

**EXPLANATORY MEMORANDUM TO  
THE COURTS ACT 2003 (TRANSITIONAL, SAVINGS AND CONSEQUENTIAL  
PROVISIONS) ORDER 2005**

**2005 No. 911**

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. This order contains a number of transitional, saving and consequential provisions that are required in connection with the coming into force of various sections of the Courts Act 2003 on 1 April 2005.

2.2. The order is subject to negative resolution procedure.

**3. Matters of Special Interest to Joint Committee on Statutory Instruments**

3.1. This order will come into force less than 21 days after it is made. The transitional, consequential and savings provisions contained in this order were originally contained in the Courts Act (Commencement No.9, Savings, Consequential and Transitional Provisions) Order 2005 (S.I. 2005/547). After that order was made on 8 March 2005, it came to light that amendments would need to be made to some of the commencement provisions. That order has now been revoked and the opportunity was taken to place the consequential, savings and transitional provisions in a separate order so as to avoid having a single order containing provisions which are subject to different parliamentary procedure. The commencement provisions have been remade (with amendments) in the Courts Act (Commencement No.10) Order 2005 (S.I. 2005/910 (C. 39))

**4. Legislative Background**

4.1. The order is made under section 108(6), 109(4) and (5) of the Courts Act 2003.

**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 purpose of this order is to make necessary transitional provisions, savings and consequential amendments to existing legislation. In particular, this will enable the magistrates court service to continue from the 1 April 2005, with as little disruption as possible in light of the creation of a single unified court service.

## **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. This order is of technical interest only.

## **9. Contact:**

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