

**EXPLANATORY MEMORANDUM TO THE
COURTS ACT 2003 (CONTINUING PROVISION OF COURT-HOUSES)
REGULATIONS 2005**

2005 No. 562

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by Command of Her Majesty

2. Description

2.1. These Regulations provide for two sets of premises owned by local authorities and previously used as court-houses to continue to be made available for use as such. They are premises in the City and at Kingston Upon Thames, owned respectively by the Common Council of the City and the Royal Borough of Kingston Upon Thames.

2.2. The Regulations are subject to negative resolution procedure.

3. Matters of Special Interest to Joint Committee on Statutory Instruments and the Select Committee on Statutory Instruments

3.1. None.

4. Legislative Background

4.1. The order is made under paragraph 16 of Schedule 2 to the Courts Act 2003. It substantially reproduces previous regulations, the Greater London Magistrates' Courts Authority (Provision of Court-houses etc) Regulations 2001 (SI 2001/603). The Greater London Magistrates' Courts Authority (GLMCA) will cease to exist after 31 March as a result of the implementation of the Courts Act, so the 2001 regulations will no longer be effective and are revoked.

5. Extent

5.1. This order extends to England and Wales.

6. European Convention on Human Rights

6.1. There are no human rights implications.

7. Policy Background

7.1. The Regulations do not introduce any new policy, and continue to require two of the three sets of premises in question to be made available as court-houses

on the same terms and conditions as before. The reason why these premises are not to be transferred outright to the Lord Chancellor (and the reason why they did not previously devolve to the Greater London Magistrates' Courts Authority) is that they have other public uses besides providing court accomodation. However, in the case of one of the court-houses included in the previous regulations (Barking), different arrangments have now been agreed and Barking does not therefore need to be included in the new Regulations.

8. Impact

8.1. No Regulatory Impact Assessment has been prepared because there is no regulatory impact on any part of the private or voluntary sector. There are no implications for the Exchequer.

8.2. There will be no interest in this order beyond the magistrates' courts community.

9. Contact:

9.1. Dr Fiona Whitfield, Department for Constitutional Affairs, Room 4.35, 4th Floor, Southside, 105 Victoria Street, London SW1E 6QT.
0207 210 1549
Email: fiona.whitfield@dca.gsi.gov.uk