



Courts Act 2003

2003 CHAPTER 39

PART 2

JUSTICES OF THE PEACE

Miscellaneous

41 Disqualification of lay justices who are members of local authorities

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

Status: Point in time view as at 26/12/2023.

Changes to legislation: Courts Act 2003, Section 41 is up to date with all changes known to be in force on or before 30 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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

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

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

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

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

(6) “Local authority” means—

- (a) a local authority within the meaning of the Local Government Act 1972 (c. 70),
- (b) a local authority constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39),
- ^{F1}(c)
- ^{F2}(d) the London Fire Commissioner,]
- (e) a joint authority established under Part 4 of the Local Government Act 1985 (c. 51),
- ^{F3}(ea) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009,
- (eb) a combined authority established under section 103 of that Act,]
- ^{F4}(ec) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023,]
- (f) a National Park Authority,
- (g) the Broads Authority, or
- (h) a housing action trust established under Part 3 of the Housing Act 1988 (c. 50).

^{F5}(7) In the application of this section to the London Fire Commissioner, the reference in subsection (1) to a member of the local authority is to the person who is for the time being the Commissioner.]

Textual Amendments

- F1** S. 41(6)(c) repealed (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 189](#); S.I. 2013/1682, art. 3(v)
- F2** S. 41(6)(d) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 2 para. 109\(2\)](#); S.I. 2018/227, [reg. 4\(c\)](#)
- F3** S. 41(6)(ea)(eb) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 119, 148, [Sch. 6 para. 118](#); S.I. 2009/3318, [art. 2](#)
- F4** S. 41(6)(ec) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 153](#) (with s. 247)
- F5** S. 41(7) inserted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 2 para. 109\(3\)](#); S.I. 2018/227, [reg. 4\(c\)](#)

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