magistrates' court ”.
- 209 (1) Amend section 59A (orders for periodical payment: proceedings by justices' chief executive) as follows.
- (2) In subsection (1)—
- (a) for “a justices' chief executive” substitute “ the designated officer for a magistrates' court ”,
- (b) for “the relevant justices' chief executive” substitute “ the relevant designated officer ”, and
- (c) for “to that justices' chief executive” substitute “ to that designated officer ”.
- (3) In subsection (2)—
- (a) for “a justices' chief executive” substitute “ the designated officer for a magistrates' court ”, and
- (b) for “the relevant justices' chief executive for him” substitute “ the relevant designated officer for him ”.
- (4) In subsection (3), for “the relevant justices' chief executive, he” substitute “ the relevant designated officer, he ”.
- (5) In subsection (4)—
- (a) for “a justices' chief executive” substitute “ the relevant designated officer ”,
- (b) for “justices' chief executive cancelling” substitute “ relevant designated officer cancelling ”, and
- (c) for “justices' chief executive shall” substitute “ relevant designated officer shall ”.
- (6) In subsection (7), for the definition of “the relevant justices' chief executive” substitute—
- ““the relevant designated officer”, in relation to an order, means—
- (a) in a case where payments under the order are required to be made to or through the designated officer for a magistrates' court, the designated officer for that magistrates' court;
- (b) in a case where such payments are required to be made by any method of payment falling within section 59(6) and the order

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- was made by a magistrates' court, the designated officer for that magistrates' court; and
- (c) in a case where such payments are required to be made by any method of payment falling within section 59(6) and the order was not made by a magistrates' court, the designated officer for the magistrates' court in which the order is registered;”.
- (7) In the section heading, for “justices' chief executive” substitute “ designated officer”.
- 210 (1) Amend section 59B(5) (interpretation of provisions relating to penalty for failing to comply with maintenance order) as follows.
- (2) For the definition of “the relevant court” substitute—
- ““the relevant court”, in relation to an order, means—
- (a) in a case where payments under the order are required to be made to or through the designated officer for a magistrates' court, that magistrates' court;
- (b) in a case where such payments are required to be made by any method of payment falling within section 59(6) and the order was made by a magistrates' court, that magistrates' court; and
- (c) in a case where such payments are required to be made by any method of payment falling within section 59(6) and the order was not made by a magistrates' court, the magistrates' court in which the order is registered;”.
- (3) In the definition of “relevant justice”, for “for the petty sessions area for” substitute “ acting in the local justice area in ”.
- 211 (1) Amend section 60 (revocation, variation, etc. of orders for periodical payment) as follows.
- (2) In subsection (4), omit “the clerk of”.
- (3) In subsection (5)—
- (a) for “the clerk” substitute “ a justices' clerk ”, and
- (b) for “to the justices' chief executive for the court” substitute “ to the designated officer for the court ”.
- (4) In subsection (10), for “the clerk of the court” substitute “ a justices' clerk ”.
- 212 (1) In section 61(1) (periodical payments payable by one person under more than one order), for “The power to make rules conferred by section 144 below shall, without prejudice to the generality of subsection (1) of that section, include power to” substitute “ Rules of court may ”.
- (2) In paragraph (b) of section 61(1)—
- (a) for “a justices' chief executive” substitute “ the designated officer for a magistrates' court ”, and
- (b) for “that justices' chief executive” substitute “ that designated officer ”.
- 213 In section 62(1)(ii) (proceedings for sums payable to child), for “justices' chief executive for” substitute “ designated officer for ”.
- 214 (1) Amend section 65(1) (proceedings which are family proceedings for purposes of Act) as follows.



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- (2) After the paragraph (n) inserted by paragraph 8(a) of Schedule 11 to the Children Act 1989, insert—
- “(na) section 30 of the Human Fertilisation and Embryology Act 1990;”.
- (3) Renumber the paragraph (n) inserted by paragraph 60 of Schedule 2 to the Social Security (Consequential Provisions) Act 1992 as paragraph (nb).
- 215 In section 66(3) (composition of family proceedings courts), for the words from “and section 67” onwards substitute “ “lay justice” has the same meaning as in the Courts Act 2003 ”.
- 216 (1) Amend section 70 (jurisdiction of magistrates' courts in inner London for family proceedings) as follows.
- (2) In subsection (1)—
- (a) for “for an inner London petty sessions” substitute “ acting in an inner London local justice ”,
- (b) for “for that” substitute “ acting in that ”,
- (c) for “for any” substitute “ acting in any ”, and
- (d) for “magistrates' courts committee whose area consists of or includes that petty sessions area” substitute “ Lord Chancellor ”.
- (3) In subsection (2)—
- (a) for “for an inner London petty sessions” substitute “ acting in an inner London local justice ”, and
- (b) for “magistrates' courts committee whose area consists of or includes that petty sessions area so determine” substitute “ Lord Chancellor so determines ”.
- (4) In subsection (3), in the definition of “inner London petty sessions area”, for “ “inner London petty sessions area” means any petty sessions” substitute “ “inner London local justice area” means any local justice ”.
- 217 In section 74(1) (reasons for decisions in family proceedings), for “The power to make rules conferred by section 144 below shall, without prejudice to the generality of subsection (1) of that section, include power to” substitute “ Rules of court may ”.
- 218 (1) Amend section 77 (postponement of issue of warrant) as follows.
- (2) In subsection (5), for “for the petty sessions” substitute “ in the local justice ”.
- (3) For subsection (6), substitute—
- “(6) Where such an application is referred to the court—
- (a) the clerk of the court shall fix a time and place for the application to be heard; and
- (b) the designated officer for the court shall give the applicant notice of that time and place.”
- 219 In—
- (a) section 78(4) (offence of removing impounded goods marked in accordance with rules), and
- (b) section 79(2) (reduction of period of detention on payment being made in accordance with rules),
- for “the rules” substitute “ rules of court ”.

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### Commencement Information

**I72** Sch. 8 para. 219 partly in force at 1.9.2004; Sch. 8 para. 219 not in force at Royal Assent see s. 110(1) (2); Sch. 8 para. 219 in force for certain purposes at 1.9.2004 by [S.I. 2004/2066](#), [art. 2\(c\)\(xi\)](#)

- 220 (1) Amend section 82 (restriction on power to impose imprisonment for default) as follows.
- (2) After subsection (4A) insert—
- “(4B) The cases in which the offender’s default may be regarded for the purposes of subsection (4)(b)(i) as being attributable to his wilful refusal or culpable neglect include any case in which—
- (a) he has refused, otherwise than on reasonable grounds, to consent to a work order proposed to be made under Schedule 6 to the Courts Act 2003 (discharge of fines by unpaid work), or
- (b) he has without reasonable excuse failed to comply with such an order.”
- (3) In subsection (5A), for “justices' chief executive for” substitute “ designated officer for ”.
- 221 In section 84(1) (power to require statement of means) for “for the same petty sessions” substitute “ in the same local justice ”.
- 222 (1) Amend section 85 (power to remit fine) as follows.
- (2) After subsection (2A) insert—
- “(2B) Where the court remits the whole or part of the fine after a work order has been made under Schedule 6 to the Courts Act 2003 (discharge of fines by unpaid work), it shall also reduce the number of hours specified in the order by a number which bears the same proportion as the amount remitted bears to the whole sum or, as the case may be, shall revoke the order.”
- (3) In subsection (3), for “or (2A)” substitute “ , (2A) or (2B) ”.
- 223 (1) Amend section 87 (enforcement of payment of fines by High Court and county court) as follows.
- (2) In subsection (1), for “justices' chief executive for” substitute “ designated officer for ”.
- (3) In subsection (3), for “justices' chief executive” substitute “ designated officer for the magistrates' court ”.
- (4) Omit subsection (4).
- 224 (1) Amend section 87A (fines imposed on companies) as follows.
- (2) In subsection (1), for “justices' chief executive for” substitute “ designated officer for ”.
- (3) Omit subsection (2).
- 225 (1) Amend section 89 (transfer of fine order) as follows.
- (2) In subsection (1)—

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- (a) after “Where a magistrates' court” insert “ in a local justice area ”,
  - (b) for “in any petty sessions area other than that for which the court acted” substitute “ in England and Wales ”, and
  - (c) for “the petty sessions area in which it appears to the court that he is residing;” substitute “ another local justice area ”.
- (3) In subsection (2)—
- (a) for “justices' chief executive for” (in both places) substitute “ designated officer for ”, and
  - (b) for “for the petty sessions area” substitute “ in the local justice area ”.
- (4) For subsection (3) substitute—
- “(3) A court by which functions in relation to any sum are for the time being exercisable by virtue of a transfer of fine order may make a further transfer of fine order with respect to that sum.”
- 226 In section 90(3) (transfer of fines to Scotland or Northern Ireland), for “justices' chief executive for” substitute “ designated officer for ”.
- 227 (1) Amend section 91 (transfer of fines from Scotland and Northern Ireland) as follows.
- (2) In subsection (1)—
- (a) for “in a specified petty sessions area in England and Wales, a magistrates' court acting for that area,” substitute “ by a magistrates' court in England and Wales, a magistrates' court acting in the area in which the person subject to the order resides, ”, and
  - (b) for “justices' chief executive for” substitute “ designated officer for ”.
- (3) In subsection (3)—
- (a) for “in a petty sessions area” substitute “ by a magistrates' court ”, and
  - (b) for “acting for that area” substitute “ acting in the area in which the person subject to the order resides ”.
- 228 In section 93(5) (issue of warrant to arrest person defaulting on maintenance order) for “for the same petty sessions” substitute “ in the same local justice ”.
- 229 In section 95(3) (instalments in case of non-English maintenance order), for “a justices' chief executive” (in both places) substitute “ the designated officer for the court or for any other magistrates' court ”.
- 230 In section 97(1), omit—
- (a) “for any commission area”, and
  - (b) “for that commission area”.
- 231 (1) Amend section 97A (summons or warrant as to committal proceedings) as follows.
- (2) In subsection (1)—
- (a) omit “for any commission area”,
  - (b) at the end of paragraph (a) insert “ and ”, and
  - (c) omit paragraph (c) and “and” before it.
- (3) In subsections (9), (10) and (11), for “chief executive to” substitute “ designated officer for ”.
- 232 In section 99 (proof of non-payment of sum adjudged)—

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- (a) for “a justices' chief executive” substitute “ the designated officer for a magistrates' court ”, and
- (b) for “the justices' chief executive” (in both places) substitute “ the designated officer ”.

233 In section 107 (false statements in declaration proving service), for “the rules” substitute “ rules of court ”.

**Commencement Information**

**I73** Sch. 8 para. 233 partly in force at 1.9.2004; Sch. 8 para. 233 not in force at Royal Assent see s. 110(1) (2); Sch. 8 para. 233 in force for certain purposes at 1.9.2004 by [S.I. 2004/2066](#), **art. 2(c)(xi)**

234 In section 109(2) (notice to abandon an appeal), for “Crown Court rules” substitute “ rules of court ”.

**Commencement Information**

**I74** Sch. 8 para. 234 partly in force at 1.9.2004; Sch. 8 para. 234 not in force at Royal Assent see s. 110(1) (2); Sch. 8 para. 234 in force for certain purposes at 1.9.2004 by [S.I. 2004/2066](#), **art. 2(c)(xi)**

- 235 In section 114 (payment of recognisances and fees on case stated)—
- (a) for “the clerk of a magistrates' court” substitute “ a justices' clerk ”, and
  - (b) for “justices' chief executive” substitute “ designated officer ”.
- 236 (1) Amend section 116 (discharge of recognizance to keep the peace or be of good behaviour etc.) as follows.
- (2) In subsection (1), omit “for any area to which this section applies”, the words from “, if the complaint” to “for that area,” and “for that area” (in the second place where it occurs).
- (3) Omit subsection (3).
- 237 (1) Amend section 121 (constitution and place of sitting of court) as follows.
- (2) Omit subsection (3).
- (3) For subsection (4), substitute—
- “(4) Subject to the provisions of any enactment to the contrary, a magistrates' court must sit in open court if it is—
- (a) trying summarily an information for an indictable offence,
  - (b) trying an information for a summary offence,
  - (c) imposing imprisonment,
  - (d) hearing a complaint, or
  - (e) holding an inquiry into the means of an offender for the purposes of section 82.”
- (4) In subsection (5), omit “, or sitting in an occasional court-house”.
- 238 In section 125(1) (warrants) for “the rules” substitute “ rules of court ”.

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#### Commencement Information

**I75** Sch. 8 para. 238 partly in force at 1.9.2004; Sch. 8 para. 238 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 238 in force for certain purposes at 1.9.2004 by [S.I. 2004/2066](#), [art. 2\(c\)\(xi\)](#)

- 239 (1) Amend section 125B (execution of warrants by approved enforcement agency) as follows.
- (2) In subsection (2), for the words from “under” onwards substitute “ by the Lord Chancellor ”.
- (3) After subsection (2), insert—
- “(2A) The Lord Chancellor must maintain a register containing the names of all persons and bodies approved by him under subsection (2) and must make such arrangements as he considers appropriate for making the register available for inspection.”
- (4) Omit subsection (3).
- (5) In subsection (5)(d), for the words from “under” onwards substitute “ by the Lord Chancellor under subsection (2A) ”.
- (6) After subsection (5), insert—
- “(6) A decision by the Lord Chancellor to revoke the approval of a person or body under subsection (2) does not have effect to revoke the approval until the Lord Chancellor has informed the person or body of the decision.”
- 240 (1) Amend section 125C (disclosure of information for enforcing warrants) as follows.
- (2) In subsection (1)—
- (a) for “a justices' chief executive” substitute “ the designated officer for a magistrates' court ”, and
- (b) omit “appointed by, or member of the staff of, his magistrates' courts committee”.
- (3) In subsection (2), in the definition of “a section 125A warrant” omit the words from “and” onwards.
- (4) In subsection (3), for paragraph (c) substitute—
- “(c) any justices' clerk or other person appointed under section 2(1) of the Courts Act 2003.”
- 241 In section 126 (execution of certain warrants outside England and Wales)—
- (a) for “Sections 12 to 14” substitute “ Section 13(1) and (2) ”, and
- (b) in paragraph (a), for “those referred to in the said sections 12 to 14” substitute “ indictable offences ”.
- 242 Omit sections 137 and 138 (fees and remission of fees).

#### Commencement Information

**I76** Sch. 8 para. 242 wholly in force at 10.1.2006, see s. 110(1)(2) and [S.I. 2005/3518](#), [art. 2\(a\)](#) (subject to [art. 3](#))

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- 243 In section 139 (disposal of sums adjudged to be paid by conviction)—
- (a) for “A justices' chief executive” substitute “ The designated officer for a magistrates' court ”, and
  - (b) for “section 60 of the Justices of the Peace Act 1997” substitute “ section 38 of the Courts Act 2003 ”.
- 244 Omit section 141 (clerks to justices).
- 245 (1) Amend section 144 (rule committee) as follows.
- (2) In subsection (1), after “prescribing” insert “except in relation to—
    - (a) any criminal cause or matter, or
    - (b) family proceedings,”
 and for “and justices' chief executives” substitute “ and designated officers for magistrates' courts ”.
  - (3) In subsection (2), omit “the President of the Family Division of the High Court, the Senior District Judge (Chief Magistrate)”.
  - (4) In subsection (3), before paragraph (a) insert—
 

“(za) one District Judge (Magistrates' Courts);”.
  - (5) Omit subsection (5).

**Commencement Information**

**I77** Sch. 8 para. 245 partly in force at 7.10.2005; Sch. 8 para. 245 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 245(1)(2) in force for certain purposes at 1.9.2004 by [S.I. 2004/2066](#), [art. 2\(c\)\(xi\)](#) (subject to [art. 3](#)); Sch. 8 para. 245(3)(4)(5) in force for certain purposes at 1.4.2005 by [S.I. 2005/910](#), [art. 3\(y\)\(iii\)\(iv\)](#); Sch. 8 para. 245(2) in force for certain further purposes at 7.10.2005 by [S.I. 2005/2744](#), [art. 2\(3\)](#)

- 246 (1) Amend section 145 (rules: supplementary provisions) as follows.
- (2) In subsection (1), omit paragraphs (aa), (f) and (i).
  - (3) Omit subsection (4).

**Commencement Information**

**I78** Sch. 8 para. 246 wholly in force at 1.9.2004, see s. 110(1)(2) and [S.I. 2004/2066](#), [art. 2\(c\)\(xi\)](#) (subject to [art. 3](#))

- 247 Omit section 147(occasional court-house).
- 248 In section 148(2) (power of magistrates' courts to act where another may act), for “for the same petty sessions” substitute “ in the same local justice ”.
- 249 Omit section 149 (Isles of Scilly).
- 250 (1) Amend section 150(1) (interpretation) as follows.
- (2) Omit the definitions of “petty-sessional court-house”, “the register” and “the rules”.
  - (3) In the definition of “prescribed”, for “the rules” substitute “ rules of court ”.

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**Commencement Information**

**179** Sch. 8 para. 250 wholly in force at 1.4.2005; Sch. 8 para. 250 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 250 in force for certain purposes at 1.9.2004 by [S.I. 2004/2066](#) {art. 2(c)(xi)} (subject to art. 3); Sch. 8 para. 250 in force insofar as not already in force at 1.4.2005 by [S.I. 2005/910](#), [art. 3\(y\)](#)

251 In section 152, for “the rules” substitute “ rules of court ”.

**Commencement Information**

**180** Sch. 8 para. 251 wholly in force at 1.9.2004, see s. 110(1)(2) and [S.I. 2004/2066](#), [art. 2\(c\)\(xi\)](#) (subject to [art. 3](#))

252 Omit section 153 (magistrates' courts may sit on Sundays and public holidays).

253 In section 155(4) (extent of section 126 of 1980 Act), for “sections” substitute “ section ”.

254 Omit Schedule 6 (fees).

**Commencement Information**

**181** Sch. 8 para. 254 wholly in force at 10.1.2006, see s. 110(1)(2) and [S.I. 2005/3518](#), [art. 2\(a\)](#) (subject to [art. 3](#))

*Criminal Appeal (Northern Ireland) Act 1980 (c. 47)*

255 Omit—  
(a) section 48 (appeal in capital cases), and  
(b) Schedule 3 (procedural and other modifications for capital cases).

*Highways Act 1980 (c. 66)*

256 (1) Amend section 47 (power of magistrates' court to declare that an unnecessary highway is not maintainable at public expense) as follows.

(2) In subsection (5), for “acting for the petty sessions for” substitute “ assigned to the local justice area in ”.

(3) In subsection (6), for “chief executive to” substitute “ designated officer for ”.

257 (1) Amend section 116 (power of magistrates' court to authorise stopping up or diversion of highway) as follows.

(2) In subsection (8)(b), for “for the same petty sessions” substitute “ in the same local justice ”.

(3) In subsection (9), for “the clerk of the court” substitute “ a justices' clerk ”.

*Zoo Licensing Act 1981 (c. 37)*

258 In section 18(1) (appeals to magistrates' courts), omit “acting for the petty sessions area in which the zoo is situated”.

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*Supreme Court Act 1981 (c. 54)*

- 259 (1) Amend section 8 (the Crown Court) as follows.
- (2) For subsection (2), substitute—
- “(2) A justice of the peace is not disqualified from acting as a judge of the Crown Court merely because the proceedings are not at a place within the local justice area to which he is assigned or because the proceedings are not related to that area in any other way.”
- (3) In subsection (3), for “or any Circuit judge or Recorder” substitute “, Circuit judge, Recorder or District Judge (Magistrates' Courts) ”.
- 260 In section 9(6A) (Circuit judge and Recorder not to exercise powers of single judge), after “31” insert “, 31B, 31C ”.
- 261 In section 75(1) (allocation of cases to different sorts of judges), for “and to a Circuit judge or Recorder” substitute “, Circuit judge, Recorder or District Judge (Magistrates' Courts) ”.
- 262 In—
- (a) section 125 (copies of wills and grants),
- (b) section 126(1) (depositories for wills of living persons), and
- (c) section 134(2) (right to inspect power of attorney on payment of the prescribed fee),
- for “the prescribed fee” substitute “ the fee prescribed by an order under section 92 of the Courts Act 2003 (fees) ”.
- 263 Omit section 130 (fees to be taken in Supreme Court).
- 264 Omit sections 138, 138A and 138B (effect of writs of execution against goods).
- 265 In section 151(1) (interpretation), in the definition of “prescribed”, omit paragraph (b) and “and” before it.

*Betting and Gaming Duties Act 1981 (c. 63)*

- .....
- 266 In paragraph 15(4A) of Schedule 1 (betting duties: notification of forfeiture and cancellation of betting office licence), in paragraph (a) of the definition of “proper officer of the court”, for “justices' chief executive” substitute “ designated officer ”.
- 267 In paragraph 15(3)(a) of Schedule 4 (gaming machine licence duty: registers of permits), for “for a petty sessions area, the chief executive to the justices” substitute “ in a local justice area, the designated officer for the committee ”.

*Civil Jurisdiction and Judgments Act 1982 (c. 27)*

- 268 (1) Amend section 5 (recognition and enforcement of maintenance orders) as follows.
- (2) In subsection (5B), in the subsection to be regarded as substituted for section 76(5) of the 1980 Act, for “a justices' chief executive” (in both places) substitute “ the designated officer for the court or for any other magistrates' court ”.



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(3) In subsection (8), for “justices' chief executive” substitute “ designated officer ”.

269 In section 15(3) (interpretation), for “for the same petty sessions area (or, in Northern Ireland,” substitute “ in the same local justice area (or, in Northern Ireland, for the same ”.

*Administration of Justice Act 1982 (c. 53)*

270 In section 23(6)(a) (fees for deposit of wills), for “section 130 of the Supreme Court Act 1981” substitute “ section 92 of the Courts Act 2003 ”.

*County Courts Act 1984 (c. 28)*

271 In—  
(a) section 66(4) (fees payable in respect of trial with jury proceedings in a county court),  
(b) section 80(2) (judge’s note on appeal—fee etc.), and  
(c) section 95(4) (fees payable in respect of duties of brokers and appraisers),  
for “the fees orders” substitute “ an order under section 92 of the Courts Act 2003 (fees) ”.

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272 Omit—  
(a) section 73 (register of judgments and orders), and  
(b) section 73A (provision for register to be kept by body under contract to Lord Chancellor).

273 In section 98(1) (protection of district judge of county court selling goods under execution without notice of claim by third party), for the words from “(b) no person” to “execution debtor” substitute—

“(b) no person shall be entitled to recover against the district judge or other officer, or anyone lawfully acting under his authority—  
(i) for any sale of the goods, or  
(ii) for paying over the proceeds prior to the receipt of a claim to the goods,

unless it is proved that the person from whom recovery is sought had notice, or might by making reasonable inquiry have ascertained, that the goods were not the property of the execution debtor.”

274 (1) Amend section 99 (effect of warrants of execution) as follows.

(2) In subsection (2)(b)—

- (a) after “to” insert “ an enforcement officer or other officer charged with the execution of the writ ”, and
- (b) for “the sheriff” substitute “ that person ”.

(3) In subsection (4)—

- (a) before paragraph (a) insert—

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“(za) “enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003;”, and

(b) omit paragraph (b).

275 For section 104 (information as to writs and warrants of execution), substitute—

**“104 Information as to writs and warrants of execution**

(1) Where a writ against the goods of any person issued from the High Court is delivered to an enforcement officer who is under a duty to execute the writ or to a sheriff, then on demand from the district judge of a county court that person shall—

(a) in the case of an enforcement officer, by writing signed by that officer or a person acting under his authority, and

(b) in the case of a sheriff, by writing signed by any clerk in the office of the under-sheriff,

inform the district judge of the precise time the writ was delivered to him.

(2) A bailiff of a county court shall on demand show his warrant to any enforcement officer, any person acting under the authority of an enforcement officer and any sheriff’s officer.

(3) Any writing purporting to be signed as mentioned in subsection (1) and the endorsement on any warrant issued from a county court shall respectively be sufficient justification to any district judge, or enforcement officer or sheriff, acting on it.

(4) In this section “enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003.”

276 Omit section 128 (fees).

.277 In section 147(1) (interpretation), omit the definition of “fees orders”.

*Matrimonial and Family Proceedings Act 1984 (c. 42)*

278 Omit—

(a) section 40 (family proceedings rules), and

(b) section 41 (fees in family proceedings).

**Commencement Information**

**182** Sch. 8 para. 278 partly in force at 4.1.2005; Sch. 8 para. 278 not in force at Royal Assent see s. 110(1) (2); Sch. 8 para. 278(b) in force at 4.1.2005 by S.I. 2004/3123, art. 2(b)(iv)

*Building Act 1984 (c. 55)*

279 In section 40(1) (appeal against section 36 notice), omit “acting for the petty sessions area in which is situated land on which there has been carried out any work to which the notice relates”.

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- 280 In section 55(1) (appeals), omit “acting for the petty sessions area in which is situated land on which there will be, or there has been, carried out any work to which the notice or certificate relates”.

*Police and Criminal Evidence Act 1984 (c. 60)*

- 281 (1) Amend section 16 (execution of warrants) as follows.
- (2) <sup>F75</sup> . . . . .
- (3) In subsection (11), for “chief executive to the justices” substitute “ designated officer for the local justice area ”.

**Textual Amendments**  
**F75** Sch. 8 para. 281(2) repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 174(2), [Sch. 17 Pt. 2](#); S.I. 2005/3495, [art. 2\(1\)\(t\)\(u\)\(iv\)](#) (subject to [art. 2\(2\)](#))

- 282 (1) Amend section 46 (detention after charge) as follows.
- (2) In subsection (2), for “for the petty sessions” substitute “ in the local justice ”.
- (3) In subsection (3)—
- (a) for “for that area” substitute “ in that area ”,
  - (b) for “justices' chief executive” substitute “ designated officer ”.
- (4) In subsection (4)—
- (a) for “for a petty sessions” substitute “ in a local justice ”, and
  - (b) for “for that area” substitute “ in that area ”.
- (5) In subsection (5)—
- (a) for “for that area” substitute “ in that area ”, and
  - (b) for “justices' chief executive” substitute “ designated officer ”.
- (6) In subsection (6)—
- (a) for “the justices' chief executive for a petty sessions” substitute “ the designated officer for a local justice ”, and
  - (b) for “the justices' chief executive” substitute “ the designated officer ”.
- (7) In subsection (7)—
- (a) for “for the petty sessions” substitute “ in the local justice ”, and
  - (b) for “for any other petty sessions” substitute “ in any other local justice ”.
- (8) In subsection (8), for “justices' chief executive” substitute “ designated officer ”.
- 283 In section 47(3A)(b) (date of first court appearance in bail cases), for “justices' chief executive for the relevant petty sessions” substitute “ designated officer for the relevant local justice ”.
- 284 In section 47A (early administrative hearings conducted by justices' clerks), for “the clerk to the justices for a petty sessions area” substitute “ a justices' clerk ”.
- 285 In section 73(3)(a) (proof of convictions and acquittals), for “justices' chief executive” substitute “ designated officer ”.

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- 286 In section 81(1) and (2) (advance notice of expert evidence in Crown Court), for “Crown Court Rules” substitute “Criminal Procedure Rules”.

**Commencement Information**

**183** Sch. 8 para. 286 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(xii) (subject to art. 3)

*Prosecution of Offences Act 1985 (c. 23)*

- 287 In section 7(4) (sending to Director of Public Prosecutions of details of cases which do not proceed)—
- (a) for “every justices' chief executive” substitute “the designated officer for every magistrates' court”, and
  - (b) for “a magistrates' court for which he is the justices' chief executive” substitute “the magistrates' court”.
- 288 (1) Amend section 20 (regulations) as follows.
- (2) Omit subsection (5).
  - (3) In subsection (6), for “and supplemental” substitute “, supplemental and transitional”.
  - (4) In subsection (7), after “19(1)” insert “, 19A or 19B”.
  - (5) In subsection (8)(a)(ii), for “a party to the proceedings” substitute “any person”.

**Commencement Information**

**184** Sch. 8 para. 288 wholly in force; Sch. 8 para. 288 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 288(1)(3)-(5) in force at 1.2.2004 by S.I. 2004/174, art. 2(b); Sch. 8 para. 288 in force at 1.4.2005 insofar as not already in force by S.I. 2005/910, art. 3(y)

- 289 In section 21 (interpretation of Part 2), in subsection (4A)(b), for “, 19 and 19A” substitute “to 19B”.
- 290 (1) Amend section 23 (discontinuance of proceedings in magistrates' courts) as follows.
- (2) In subsections (3), (7) and (8), for “justices' chief executive for” substitute “designated officer for”.
  - (3) In subsection (10), for “rules made under section 144 of the Magistrates' Courts Act 1980” substitute “Criminal Procedure Rules”.

**Commencement Information**

**185** Sch. 8 para. 290 partly in force; Sch. 8 para. 290 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 290(1)(3) in force at 1.9.2004 by S.I. 2004/2066, art. 2(c)(xiii) (with art. 3); Sch. 8 para. 290(2) in force at 1.4.2005 by S.I. 2005/910, art. 3(y)

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*Local Government Act 1985 (c. 51)*

- 291 Omit section 99 (disqualification of justices).  
292 In Schedule 13 (residuary bodies), omit paragraph 13(i).

*Transport Act 1985 (c. 67)*

- 293 (1) Amend section 17 (London taxi and taxi driver licensing: appeals) as follows.  
(2) In subsections (2)(b) and (5), for “the appropriate” substitute “ a magistrates' ”.  
(3) In subsection (10), omit the definition of “the appropriate court”.

*Insolvency Act 1986 (c. 45)*

- 294 In section 124(1) (application for winding up), for “a justices' chief executive” substitute “ the designated officer for a magistrates' court ”.
- 295 (1) Amend section 183 (effect of execution or attachment) as follows.  
(2) In subsection (2)(b), for “sheriff” substitute “ enforcement officer or other officer charged with the execution of the writ ”.  
(3) In subsection (4), for the words from “ “the sheriff”” onwards substitute “ “enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003 ”.
- 296 (1) Amend section 184 (duties of sheriff) as follows.  
(2) In subsection (1), for “sheriff” substitute “ enforcement officer, or other officer, charged with execution of the writ or other process, ”.  
(3) In subsections (2), (3) and (4), for “sheriff”, in each place where it occurs, substitute “ enforcement officer or other officer ”.  
(4) In subsection (6), for the words from “ “the sheriff”” onwards substitute “ “enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003. ”  
(5) In the section heading, for “sheriff” substitute “ officers charged with execution of writs and other processes ”.
- 297 (1) Amend section 346 (enforcement procedures) as follows.  
(2) In subsections (2), (3)(b), (4) and (8)(b), for “sheriff”, in each place where it occurs, substitute “ enforcement officer ”.  
(3) In subsection (7), for “a sheriff” substitute “ an enforcement officer ”.  
(4) After subsection (8), insert—  
    “(9) In this section “enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003.”
- 298 (1) Amend section 347 (distress) as follows.  
(2) In subsection (6), for “sheriff” substitute “ enforcement officer, ”.  
(3) In subsection (7)—

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- (a) for “a sheriff” substitute “ an enforcement officer ”, and
- (b) for “the sheriff” substitute “ the enforcement officer ”.

(4) After subsection (10), insert—

“(11) In this section “enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003.”

299 In paragraph 12(1)(d) of Schedule B1 (application for administration order), for “justices' chief executive” substitute “ designated officer ”.

*Company Directors Disqualification Act 1986 (c. 46)*

300 In—

- (a) section 2(2)(c) (court which may make disqualification order on conviction of indictable offence),
  - (b) section 5(2) (disqualification on summary conviction),
- for “for the same petty sessions” substitute “ in the same local justice ”.

*Fire Safety and Safety of Places of Sport Act 1987 (c. 27)*

301 In section 41 (interpretation), in the definition of “the court”, omit “acting for the petty sessions area in which it is situated”.

*Coroners Act 1988 (c. 13)*

302 In—

- (a) sections 16(1)(a) (adjournment of inquest in event of criminal proceedings), and
  - (b) section 17(1) (supplementary provisions),
- for “justices' chief executive for” substitute “ designated officer for ”.

*Criminal Justice Act 1988 (c. 33)*

303 (1) Amend section 41 (power of Crown Court to deal with summary offence where person committed for either way offence) as follows.

(2) For subsection (8), substitute—

“(8) If he does not plead guilty, the Crown Court may try him for the offence, but may deal with him only in a manner in which a magistrates' court could have dealt with him.”

(3) Omit subsection (9).

(4) In subsections (10) and (11)(a), for “justices' chief executive for” substitute “ designated officer for ”.

304 In section 67(1) (notification of fine imposed by coroner), for “justices' chief executive for” substitute “ designated officer for ”.

*Local Government Finance Act 1988 (c. 41)*

305 In—

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- (a) section 74(1)(c) (levies), and
  - (b) section 117(5)(c) (rates and precepts: abolition),
- for “, combined fire authority, or magistrates' courts committee” substitute “ or combined fire authority ”.

*Road Traffic Act 1988 (c. 52)*

- 306 In section 90(1)(a) (application to court for review of conduct of test), omit “acting for the petty sessions area in which he resides”.
- 307 In section 100(1) (appeals relating to licences), omit “acting for the petty sessions area in which he resides”.
- 308 In section 119(1) (appeal to sheriff)—
  - (a) omit “acting for the petty sessions area in which the holder of or applicant for the licence resides”, and
  - (b) for “he” substitute “ the holder of or applicant for the licence ”.
- 309 In section 133(1)(a) (review of examinations by magistrates' court), for “the magistrates' court acting for the petty sessions area in which he resides” substitute “ a magistrates' court ”.

*Road Traffic Offenders Act 1988 (c. 53)*

- 310 In section 7(2) (duty to produce licence), for “justices' chief executive” substitute “ designated officer ”.
- 311 In sections 8(a) and 25(2)(a) (notification of date of birth and sex), for “a justices' chief executive” substitute “ the designated officer for a magistrates' court ”.
- 312 In section 26 (interim disqualification)—
  - (a) renumber the subsection inserted by paragraph 143(3) of Schedule 13 to the Access to Justice Act 1999 as subsection (7A), and
  - (b) in that subsection, for “justices' chief executive” substitute “ designated officer ”.
- 313 In section 27(5) (production of licence), for “justices' chief executive” substitute “ designated officer ”.
- 314 F76 .....

**Textual Amendments**

**F76** Sch. 8 para. 314 repealed (31.3.2009) by Road Safety Act 2006 (c. 49), ss. 59, 61, Sch. 7(2); S.I. 2008/3164, art. 3(d)

- 315 (1) Amend section 69 (payment of fixed penalty) as follows.
  - (2) In subsection (1), for “justices' chief executive” substitute “ designated officer for a magistrates' court ”.
  - (3) In subsection (4), for “justices' chief executive or” substitute “ designated officer or”.
- 316 In section 70(4)(a) (registration certificate), for “justices' chief executive for the petty sessions” substitute “ designated officer for the local justice ”.

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- 317 (1) Amend section 71 (registration of sums payable in default) as follows.
  - (2) In subsection (1)—
    - (a) for “a justices' chief executive” substitute “ the designated officer for a local justice area ”,
    - (b) for “petty sessions area for which he is the justices' chief executive” substitute “ local justice area for which he is the designated officer ”,
    - (c) for “acting for” substitute “ acting in ”,
    - (d) for “other petty sessions” substitute “ other local justice ”, and
    - (e) for “justices' chief executive for” substitute “ designated officer for ”.
  - (3) In subsection (2)(c), for “justices' chief executive for the petty sessions” substitute “ designated officer for the local justice ”.
  - (4) In subsection (2A), for “executives” substitute “ officers ”.
  - (5) In subsection (6), for “justices' chief executive for a petty sessions” substitute “ designated officer for a local justice ”.
- 318 In section 74(5) (provisions supplementary to sections 72 and 73)—
  - (a) for “petty sessions” substitute “ local justice ”,
  - (b) for “for that area” substitute “ in that area ”, and
  - (c) for “justices' chief executive” substitute “ designated officer ”.
- 319 In section 75(6) (conditional offer of fixed penalty: fixed penalty clerk), for “justices' chief executive” substitute “ designated officer ”.
- 320 (1) Amend section 82 (accounting for fixed penalties) as follows.
  - (2) In subsection (1), for “section 60 of the Justices of the Peace Act 1997 (application of fines and fees)” substitute “ section 38 of the Courts Act 2003 (application of receipts of designated officers) ”.
  - (3) Omit subsections (2), (2A) and (3).
- 321 F77 .....

**Textual Amendments**  
 F77 Sch. 8 para. 321 repealed (31.3.2009) by Road Safety Act 2006 (c. 49), ss. 59, 61, Sch. 7(2); S.I. 2008/3164, art. 3(d)

- 322 In section 84(c) (power to make regulations prescribing duties), for “justices' chief executives” substitute “ designated officers ”.

*Dangerous Dogs Act 1989 (c. 30)*

- 323 In section 1 (additional powers of court on complaint about dangerous dog) in—
  - (a) subsection (4), and
  - (b) subsection (7),
 for “for the same petty sessions” substitute “ in the same local justice ”.



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*Extradition Act 1989 (c. 33)*

- 324 In section 7(3) (rules as to service of documents), for “Rules under section 144 of the Magistrates' Courts Act 1980” substitute “Criminal Procedure Rules”.

**Commencement Information**

**186** Sch. 8 para. 324 partly in force; Sch. 8 para. 324 not in force at Royal Assent see s. 110(1)(2); Sch 8 para. 324 in force for certain purposes at 1.9.2004 by S.I. 2004/2066, art. 2(c)(xiv) (with art. 3)

- 325 In section 8(1)(a) (issue of warrant of arrest for purposes of committal), for “the Senior District Judge (Chief Magistrate) or another District Judge (Magistrates' Courts) designated by him” substitute “a District Judge (Magistrates' Courts) designated by the Lord Chancellor”.

- 326 In section 9(2) (proceedings for committal), for “the Senior District Judge (Chief Magistrate) or another District Judge (Magistrates' Courts) designated by him” substitute “a District Judge (Magistrates' Courts) designated by the Lord Chancellor”.

- 327 In section 13(5)(a) (return to foreign states – supplementary), for “rules under section 84 of the Supreme Court Act 1981” substitute “Criminal Procedure Rules”.

**Commencement Information**

**187** Sch. 8 para. 327 partly in force; Sch. 8 para. 327 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 327 in force for certain purposes at 1.9.2004 by S.I. 2004/2066, art. 2(c)(xiv) (with art. 3)

- 328 In section 14(2) (simplified procedure)—
- (a) for “rules under section 144 of the Magistrates' Courts Act 1980” substitute “Criminal Procedure Rules”, and
  - (b) for the words from “without” to “include power to” substitute “those rules may”.

**Commencement Information**

**188** Sch. 8 para. 328 partly in force; Sch. 8 para. 328 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 328 in force for certain purposes at 1.9.2004 by S.I. 2004/2066, art. 2(c)(xiv) (with art. 3)

- 329 (1) Amend Schedule 1 (provisions deriving from Extradition Act 1870 (c. 52) and associated enactments) as follows.
- (2) In paragraph 4(2), for “the Senior District Judge (Chief Magistrate) or another District Judge (Magistrates' Courts) designated by him” substitute “a District Judge (Magistrates' Courts) designated by the Lord Chancellor”.
  - (3) In paragraph 5(1)(a) and (3), for “the Senior District Judge (Chief Magistrate), or another District Judge (Magistrates' Courts) designated by him,” substitute “a District Judge (Magistrates' Courts) designated by the Lord Chancellor”.
  - (4) In paragraph 9(2), for “rules under section 144 of the Magistrates' Courts Act 1980” substitute “Criminal Procedure Rules”.

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- (5) In paragraph 13(1)(a), for “the Senior District Judge (Chief Magistrate) or another District Judge (Magistrates' Courts) designated by him” substitute “ a District Judge (Magistrates' Courts) designated by the Lord Chancellor ”.

#### Commencement Information

**I89** Sch. 8 para. 329 partly in force; Sch. 8 para. 329 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 329(1)(4) in force for certain purposes at 1.9.2004 by S.I. 2004/2066, art. 2(c)(xiv) (with art. 3); Sch. 8 para. 329(2)(3)(5) in force at 1.4.2005 by S.I. 2005/910, art. 3(y)

- 330 (1) In paragraph 5 of Schedule 1A (adaptation of Act where 1995 Convention applies), amend inserted section 14A as follows.
- (2) In subsection (4), for “rules under section 144 of the Magistrates' Courts Act 1980” substitute “ Criminal Procedure Rules ”.
- (3) In subsection (5)—
- (a) for the words from “Without” to “includes power to” substitute “ Criminal Procedure Rules may ”, and
  - (b) for “a Senior District Judge (Chief Magistrate) or another District Judge (Magistrates' Courts) designated by him” substitute “ a District Judge (Magistrates' Courts) designated by the Lord Chancellor ”.

#### Commencement Information

**I90** Sch. 8 para. 330 partly in force; Sch. 8 para. 330 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 330(1)(2)(3)(a) in force for certain purposes at 1.9.2004 by S.I. 2004/2066, art. 2(c)(xiv) (with art. 3); Sch. 8 para. 330(3)(b) in force at 1.4.2005 by S.I. 2005/910, art. 3(y)

#### *Football Spectators Act 1989 (c. 37)*

- 331 F78 .....

#### Textual Amendments

**F78** Sch. 8 para. 331 repealed (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 65, 66, Sch. 5; S.I. 2007/858, art. 2(m)(n)(xvi)

- 332 In—
- (a) section 14G(3) (variation of banning order),
  - (b) section 14H(6) (termination of banning order),
- for “for the same petty sessions” substitute “ in the same local justice ”.
- 333 (1) Amend section 18 (information) as follows.
- (2) In subsection (1), for “justices' chief executive for” substitute “ designated officer for ”.
  - (3) In subsection (2), for “clerk of” substitute “ designated officer for ”.
  - (4) Omit subsection (4).

*Status: Point in time view as at 06/04/2009.*

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- 334 In section 20(7) (appeal against refusal to grant exemption), omit “acting for the petty sessions area in which he resides”.
- 335 In section 22(2) (banning orders arising out of offences outside England and Wales)
- 
- (a) omit “for any area”,
  - (b) omit “who resides or is believed to reside in that area”, and
  - (c) omit “for that area” (in both places).

*Children Act 1989 (c. 41)*

- 336 In section 83(5) (directions to submit particulars of proceedings), for “justices' chief executive for” substitute “ designated officer for ”.

VALID FROM 06/04/2011

- 337 (1) Amend section 97 (privacy for children involved in certain proceedings) as follows.
- (2) In subsection (1), for “Rules made under section 144 of the Magistrates' Courts Act 1980” substitute “ Family Procedure Rules ”.
  - (3) Omit subsection (7)(a).
- 338 (1) Amend paragraph 6A of Schedule 1 (variation of orders for periodical payments etc. made by magistrates' courts) as follows.
- (2) In sub-paragraph (2), for “the clerk to the justices for the petty sessions area for which the court is acting” substitute “ a magistrates' court acting in the same local justice area as the court which made the order ”.
  - (3) In sub-paragraph (3)—
    - (a) for “the clerk” substitute “ a justices' clerk ”, and
    - (b) for “to the justices' chief executive for the court” substitute “ to the designated officer for the court ”.
  - (4) In sub-paragraph (9), for “the clerk to the justices” substitute “ a justices' clerk ”.
- 339 In paragraph 10(6) of Schedule 1 (jurisdiction to hear application for alteration of maintenance agreement), for “at least one of the parties is resident in the commission area for which the court is appointed” substitute “ the court acts in, or is authorised by the Lord Chancellor to act for, a local justice area in which at least one of the parties is resident ”.
- 340 In paragraph 24(6) of Schedule 2 (signature as evidence of contribution order), for “justices' chief executive for” substitute “ designated officer for ”.

*Local Government and Housing Act 1989 (c. 42)*

- 341 In section 39(1) (authorities to which provisions about revenue accounts and capital apply), omit paragraph (ea).
- 342 In section 67(3) (authorities to which provisions about interests in companies apply), omit paragraph (ga).

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*Town and Country Planning Act 1990 (c. 8)*

- 343 In section 217(2) (appeal to magistrates' court against section 215 notice), omit “acting for the petty sessions area in which the land in question is situated”.

*Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)*

- 344 In section 47(4) (application to stay compulsory acquisition of listed building in need of repair), omit “acting for the petty sessions area within which the building is situated”.
- 345 In section 50(6) (application to court following direction for minimum compensation), omit “acting for the petty sessions area in which the building is situated”.

*Computer Misuse Act 1990 (c. 18)*

- 346 Omit section 11(1) (magistrates' court's jurisdiction).
- 347 F79 .....

**Textual Amendments**

- F79** Sch. 8 para. 347 repealed (1.10.2008) by Police and Justice Act 2006 (c. 48), ss. 52, 53(1)(b), Sch. 15 Pt. 4; S.I. 2008/2503, art. 2(d)(ii)

*Courts and Legal Services Act 1990 (c. 41)*

- 348 Omit section 1(12) (duty of Lord Chancellor to prepare annual reports as to the business of the Supreme Court and county courts).

VALID FROM 06/04/2011

- 349 In section 10(2) (family proceedings in magistrates' courts), for “Rules made under section 144 of the Magistrates' Courts Act 1980” substitute “ Family Procedure Rules ”.

*Criminal Justice Act 1991 (c. 53)*

- 350 In section 20A(2)(a) (official request for statement of financial circumstances), for “justices' chief executive for” substitute “ designated officer for ”.
- 351 Omit sections 76 to 78 (court security).
- 352 (1) Amend section 92 (interpretation of Part 4) as follows.
- (2) In subsection (1), omit the definitions of “court-house” and “court security officer”.
- (3) Omit subsection (2).

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*Dangerous Dogs Act 1991 (c. 65)*

- 353 In section 4 (destruction and disqualification orders)—
- (a) in subsection (6), and
  - (b) in subsection (9)(d),
- for “for the same petty sessions” substitute “ in the same local justice ”.

*Social Security Administration Act 1992 (c. 5)*

- 354 In section 107 (recovery of expenditure on income support)—
- (a) in subsections (5)(c) and (9), for “the clerk to the justices for the petty sessions area for which the court is acting” substitute “ a justices' clerk ”,
  - (b) in subsections (5) and (11), for “to the justices' chief executive for the court” substitute “ to the designated officer for the court ”, and
  - (c) in subsection (15), for the definition of “court” substitute—  
““court” (where it occurs other than in the expression “magistrates' court”) means in England and Wales a magistrates' court, and in Scotland the sheriff;”.

- 355 In section 121(1) (unpaid contributions – supplementary)—
- (a) in paragraph (a), for “rules under section 144 of that Act” substitute “ Criminal Procedure Rules ”, and
  - (b) in paragraph (b), for “justices' chief executive for” substitute “ designated officer for ”.

**Commencement Information**

**I91** Sch. 8 para. 355 partly in force; Sch. 8 para. 355 not in force at Royal Assent see s. 110(1)(2); Sch. 8 para. 355(a) in force at 1.9.2004 by S.I. 2004/2066, art. 2(e)(xv) (with art. 3); Sch. 8 para. 355(b) in force at 1.4.2005 by S.I. 2005/910, art. 3(y)

*Local Government Finance Act 1992 (c. 14)*

- 356 In section 19(3) (exclusion of Crown exemption), omit paragraph (ea).

*Friendly Societies Act 1992 (c. 40)*

- 357 For section 110 (jurisdiction of magistrates' courts) substitute—

**“110 Jurisdiction of magistrates' courts in Northern Ireland**

- (1) In Northern Ireland, a friendly society or an officer of a friendly society may be prosecuted for a summary offence under this Act before a magistrates' court acting for the county court division in which the registered office of the society is situated.
- (2) Subsection (1) is without prejudice to the provisions of the Magistrates' Courts (Northern Ireland) Order 1981 as to the jurisdiction of a magistrates' court.”

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*Charities Act 1992 (c. 41)*

358 In section 71(3) (appeals), omit from “and references” onwards.

*Protection of Badgers Act 1992 (c. 51)*

359 In section 13 (powers of court where dog used or present at commission of offence)

(a) in subsection (5), and

(b) in subsection (9)(c),

for “for the same petty sessions” substitute “ in the same local justice ”.

*Tribunals and Inquiries Act 1992 (c. 53)*

360 In Schedule 1 (tribunals under direct supervision of Council on Tribunals), omit the entry relating to a person appointed under section 54(6) of the Justices of the Peace Act 1997.

*Pension Schemes Act 1993 (c. 48)*

361 In section 68(1)(b) (receipt of statement of admission of failure to pay premiums), for “justices' chief executive for” substitute “ designated officer for ”.

*Vehicle Excise and Registration Act 1994 (c. 22)*

362 In—

(a) section 51(3)(b)(i) (meaning of “appropriately proved”), and

(b) section 55(2)(a)(ii) (meaning of “appropriately proved”),

for “rules under section 144 of the Magistrates' Courts Act 1980” substitute “ Criminal Procedure Rules ”.

**Commencement Information**

**I92** Sch. 8 para. 362 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(xvi) (subject to art. 3)

*Value Added Tax Act 1994 (c. 23)*

363 In section 82(3) (power to appoint officers and staff for carrying out the administrative work of tribunals in England and Wales), for “section 27 of the Courts Act 1971” substitute “ section 2(1) of the Courts Act 2003 ”.

*Drug Trafficking Act 1994 (c. 37)*

364 In section 55(7) (power to make rules about orders under section 55), for “Crown Court Rules” substitute “ Criminal Procedure Rules ”.

*Status: Point in time view as at 06/04/2009.*

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**Commencement Information**

**193** Sch. 8 para. 364 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(xvii) (subject to art. 3)

*Road Traffic (New Drivers) Act 1995 (c. 13)*

365 In paragraph 3(3A) of Schedule 1 (test certificate not previously supplied), for “justices' chief executive” substitute “ designated officer ”.

*Merchant Shipping Act 1995 (c. 21)*

366 In section 68(4A) (particulars of fine for not co-operating with inquiry into fitness of seaman)—  
(a) for “(1)” substitute “ (4) ”, and  
(b) for “justices' chief executive” substitute “ designated officer ”.

*Criminal Appeal Act 1995 (c. 35)*

367 In section 22 (meaning of public body etc.), omit subsection (5).

*Disability Discrimination Act 1995 (c. 50)*

368 (1) Amend section 38 (appeal against refusal of exemption certificate) as follows.  
(2) In subsection (1), for “the appropriate” substitute “ a magistrates' ”.  
(3) Omit subsection (3).

*Reserve Forces Act 1996 (c. 14)*

369 In paragraph 7(3A) of Schedule 2 (fee payable on delivery into military, air-force or naval custody of person dealt with by court of summary jurisdiction as illegally absent), for “justices' chief executive” substitute “ designated officer ”.  
370 In paragraph 9(4) of Schedule 3 (certificate as proof of outcome of civil trial), for “justices' chief executive” substitute “ designated officer ”.

*Police Act 1996 (c. 16)*

371 In section 5(2) (consultation before reduction in size of police authority)—  
(a) at the end of paragraph (a), insert “ and ”, and  
(b) omit paragraph (c) and “and” before it.  
372 In section 5C(3) (consultation before reduction in size of Metropolitan Police Authority)—  
(a) at the end of paragraph (a), insert “ and ”, and  
(b) omit paragraph (c) and “and” before it.

373 F80 .....

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**Textual Amendments**

**F80** Sch. 8 para. 373 repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53(1)(b), Sch. 15 Pt. 1(B); S.I. 2007/709, art. 3(o)(s)(v) (subject to arts. 6, 7)

374 **F81** .....

**Textual Amendments**

**F81** Sch. 8 para. 374 repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53(1)(b), Sch. 15 Pt. 1(B); S.I. 2007/709, art. 3(o)(s)(v) (subject to arts. 6, 7)

375 **F82** .....

**Textual Amendments**

**F82** Sch. 8 para. 375 repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53(1)(b), Sch. 15 Pt. 1(B); S.I. 2007/709, art. 3(o)(s)(v) (subject to arts. 6, 7)

376 **F83** .....

**Textual Amendments**

**F83** Sch. 8 para. 376 repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53(1)(b), Sch. 15 Pt. 1(B); S.I. 2007/709, art. 3(o)(s)(v) (subject to arts. 6, 7)

*Criminal Procedure and Investigations Act 1996 (c. 25)*

- 377 (1) Amend section 19 (rules of court) as follows.
  - (2) In subsection (1), for the words from the beginning to “sections” substitute “ The power to make Criminal Procedure Rules ”.
  - (3) In subsection (3), for “Rules made under section 144 of the Magistrates' Courts Act 1980” substitute “ Criminal Procedure Rules made ”.

**Commencement Information**

**I94** Sch. 8 para. 377 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(xviii) (subject to art. 3)

378 In section 20(3) (rules as to disclosure), for the words from “Without” to “that section” substitute “ The power to make Criminal Procedure Rules ”.

**Commencement Information**

**I95** Sch. 8 para. 378 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(xviii) (subject to art. 3)

379 In section 33 (Crown Court Rules)—



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- (a) in subsections (1) and (2), for “Crown Court Rules” substitute “ Criminal Procedure Rules ”, and
- (b) for the section heading, substitute “ Criminal Procedure Rules ”.

**Commencement Information**

**I96** Sch. 8 para. 379 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(xviii) (subject to art. 3)

- 380 In paragraph 4 of Schedule 2 (rules about statements and depositions), for the words from “Without prejudice” to “includes power to” substitute “ Criminal Procedure Rules may ”.

**Commencement Information**

**I97** Sch. 8 para. 380 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(xviii) (subject to art. 3)

- 381 In paragraph 13(2) of Schedule 4 (modification of section 20(3) in relation to Northern Ireland), for “that section” substitute “ Rules ”.

**Commencement Information**

**I98** Sch. 8 para. 381 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(xviii) (subject to art. 3)

*National Minimum Wage Act 1998 (c. 39)*

- 382 After section 45 insert—

**“45A Persons discharging fines by unpaid work**

A person does not qualify for the national minimum wage in respect of any work that he does in pursuance of a work order under Schedule 6 to the Courts Act 2003 (discharge of fines by unpaid work).”

*Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11)*

- 383 In section 9(9) (application for termination of disqualification), for “for the same petty sessions” substitute “ in the same local justice ”.

*Youth Justice and Criminal Evidence Act 1999 (c. 23)*

- 384 In each of the following provisions, for “rules of court” substitute “ Criminal Procedure Rules ”
- (a) section 20(6) (applications about special measures directions);
  - (b) section 27(4)(b) (video recorded evidence in chief);
  - (c) section 28(2) and (4) (video recorded cross-examination or re-examination);
  - (d) section 29(3) and (5) (examination of witness through intermediary);

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- (e) section 37(5) (applications about directions under section 36);
- (f) section 38(6) and (7) (defence representation for purposes of cross-examination);
- (g) section 43(3) (procedure on applications under section 41);
- (h) section 65(1) (power to make rules for purposes of Act).

**Commencement Information**

**I99** Sch. 8 para. 384 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(xix) (subject to art. 3)

- 385 In section 24 (evidence by live link), omit subsections (5) to (7).
- 386 In section 44(11) (restrictions on reporting of offences), for “rules of court” substitute “ Criminal Procedure Rules in England and Wales, or rules of court in Northern Ireland ”.

**Commencement Information**

**I100** Sch. 8 para. 386 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(xix) (subject to art. 3)

- 387 Omit section 65(2) (meaning of “rules of court”).

**Commencement Information**

**I101** Sch. 8 para. 387 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(xix) (subject to art. 3)

*Terrorism Act 2000 (c. 11)*

- 388 (1) Amend Schedule 4 (forfeiture orders) as follows.
  - (2) In paragraph 4(1), for “justices' chief executive” (in each place) substitute “ designated officer ”.
  - (3) In paragraph 13(5)(b), for “a justices' chief executive” substitute “ the designated officer for a magistrates' court ”.
  - (4) In paragraph 46(2)(a), for “section 60 of the Justices of the Peace Act 1997 (application of fines, etc.)” substitute “ section 38 of the Courts Act 2003 (application of receipts of designated officers) ”.
- 389 (1) Amend Schedule 5 (terrorist investigations: information) as follows.
  - (2) In paragraph 10(2), for “Crown Court Rules” substitute “ Criminal Procedure Rules ”.
  - (3) In paragraph 18, after paragraph (d) insert—
    - “(dd) the reference in paragraph 10(2) to “Criminal Procedure Rules” shall be taken as a reference to Crown Court Rules.”.

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#### Commencement Information

**I102** Sch. 8 para. 389 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(xx) (subject to art. 3)

- 390 (1) Amend paragraph 4 of Schedule 6 (procedure on application for provision of financial information) as follows.
- (2) In sub-paragraph (1), for “Crown Court Rules” substitute “ Criminal Procedure Rules ”.
- (3) After sub-paragraph (2) insert—
- “(3) Crown Court Rules may make provision about the procedure for an application under paragraph 1.”

#### Commencement Information

**I103** Sch. 8 para. 390 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(xx) (subject to art. 3)

- 391 In paragraph 29(4)(a) of Schedule 8(extension of detention: meaning of judicial authority), omit “the Senior District Judge (Chief Magistrate) or his deputy, or”.

#### *Freedom of Information Act 2000 (c. 36)*

- 392 In Schedule 1 (public authorities), omit paragraph 34.

#### *Criminal Justice and Court Services Act 2000 (c. 43)*

- 393 In paragraph 2(2) of Schedule 1 (constitution of local probation boards), for “or a Recorder” substitute “ , a Recorder or a District Judge (Magistrates' Courts) ”.

#### *Vehicles (Crime) Act 2001 (c. 3)*

- 394 In section 38(5) (unified power to fund speed cameras)—
- (a) at the end of paragraph (b) insert “ and ”, and
- (b) omit paragraph (c).

#### *Private Security Industry Act 2001 (c. 12)*

- 395 (1) Amend section 11 (appeals in licensing matters) as follows.
- (2) In subsection (1), for “the appropriate” substitute “ a ”.
- (3) Omit subsection (3).
- (4) In subsection (6)(d)—
- (a) omit “appropriate”, and
- (b) for “that” substitute “ the ”.
- 396 (1) Amend section 18 (appeals relating to approvals) as follows.
- (2) In subsection (1), for “the appropriate” substitute “ a ”.

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- (3) Omit subsection (3).
- (4) In subsection (5)(d)—
  - (a) omit “appropriate”, and
  - (b) for “that” substitute “ the ”.

*Criminal Justice and Police Act 2001 (c. 16)*

- 397 In section 3(3)(f) (penalty notice for disorderly behaviour), for “justices' chief executive” substitute “ designated officer for a local justice area ”.
- 398 In section 7(1) (payment of penalty), for “justices' chief executive” substitute “ designated officer ”.
- 399 In section 8(2) (certificate that sum is registrable for enforcement as a fine), for “justices' chief executive for the petty sessions” substitute “ designated officer for the local justice ”.
- 400 (1) Amend section 9 (registration of sums payable in default) as follows.
  - (2) In subsection (1), for “justices' chief executive for a petty sessions” substitute “ designated officer for a local justice ”.
  - (3) In subsection (2)(b), for “appropriate justices' chief executive” substitute “ designated officer for the local justice area in which the defaulter resides ”.
  - (4) In subsection (3), for “justices' chief executive” substitute “ designated officer ”.
- 401 In section 21(5) (closure of unlicensed premises), for “justices' chief executive” substitute “ designated officer ”.
- 402 In section 22(5)(a) (termination of closure order), for “justices' chief executive” substitute “ designated officer ”.

*International Criminal Court Act 2001 (c. 17)*

- 403 In—
  - (a) section 7(3) (form of consent to surrender), and
  - (b) section 13(3) (form of waiver of right to review),
 for “rules under section 144 of the Magistrates' Courts Act 1980 (c. 43)” substitute “ Criminal Procedure Rules ”.

**Commencement Information**

**I104** Sch. 8 para. 403 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(xxi) (subject to art. 3)

- 404 In section 26 (meaning of “appropriate judicial officer”), in the definition of “appropriate judicial officer” omit paragraph (a).
- 405 In paragraph 5(2) of Schedule 5 (orders under Part 1), after “by” insert “ Criminal Procedure Rules or, in Northern Ireland, ”.

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**Commencement Information**

**1105** Sch. 8 para. 405 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(xx) (subject to art. 3)

*Proceeds of Crime Act 2002 (c. 29)*

- 406 In—
- (a) section 24(1)(b) (application to discharge confiscation order: inadequacy of available amount), and
  - (b) section 25(1)(b) (application to discharge confiscation order: small amount outstanding),
- for “a justices' chief executive” substitute “ the designated officer for a magistrates' court ”.
- 407 In section 54(6) and (7) (payments by enforcement receivers), for “justices' chief executive” substitute “ designated officer ”.
- 408 (1) Amend section 55 (sums received by justices' chief executive) as follows.
- (2) For “justices' chief executive”, in each place (including the section heading) substitute “ designated officer ”.
  - (3) In subsection (2), for “chief executive's” substitute “ designated officer's ”.
  - (4) In subsection (6), for “section 60 of the Justices of the Peace Act 1997 (c. 25)” substitute “ section 38 of the Courts Act 2003 ”.
- 409 In section 67(5) (payment of seized money), for “justices' chief executive” substitute “ designated officer ”.
- 410 In section 91 (Crown Court Rules) for “Crown Court Rules or (as the case may be) Criminal Appeal Rules” substitute “ Criminal Procedure Rules ”.

**Commencement Information**

**1106** Sch. 8 para. 410 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, art. 2(c)(xix) (subject to art. 3)

*Adoption and Children Act 2002 (c. 38)*

- 411 In section 13(2) (requirement to provide information relating to adoption), for “justices' chief executive” substitute “ designated officer ”.
- 412 In section 55(2) (interpretation of section 55(1)), for “petty sessions” substitute “ local justice ”.
- 413 (1) Amend section 141 (rules of procedure) as follows.
- (2) In subsection (1), for “The Lord Chancellor may make rules” substitute “ Family Procedure Rules may make provision ”.
  - (3) Omit subsection (2).
- 414 In section 144(1) (interpretation), for the definition of “rules” substitute—

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“rules” means Family Procedure Rules made by virtue of section 141(1),”.

## SCHEDULE 9 U.K.

Section 109(2)

### TRANSITIONAL PROVISIONS AND SAVINGS

#### *Interpretation*

1 In this Schedule “the JPA 1997” means the Justices of the Peace Act 1997.

#### *Orders contracting out the provision of officers and staff*

2 Any order which, immediately before section 2 comes into force, was in force under section 27(3) of the Courts Act 1971, including, in particular, any order made under section 27(3) by virtue of—

- (a) section 4(7) of the Taxes Management Act 1970, or
- (b) section 82(3) of the Value Added Tax Act 1994,

shall have effect as if made under section 2 for the purpose of discharging the Lord Chancellor’s general duty in relation to the courts (and may be amended or revoked accordingly).

#### *Local justice areas*

3 The first order under section 8 must specify as a local justice area each area which was a petty sessions area immediately before the time when that section comes into force.

#### *Appointment and assignment of lay justices*

4 A person who, immediately before section 10 comes into force, was a justice of the peace for a commission area under section 5 of the JPA 1997 shall be treated as having been—

- (a) appointed under section 10(1) as a lay justice for England and Wales, and
- (b) assigned under section 10(2)(a) to the local justice area which—
  - (i) is specified as such in the first order under section 8, and
  - (ii) immediately before section 10 comes into force, was the petty sessions area in and for which he ordinarily acted.

#### *The supplemental list*

5 (1) The existing supplemental list shall have effect as the supplemental list required to be kept by section 12; and any name which, immediately before that section comes into force, was included in that list under a provision listed in column 1 of the table shall be treated as having been entered in the list under the provision listed in column 2—

<b>Provision of the JPA 1997</b>	<b>Provision of this Act</b>
Section 7(2)	Section 13(1)

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Section 7(4)	Section 13(5)
Section 7(6)	Section 13(4)

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- (2) “The existing supplemental list” means the supplemental list having effect under the JPA 1997 immediately before section 12 comes into force.

*Keepers of the rolls*

- 6 A person who, immediately before section 16 comes into force, was under section 25 of the JPA 1997 keeper of the rolls for a commission area shall be treated as having been appointed under section 16 as keeper of the rolls for each local justice area which—
- (a) is specified as such in the first order under section 8, and
  - (b) immediately before section 16 comes into force, formed part of, or consisted of, that commission area.

*Chairman and deputy chairmen of the bench*

- 7 A person who, immediately before section 17 comes into force, was under section 22 of the JPA 1997 the chairman (or a deputy chairman) of the justices for a petty sessions area shall be treated as having been chosen under section 17 as the chairman (or a deputy chairman) of the lay justices assigned to the corresponding local justice area specified in the first order under section 8.

*Senior District Judge (Chief Magistrate)*

- 8 (1) The person who, immediately before section 23 comes into force, was under section 10A of the JPA 1997 the Senior District Judge (Chief Magistrate) shall be treated as having been designated as such under section 23(a).
- (2) A person who, immediately before section 23 comes into force, was under section 10A of the JPA 1997 the deputy of the Senior District Judge (Chief Magistrate) shall be treated as having been designated as such under section 23(b).

*Justices' clerks and assistant clerks*

- 9 A person who—
- (a) immediately before section 27 comes into force, was a justices' clerk for a petty sessions area (or areas), and
  - (b) is transferred to the Lord Chancellor's employment by virtue of paragraph 11 of Schedule 2,
- shall be treated as having been designated as a justices' clerk under section 27(1)(b) and assigned under section 27(3)(a) to the corresponding local justice area (or areas) specified in the first order under section 8.
- 10 A person who—
- (a) immediately before section 27 comes into force, was employed to assist a justices' clerk by acting as a clerk in court in proceedings before a justice or justices, and
  - (b) is transferred to the Lord Chancellor's employment by virtue of paragraph 11 of Schedule 2,

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shall be treated as having been designated as an assistant to a justices' clerk under section 27(5)(b).

- 11 (1) Any regulations made under—
- (a) section 42 of the Justices of the Peace Act 1949 (compensation in connection with Parts 2 and 3 of the 1949 Act), or
  - (b) paragraph 16 of Schedule 3 to the Justices of the Peace Act 1968 (compensation in connection with section 1 of the 1968 Act),
- and in force immediately before paragraph 20 of Schedule 4 to the JPA 1997 is repealed by this Act shall continue to have effect and may be revoked or amended despite the repeal by the Justices of the Peace Act 1979 of the provisions under which they were made.
- (2) The power to make amendments by virtue of sub-paragraph (1) of regulations falling within paragraph (a) of that sub-paragraph shall extend to making provision—
- (a) for compensation to or in respect of persons falling within sub-paragraph (3) to be payable if such persons suffer loss of employment, or loss or diminution of emoluments, attributable to anything done under Part 2;
  - (b) for the determination by persons other than magistrates' courts committees of claims for compensation to be made;
  - (c) for the payment by the Lord Chancellor of compensation payable under the regulations.
- (3) A person falls within this sub-paragraph if—
- (a) on 2nd February 1995 he held the office of justices' clerk or was employed to assist a justices' clerk, and
  - (b) is transferred to the Lord Chancellor's employment by virtue of paragraph 11 of Schedule 2.
- (4) A person who under regulations made by virtue of sub-paragraph (2)(a) is entitled to compensation in respect of anything done under Part 2 is not entitled to compensation in respect of that thing under a scheme made under section 1 of the Superannuation Act 1972 by virtue of section 2(2)(a) of that Act.

#### *Family proceedings courts*

- 12 Any justice of the peace who, immediately before section 49 comes into force, was qualified to sit as a member of a family proceedings court shall be treated as having been authorised to do so by the Lord Chancellor under section 67 of the 1980 Act (as substituted by section 49).

#### *Youth courts*

- 13 Any justice of the peace who, immediately before section 50 comes into force, was qualified to sit as a member of a youth court shall be treated as having been authorised to do so by the Lord Chancellor under section 45 of the 1933 Act (as substituted by section 50).

#### *Inspectors of court administration*

- 14 Any person who, immediately before section 58 comes into force, was an inspector of the magistrates' courts service under section 62 of the JPA 1997 shall be treated as having been appointed as an inspector of court administration under section 58(1).



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*Collection of fines and discharge of fines by unpaid work*

- 15 (1) This paragraph applies if section 97 and Schedule 5 are brought into force before section 8.
- (2) Section 97 and Schedule 5 have effect in relation to the period ending with the date on which section 8 comes into force as if any reference to a local justice area were a reference to a petty sessions area.

**Commencement Information**

**I107** Sch. 9 para. 15 wholly in force at 5.4.2004; Sch. 9 para. 15 not in force at Royal Assent see s. 110(1)(2); Sch. 9 para. 15 in force for certain purposes at 23.2.2004 by S.I. 2004/174, art. 4(a); Sch. 9 para. 15 in force for certain further purposes at 29.3.2004 by S.I. 2004/174, art. 4(b); Sch. 9 para. 15 in force for all purposes 5.4.2004 by S.I. 2004/174, art. 4(c)

*Register of judgments and orders*

- 16 The register having effect under section 73 of the County Courts Act 1984 immediately before section 98 comes into force shall be treated as part of the register required to be kept under section 98.

SCHEDULE 10 **U.K.**

Section 109(3)

REPEALS

**Commencement Information**

**I108** Sch. 10 partly in force; Sch. 10 not in force at Royal Assent see s. 110(1)(2); Sch. 10 in force for certain purposes at 26.1.2004 by S.I. 2003/3345, art. 2(c)(iii)(iv); Sch. 10 in force for certain further purposes at 15.3.2004 by S.I. 2004/401, art. 2(c)(d); Sch. 10 in force for certain further purposes at 1.5.2004 by S.I. 2004/1104, {art. 3(h)(i)-(iv)(i)}; Sch. 10 in force for certain further purposes at 1.9.2004 by S.I. 2004/2066, art. 2(d)(e) (subject to art. 3); Sch. 10 in force for certain further purposes at 4.1.2005 by S.I. 2004/3123, art. 2(c)(d); Sch. 10 in force for certain further purposes at 1.4.2005 by S.I. 2005/910, art. 3(aa)(bb); Sch. 10 in force for certain further purposes at 10.1.2006 by S.I. 2005/3518, art. 2(b) (with art. 4); Sch. 10 in force for certain further purposes at 6.4.2006 by S.I. 2005/3518, art. 3(c)

<b>Short title and chapter</b>	<b>Extent of repeal</b>
Parochial Libraries Act 1708 (c. 14)	In section 10, “for the commission area”.
Distress for Rent Act 1737 (c. 19)	In section 4, “of the same commission area”. In section 16, “of the county, riding, division, or place”.
Inclosure Act 1773 (c. 81)	In section 4, “under the hand and seal” and “of the commission area wherein such common field lands shall lie”.
Burial Ground Act 1816 (c. 141)	In section 2, “for the commission area in which such land is situated”.

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Inclosure and Drainage (Rates) Act 1833 (c. 35)	In section 1, “acting for any commission area, in petty sessions assembled”. In section 2, “for the said (county, riding, or division, as the case may be)”.
Railway Regulation Act 1842 (c. 55)	In section 17, “, in the like discretion of such justice, shall” and the words from “and every such penalty” to the end.
Defence Act 1842 (c. 94)	In section 24, “of the county, riding, city, or place”.
Companies Clauses Consolidation Act 1845 (c. 16)	In section 3, the words from “The word “justice”” to “acting together in petty sessions”.
Lands Clauses Consolidation Act 1845 (c. 18)	In section 3, the words from “The word “justices”” to “acting together”.
Railway Clauses Consolidation Act 1845 (c. 20)	In section 3, the words from “The word “justice”” to “acting together:”. In section 46, “in petty sessions”. In section 59, “, and assembled in petty sessions,”.
Markets and Fairs Clauses Act 1847 (c. 14)	In section 3, the words from “The word “justice”” to “acting together:”.
Harbours, Docks and Piers Clauses Act 1847 (c. 27)	In section 3, the words from “The word “justice”” to “acting together:”.
Towns Improvement Clauses Act 1847 (c. 34)	In section 3, the words from “The word “justice”” to “acting together:”.
Cemeteries Clauses Act 1847 (c. 65)	In section 3, the words from “The word “justice”” to “acting together:”.
Town Police Clauses Act 1847 (c. 89)	In section 3, the words from “The word “justice”” to “acting together:”.
Indictable Offences Act 1848 (c. 42)	In section 13, “any county, riding, division, liberty, city, borough, or place in” (in both places).
Defence Act 1860 (c. 112)	In section 47, the words from “The word “justices”” to “acting together:”.
Offences Against the Person Act 1861 (c. 100)	In section 44, “under their hands”. In section 65, “under his hand and seal”.
Poaching Prevention Act 1862 (c. 114)	In section 1, the words from “, and the words “justice” and “justices”” onwards. In section 2, “England and”. In section 3, “in England in the same manner as penalties under the Game Act 1831 and”.
Dockyard Ports Regulation Act 1865 (c. 125)	In section 2, the words from “The term “justice”” to “arises:”.
Newspapers, Printers, and Reading Rooms Repeal Act 1869 (c. 24)	In Schedule 2, in section 34 of the Unlawful Societies Act 1799, “or sued” and “, or such

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	action shall be brought”, and sections 35 and 36 of the 1799 Act.
Explosive Substances Act 1883 (c. 3)	In section 6(1), “for the county, borough, or place in which the crime was committed or is suspected to have been committed,” and “sit at a petty sessional or occasional court-house, or police station in the said county, borough or place, and”.
Municipal Corporations Act 1882 (c. 50)	In section 153(3), “for a commission area consisting of or including the whole or part of the county”.
Sheriffs Act 1887 (c. 55)	In section 38, from “Any reference” onwards.
Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)	In section 3(4), “appointed for the same commission area”.
Criminal Justice Act 1925	In section 33(4), “, except in so far as such provision may be made by rules under section 144 of the Magistrates' Courts Act 1980”.
Children and Young Persons Act 1933 (c. 12)	Section 101. Schedule 2.
Public Offices (Site) Act 1947	Section 7.
National Assistance Act 1948	Section 65(c).
Prevention of Damage by Pests Act 1949 (c. 55)	In section 15(1), “for the petty sessions area or place in which the works are required to be carried out or, as the case may be, in which the food or container is for the time being situated”.
National Parks and Access to the Countryside Act 1949 (c. 97)	In section 68(3), “for the petty sessions area or place within which the land to which the notice relates is situated”.
Maintenance Orders Act 1950	Section 25(1). In section 28(1), in the definition of “prescribed”, “England or”, “by rules made under section fifteen of the Justices of the Peace Act 1949, or” and “as the case may be,”.
Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)	In Schedule 2, Part 2.
Prison Act 1952 (c. 52)	In section 19(2), “or to visit any prisoner under sentence of death”.
Maintenance Orders Act 1958	In section 21(1), the definition of “rules of court”.
Manoeuvres Act 1958 (7 & 8 Eliz. 2 c. 7)	In section 3, in subsection (1) “sitting in petty sessions in the petty sessions area within which that highway or part of a highway

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	is situated” and in subsection (2) “being a highway or part within the jurisdiction of those justices”.
Obscene Publications Act 1959	In section 3(1), “in the petty sessions area for which he acts,” and “in that area”.
Game Laws (Amendment) Act 1960 (c. 36)	In section 3(2), the words from “and in section one” onwards.
Caravan Sites and Control of Development Act 1960 (c. 62)	In section 7(1), “acting for the petty sessions area in which the land is situated”. In section 8(2), “acting for the petty sessions area in which the land to which the site licence relates is situated”. In section 32(1)(c), “acting for the petty sessions area in which the land is situated”.
Administration of Justice Act 1960	In section 2(3), “Except in a case involving sentence of death,”. Section 3.
Children and Young Persons Act 1963 (c. 37)	Section 17(1). Schedule 2.
Offices, Shops and Railway Premises Act 1963 (c. 41)	In section 46(11), “acting for the petty sessions area in which they are situate”.
Administration of Justice Act 1964	In section 26, “commissions of the peace,”.
Science and Technology Act 1965 (c. 4)	In Schedule 2, the entry relating to section 6 of the Geological Survey Act 1845.
Compulsory Purchase Act 1965	Section 1(5).
Public Works Loans Act 1965 (c. 63)	Section 2(1)(a)(v) and “and” before it.
National Loans Act 1968 (c. 13)	In Schedule 4, in paragraph 1, in paragraph (a) of the definition of “local authority”, sub-paragraph (v) and “and” before it.
Criminal Appeal Act 1968 (c. 19)	In section 31A(2), at the end of paragraph (b) “and”. Section 48. Schedule 4.
Courts-Martial (Appeals) Act 1968 (c. 20)	In section 36(1), at the end of paragraph (f) “and”. In section 36A(1), at the end of paragraph (a) “and”. Section 55. Schedule 2.
Children and Young Persons Act 1969 (c. 54)	In section 23A(2)(a), “for the petty sessions area in which he was arrested”.
Courts Act 1971 (c. 23)	Sections 27 and 28. Schedule 3. In Schedule 8, paragraphs 17 and 49.

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Attachment of Earnings Act 1971	In section 25(1), the definition of “rules of court” and “and” before it.
Armed Forces Act 1971	In Schedule 2, paragraph 1(8).
Fire Precautions Act 1971 (c. 40)	In section 43(1), in the definition of “the court”, “acting for the petty sessions area in which they are situated”.
Immigration Act 1971	In Schedule 3, in paragraph 6(3) “the Crown Court or” and “commission area or” and in paragraph 8(1) “area or”.
Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)	In section 21(1), “in England and Wales or”, “by rules made under section 144 of the Magistrates' Courts Act 1980 or”, and “as the case may be,”. In section 34A(4), omit “the clerk of”.
Civil Evidence Act 1972	Section 2(8).
Administration of Justice Act 1973	In section 5, “Paragraph 7 of”. In Schedule 1, paragraphs 7 to 7B and 10(1).
Juries Act 1974 (c. 23)	In section 10, “and for this purpose “the judge” means any judge of the High Court or any Circuit judge or Recorder”. In Schedule 1, in Group B, “Justices' chief executives,”.
Solicitors Act 1974 (c. 47)	Section 38(2) and (3).
Safety of Sports Grounds Act 1975 (c. 52)	In section 17(1), in the definition of “the court”, “acting for the petty sessions area in which they are situated”.
Bail Act 1976 (c. 63)	In section 2, the definitions of “Crown Court rules”, “magistrates' courts rules” and “Supreme Court rules”. In section 5B(8), “for the petty sessions area in which he was arrested”. In section 7(4)(a), “for the petty sessions area in which he was arrested”. In section 8(5)(b), “for the petty sessions area in which he resides”.
Race Relations Act 1976 (c. 74)	In Schedule 1A, in Part 1, paragraph 45, and in Part 2, under the heading “Regulatory, audit and inspection”, “Her Majesty’s Magistrates' Courts Service Inspectorate”.
Administration of Justice Act 1977	Section 22.
Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)	In section 88(1), the definition of “rules”. In Schedule 2, paragraphs 2, 6 and 9.
Judicature (Northern Ireland) Act 1978 (c. 23)	Section 48(4). In section 70(2)(a), the words “, or in the case of the Official Solicitor a solicitor,”.

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Protection of Children Act 1978	<p>In section 73, in subsection (1), “Subject to subsection (2)”, and subsection (2).          In Schedule 1, in paragraph 1(2) “Except in a case involving sentence of death,” and paragraph 2.          In Schedule 3, the entry relating to the Official Solicitor.</p>
Magistrates' Courts Act 1980 (c. 43)	<p>In section 4(1), “in the petty sessions area for which he acts”.</p> <p>Section 1(2), (5) and (8).          Section 3.          Section 3B.          In section 60(4), “the clerk of”.          Section 68.          Section 87(4).          Section 87A(2).          In section 97(1), “for any commission area” and “for that commission area”.          In section 97A(1), “for any commission area” and paragraph (c) and “and” before it.          In section 116, in subsection (1), “for any area to which this section applies”, from “, if the complaint” to “for that area,” and “for that area” (in the second place) and subsection (3).          In section 121, subsection (3) and, in subsection (5), “, or sitting in an occasional court-house”.          Section 125B(3).          In section 125C, in subsection (1), “appointed by, or member of the staff of, his magistrates' courts committee” and, in subsection (2), in the definition of “a section 125A warrant”, from “and” onwards.          Sections 137 and 138.          Section 141.          In section 144, in subsection (2) “the President of the Family Division of the High Court, the Senior District Judge (Chief Magistrate)” and subsection (5).          In section 145, in subsection (1) paragraphs (aa), (f) and (i) and subsection (4).          Sections 146 and 147.          Section 149.          In section 150(1), the definitions of “petty-sessional court-house”, “the register” and “the rules”.          Section 153.          Schedule 6.          In Schedule 7, paragraphs 5, 8, 101(a), 106, 107, 113, 131 and 151.</p>

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Criminal Appeal (Northern Ireland) Act 1980	Section 48 and Schedule 3.
Zoo Licensing Act 1981 (c. 37)	In section 18(1), “acting for the petty sessions area in which the zoo is situated”.
Supreme Court Act 1981 (c. 54)	Section 56A. Section 76(4). In section 92, in subsection (2), “except the office of Queen’s Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals” and subsections (2D) and (2E). Section 130. Sections 138, 138A and 138B. In section 151(1), in the definition of “prescribed”, paragraph (b) and “and” before it. In Schedule 5, paragraph 1 of the entry relating to the Foreign Judgments (Reciprocal Enforcement) Act 1933, the entry relating to the Criminal Justice Act 1948, and paragraph 2 of the entry relating to the Evidence (Proceedings in Other Jurisdictions) Act 1975.
Acquisition of Land Act 1981 (c. 67)	In Schedule 4, in paragraph 1, the entry relating to the Courts Act 1971 and paragraph 19.
County Courts Act 1984 (c. 28)	Sections 73 and 73A. Section 99(4)(b). Section 128. In section 147(1), the definition of “fees orders”. In Schedule 2, paragraph 43.
Matrimonial and Family Proceedings Act 1984 (c. 42)	Sections 40 and 41. In Schedule 1, paragraph 13(b).
Building Act 1984 (c. 55)	In section 40(1), “acting for the petty sessions area in which is situated land on which there has been carried out any work to which the notice relates”. In section 55(1), “acting for the petty sessions area in which is situated land on which there will be, or there has been, carried out any work to which the notice or certificate relates”.
Cinemas Act 1985 (c. 13)	In Schedule 2, paragraph 12.
Prosecution of Offences Act 1985	Section 20(5).
Local Government Act 1985 (c. 51)	Section 99. In Schedule 13, paragraph 13(i).
Administration of Justice Act 1985 (c. 61)	Section 54.

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Transport Act 1985 (c. 67)	In section 17(10), the definition of “the appropriate court”.
Fire Safety and Safety of Places of Sport Act 1987 (c. 27)	In section 41, in the definition of “the court”, “acting for the petty sessions area in which it is situated”.
Income and Corporation Taxes Act 1988 (c. 1)	Section 329AA(8).
Criminal Justice Act 1988 (c. 33)	Section 41(9).
Road Traffic Act 1988 (c. 52)	In section 90(1)(a), “acting for the petty sessions area in which he resides”. In section 100(1), “acting for the petty sessions area in which he resides”. In section 119(1), “acting for the petty sessions area in which the holder of or applicant for the licence resides”.
Road Traffic Offenders Act 1988 (c. 53)	Section 82(2), (2A) and (3).
Football Spectators Act 1989 (c. 37)	Section 7(10)(c) and the word “and” immediately preceding it. Section 18(4). In section 20(7), “acting for the petty sessions area in which he resides”. In section 22(2), “for any area”, “who resides or is believed to reside in that area” and (in both places) “for that area”.
Children Act 1989 (c. 41)	Section 97(7)(a). In Schedule 11, in paragraph 8, subparagraphs (d) to (g).
Local Government and Housing Act 1989 (c. 42)	Section 39(1)(ea). Section 67(3)(ga).
Statute Law (Repeals) Act 1989 (c. 43)	In Schedule 2, paragraph 4.
Town and Country Planning Act 1990 (c. 8)	In section 217(2), “acting for the petty sessions area in which the land in question is situated”.
Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)	In section 47(4), “acting for the petty sessions area within which the building is situated”. In section 50(6), “acting for the petty sessions area in which the building is situated”.
Planning (Consequential Provisions) Act 1990 (c. 11)	In Schedule 2, paragraph 25.
Computer Misuse Act 1990 (c. 18)	Section 11(1). In section 16(10), “and subsection (6) shall be omitted”.
Courts and Legal Services Act 1990 (c. 41)	Section 1(12). Section 15(1).



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	In Schedule 17, paragraph 14. In Schedule 18, paragraph 50. In Schedule 19, paragraph 7.
Maintenance Enforcement Act 1991	In Schedule 2, paragraph 11(2).
Criminal Justice Act 1991 (c. 53)	Sections 76 to 78. In section 92, in subsection (1), the definitions of “court-house” and “court security officer” and subsection (2). In Schedule 11, in paragraph 40(2)(a), “and Schedule 2” and in paragraph 41(2), paragraphs (a) and (e).
Local Government Finance Act 1992 (c. 14)	Section 19(3)(ea).
Friendly Societies Act 1992	In Schedule 16, paragraph 44.
Charities Act 1992 (c. 41)	In section 71(3), from “and references” onwards.
Tribunals and Inquiries Act 1992 (c. 53)	In Schedule 1, the entry relating to a person appointed under section 54(6) of the Justices of the Peace Act 1997.
Judicial Pensions and Retirement Act 1993 (c. 8)	In Part II of Schedule 1, in the entry for Schedule 3 to the Judicature (Northern Ireland) Act 1978, the words from “, other than” to the end. In Schedule 5, in the entry for the Judicature (Northern Ireland) Act 1978 the words “or 75(1)”. In Schedule 6, paragraph 14(5) and (7).
Police and Magistrates' Courts Act 1994 (c. 29)	In Schedule 8, paragraphs 29, 30, 32, 33 and 34.
Criminal Justice and Public Order Act 1994 (c. 33)	Section 52(8).
Deregulation and Contracting Out Act 1994 (c. 40)	In Schedule 16, paragraph 2.
Jobseekers Act 1995 (c. 18)	In Schedule 2, paragraph 4.
Criminal Appeal Act 1995 (c. 35)	Section 22(5).
Disability Discrimination Act 1995 (c. 50)	Section 38(3).
Police Act 1996 (c. 16)	Section 5(2)(c) and “and” before it. Section 5C(3)(c) and “and” before it. In Schedule 2, in paragraph 19(2)(a), “or 8”. In Schedule 2A, in paragraph 14(2)(a), “or 5”.
Civil Procedure Act 1997 (c. 12)	Section 2(6) to (8). In Schedule 2, paragraph 3.
Justices of the Peace Act 1997 (c. 25)	The whole Act.
Police Act 1997 (c. 50)	In Schedule 9, paragraph 92.

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Local Government (Contracts) Act 1997 (c. 65)	Section 10. Section 12(4).
Statute Law (Repeals) Act 1998 (c. 43)	In Schedule 2, paragraph 3.
Tax Credits Act 1999 (c. 10)	In Schedule 1, paragraph 6(a).
Access to Justice Act 1999 (c. 22)	Sections 74 and 75. Section 77. Section 78(1). Sections 80 to 89. Section 90(2) to (5). Section 91. Section 93(1). Section 98(1). Sections 99 and 100. In Schedule 4, paragraph 20. In Schedule 10, paragraphs 1 to 5, 6, 7, 9 to 12, 14 to 16, 18 to 20, 21(a), 30(4)(b), 32, 35 36, 39, and 47 to 53. In Schedule 11, paragraphs 3, 6(a), 12, 18, 28, 29, 30, 32, 36(3) and (4)(a), and 43 to 50. Schedule 12. In Schedule 13, paragraphs 1, 5, 6, 7, 10, 11, 13(2), 14, 15, 25 to 31, 59(2), (3)(a) and (4), 60, 65, 66, 68, 69, 72, 73(4), 74, 77, 78, 81, 82, 89 to 93, 96 to 112, 114 to 118, 122(2), 126, 127, 129 to 131, 135 to 138, 147 to 149, 150(3), 153(a), 154 to 156, 159 to 162, 165, 167 to 169 and 171.
Youth Justice and Criminal Evidence Act 1999 (c. 23)	Section 24(5) to (7). Section 65(2).
Greater London Authority Act 1999 (c. 29)	In Schedule 27, paragraph 108. In Schedule 29, paragraph 62.
Terrorism Act 2000 (c. 11)	In Schedule 8, in paragraph 29(4)(a), “the Senior District Judge (Chief Magistrate) or his deputy, or”.
Care Standards Act 2000 (c. 14)	In Schedule 4, paragraph 7.
Freedom of Information Act 2000 (c. 36)	In Schedule 1, paragraph 34.
Criminal Justice and Court Services Act 2000 (c. 43)	Section 17. In Schedule 7, paragraphs 84 to 86.
Vehicles (Crime) Act 2001 (c. 3)	Section 38(5)(c). In the Schedule, paragraphs 7 to 10.
Private Security Industry Act 2001 (c. 12)	In section 11, subsection (3) and, in subsection (6)(d), “appropriate”. In section 18, subsection (3) and, in subsection (5)(d), “appropriate”.
International Criminal Court Act 2001 (c. 17)	In section 26, in the definition of “appropriate judicial officer”, paragraph (a).

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**Status:** Point in time view as at 06/04/2009.

**Changes to legislation:** Courts Act 2003 is up to date with all changes known to be in force on or before 29 June 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)

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State Pension Credit Act 2002 (c. 16)	In Schedule 2, paragraph 25.
Tax Credits Act 2002 (c. 21)	In Schedule 3, paragraph 2.
Justice (Northern Ireland) Act 2002 (c. 26)	In section 18(9), the words “and in the entry relating to the Official Solicitor”.
Police Reform Act 2002 (c. 30)	In Schedule 7, paragraph 20.
Adoption and Children Act 2002	Section 141(2). In Schedule 3, paragraph 44.
Enterprise Act 2002	Section 265.

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