

**2005 No. 3518 (C.147)**

**SUPREME COURT OF ENGLAND AND WALES**  
**COUNTY COURTS, ENGLAND AND WALES**  
**MAGISTRATES' COURTS, ENGLAND AND WALES**

**The Courts Act 2003 (Commencement No. 12 and Transitional  
Provision) Order 2005**

*Made* - - - - *16th December 2005*

The Lord Chancellor makes the following Order in exercise of the powers conferred by sections 108(6) and 110 of the Courts Act 2003(a).

**Citation**

1. This Order may be cited as the Courts Act 2003 (Commencement No. 12 and Transitional Provision) Order 2005.

**Commencement of provisions of the Courts Act 2003**

2. Subject to article 3, the following provisions of the Courts Act 2003 shall come into force on 10th January 2006—

- (a) in Schedule 8 (minor and consequential amendments), paragraphs 242 and 254 (Magistrates' Courts Act 1980);
- (b) in Schedule 10 (repeals), the repeal of sections 137 and 138 of, and Schedule 6 to, the Magistrates' Courts Act 1980(b); and
- (c) section 109(1) and (3) to the extent necessary for those amendments and repeals.

3. The following provisions of the Courts Act 2003 shall come into force on 6th April 2006—

- (a) subsection (1)(a), (b), and (c) and subsection (3)(a) and (b) of section 98 (register of judgments and orders etc);
- (b) paragraph 16 of Schedule 9 (transitional provisions and savings);
- (c) in Schedule 10 (repeals), the repeal of sections 73 and 73A of the County Courts Act 1984(c); and

---

(a) 2003 c. 39. section 108(6) is amended by sections 15(1) of, and paragraphs 308 and 348 of Part 1 of Schedule 4 to, the Constitutional Reform Act 2005 (c.4), from a date to be appointed.  
(b) 1980 c.43.  
(c) 1984 c.28. Section 73 was amended by section 125(2) of, and paragraph 14 of Schedule 17 to, the Courts and Legal Services Act 1990 (c.41), and by section 54 of the Administration of Justice Act 1985 (c.61). Section 73A was inserted by section 54 of the Administration of Justice Act 1985.

(d) section 109(2) and (3) to the extent necessary for the purposes of paragraphs (b) and (c).

**Transitional provision**

4. Sections 137(1) and 138 of, and Part 1 of Schedule 6 to, the Magistrates' Courts Act 1980 are to continue to have effect for the purposes of an application under the following sections of the Adoption Act 1976<sup>(a)</sup>—

- (a) section 20 (revocation of a section 18 order);
- (b) section 27(1) or (2) (restriction on removal of child where adoption pending or application made under section 18); and
- (c) section 29 (return of child taken away in breach of section 27).

*Falconer of Thoroton, C*

Date 16th December 2005

---

(a) 1976 c.36, section 20 was amended by section 88 of, and Schedule 10, paragraph 8(1) and (2) to, the Children Act 1989 (c.41) and by section 139(2) of, and paragraph 7(2) of Schedule 4 to, the Adoption and Children Act 2002 (c.38). Sections 27 and 29(1) and (2) were substituted by section 88 of, and Schedule 10, paragraphs 12 and 15 to, the Children Act 1989. The Adoption Act 1976 is repealed, with savings, by section 139(3) of, and Schedule 5 to, the Adoption and Children Act 2002 (c.38).

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force on 10th January 2006 the following provisions of the Courts Act 2003 (c.39) (“the 2003 Act”)—

- (a) in Schedule 8, the amendments in paragraphs 242 and 254 (which omit sections 137 and 138 of, and Schedule 6 to, the Magistrates’ Courts Act 1980); and
- (b) in Schedule 10, the repeal of sections 137 and 138 of, and Schedule 6 to, the Magistrates’ Courts Act 1980 (c.43) (fees).

These provisions are brought into force subject to the transitional provisions in article 3 by virtue of which section 137(1) (power to charge fees) and section 138 (remission of fees) of, and Schedule 6 (list of fees) to, the Magistrates’ Court Act 1980 will continue to apply to applications under section 20 (revocation of freeing order), 27(1) or (2) (restriction on removal of children) and 29 (recovery order) of the Adoption Act 1976 (c.36).

This Order also brings into force the remaining provisions of section 98 of the 2003 Act, with the exception of subsection (1)(d), on 6th April 2006. In addition, it brings into force certain other provisions of the 2003 Act which are consequential on the commencement of section 98.

Section 98 was partially brought into force by Article 2(c)(i) of the Courts Act 2003 (Commencement No. 1) Order 2003 (S.I. 2003/3345).

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	1.4.05	2005/910
Sections 2 and 3	1.4.05	2005/910
Section 4	1.6.04	2004/798
Section 5	1.4.05	2005/910
Section 6 (partially)	1.9.04	2004/2066
(remainder)	1.4.05	2005/910
Sections 7 and 8	1.4.05	2005/910
Sections 9 to 16	1.4.05	2005/910
Sections 17 and 18	1.4.05	2005/910
Sections 19 to 21	1.4.05	2005/910
Sections 22 to 26	1.4.05	2005/910
Sections 27 to 29	1.4.05	2005/910
Section 30	1.4.05	2005/910
Sections 31 to 35	1.4.05	2005/910
Sections 36 and 37	1.4.05	2005/910
Section 38 to 40	1.4.05	2005/910
Sections 41	1.4.05	2005/910
Sections 43 to 46	1.4.05	2005/910
Sections 47 and 48	1.4.05	2005/910
Sections 49, 50(1) and (4)	1.4.05	2005/910
Sections 51 to 57	1.4.05	2005/910
Sections 58 to 61	1.4.05	2005/910
Section 62	26.1.04	2003/3345
Section 63	26.1.04	2003/3345
Section 64	26.1.04	2003/3345
Section 65	1.4.05	2005/910
Section 66 (partially)	26.1.04	2003/3345
Section 67	26.1.04	2003/3345
Section 68	26.1.04	2003/3345
Section 69	1.9.04	2004/2066
Section 70	26.1.04	2003/3345
Section 71	26.1.04	2003/3345
Section 72	1.9.04	2004/2066
Section 73	1.9.04	2004/2066
Section 74	26.1.04	2003/3345
Sections 75 and 76 (partially)	7.10.05	2005/2744
Section 77	26.1.04	2003/3345
Section 78	26.1.04	2003/3345
Sections 79 and 80 (partially)	7.10.05	2005/2744
Section 81	26.1.04	2003/3345
Section 83	26.1.04	2003/3345
Section 84	26.1.04	2003/3345
Section 88 to 91	1.4.05	2005/910
Section 86	1.5.04	2004/1104
Section 87	1.5.04	2004/1104
Section 92	4.1.05	2004/3123

Section 93	1.2.04	2004/174
Section 95	5.4.04	2004/174
Section 96	5.4.04	2004/174
Section 97 (partially)	23.2.04	2004/174
(partially)	29.3.04	2004/174
(partially)	5.4.04	2004/174
(partially)	1.5.04	2004/1104
(remainder)	21.9.04	2004/2195
Section 98 (partially)	26.1.04	2003/3345
Section 99	15.3.04	2004/401
Sections 100 and 101	1.4.05	2005/910
Section 102	26.1.04	2003/3345
Section 103	1.5.04	2004/1104
Section 104	1.5.04	2004/1104
Section 105	1.4.05	2005/910
Section 106	1.5.04	2004/1104
Schedule 1	1.6.04	2004/798
Schedule 2	1.9.04	2004/2066
Schedule 3	1.4.05	2005/910
Schedule 5 (partially)	23.2.04	2004/174
(partially)	29.3.04	2004/174
(remainder)	5.4.04	2004/174
Schedule 6 (partially)	1.5.04	2004/1104
(remainder)	21.9.04	2004/2195
Schedule 7	15.3.04	2004/401
Schedule 8 (and section 109(1) insofar as it relates to the paragraphs specified below) paragraphs 288 (partially) and 289	1.2.04	2004/174
Paragraphs 5, 9, 61 (partially), 62, 63 (partially), 189, 264, 274, 275 and 295 to 298	15.3.04	2004/401
Paragraphs 67, 71, 83, 107, 122, 126, 145, 172, 173, 182, 183(1) and (3), 186(1) and (2), 190, 207, 219, 233, 234, 238, 245(1) and (2) (partially), 246, 250 (partially), 251, 286, 290(1) and (3), 324, 327, 328, 329(1) and (4), 330(1), (2) and (3)(a) (partially), 355(a), 362, 364, 377 to 381, 384, 386,387, 389, 390, 403, 405 and 410	1.09.04	2004/2066
Paragraphs 263, 276, 277 and 278(b)	4.1.05	2004/3123
Paragraphs 1 to 4, 6 to 8, 10 to 60, 61(3), 63 (remainder), 64 to 66, 68 to 70, 72 to 82, 84 to 90, 91(1), (3), (4), 92 to 106, 108 to 121, 123 to 125, 127 to 144, 146 to 171, 174 to 181, 183(2), 184, 185, 186(3), 187, 188, 191 to 206, 208 to 218, 220 to 232, 235 to 237, 239 to 241, 243, 244, 245(1) to (3) (partially), 245(4) and (5), 247 to 249, 250 (remainder), 252, 253, 255 to 262, 265 to 271, 273, 279 to 285, 287, 288(2), 290(2), 291 to 294, 299 to 323, 325, 326, 329(2), (3), (5), 330(3)(b), 331 to 336, 338 to 348, 350 to 354, 355(b), 356 to 361, 363, 365 to 376, 382, 383, 385, 388, 391 to 402, 404, 406 to 409, 411 to 414	1.4.05	2005/910
Paragraph 245(1) and (2) (partially)	7.10.05	2005/2744
Schedule 9 (and section 109(2) insofar as it relates to the paragraphs specified below)	1.4.05	2005/910
Paragraph 15 (partially)	23.2.04	2004/174
Paragraph 15 (partially)	29.3.04	2004/174
Paragraph 15 (remainder)	5.4.04	2004/174

Paragraphs 1 to 14	1.4.05	2005/910
Schedule 10 (and section 109(3)) (partially)	26.1.04	2003/3345
(partially)	15.3.04	2004/401
(partially) (and section 109(3))	1.5.04	2004/1104
(partially) (and section 109(3))	1.9.04	2004/2066
(partially) (and section 109(3))	4.1.05	2004/3123
(partially) (and section 109(3))	1.4.05	2005/910

---

**2005 No. 3518 (C.147)**

**SUPREME COURT OF ENGLAND AND WALES**

**COUNTY COURTS, ENGLAND AND WALES**

**MAGISTRATES' COURTS, ENGLAND AND WALES**

The Courts Act 2003 (Commencement No. 12 and Transitional  
Provision) Order 2005

**£3.00**

© Crown copyright 2005

Printed and published in the UK by The Stationery Office Limited  
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's  
Stationery Office and Queen's Printer of Acts of Parliament.

E1849 12/2005 151849T 19585