

**EXPLANATORY MEMORANDUM TO
THE COURTS ACT 2003 (CONTINUING PROVISION OF COURT-HOUSES)
(AMENDMENT) REGULATIONS 2011**

2011 No. 1271

1. This explanatory memorandum has been prepared by The Ministry of Justice and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 These Regulations remove the requirement for the Royal Borough of Kingston upon Thames to provide to the Lord Chancellor certain premises which they own for use as a courthouse.
 - 2.2. The Regulations are subject to negative resolution procedure.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Context**
 - 4.1 These Regulations amend the Courts Act (Continuing Provision of Court-houses) Regulations 2005 (SI 2005/562). There is no special legislative context to these Regulations.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to England and Wales.
6. **European Convention on Human Rights**
 - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
 - 7.1 The Courts Act 2003 (Continuing Provision of Court-houses) Regulations 2005 provide for two sets of premises owned by local authorities to be made available to the Lord Chancellor for use as courthouses. 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. These premises were not transferred outright to the Lord Chancellor upon the implementation of the Courts Act 2003 as they have other public uses besides providing court accommodation.

7.2 Following public consultation conducted by HM Courts and Tribunals Service in 2010 and a decision announced in December 2010, the Kingston upon Thames Magistrates' Court is to close on 30 June 2011. The 2005 Regulations are therefore being amended to remove the requirement for the Royal Borough of Kingston upon Thames to provide the premises to the Lord Chancellor for use as a courthouse as of 1 July 2011.

7.3 The Regulations continue to require the premises in the City to be made available as a court-house on the same terms and conditions as before.

8. Consultation outcome

8.1 No special consultation on this Order was required.

9. Guidance

9.1 None required.

10. Impact

10.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

11. Regulating small businesses

11.1 The legislation does not apply to small business.

12. Monitoring and review

12.1 None required.

13. Contact

13.1 Lee Howse at the Ministry of Justice Tel: 020 334 6298 or e-mail: lee.howse@hmcourts-service.gsi.gov.uk can answer any queries regarding the instrument.