

---

STATUTORY INSTRUMENTS

---

**2012 No. 2401**

**The Public Bodies (Abolition of Her Majesty's  
Inspectorate of Courts Administration and  
the Public Guardian Board) Order 2012**

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Public Bodies (Abolition of Her Majesty's Inspectorate of Courts Administration and the Public Guardian Board) Order 2012.

(2) Subject to paragraph (3), this Order comes into force on the day after the day on which it is made.

(3) The following provisions come into force on the day after that on which the other provisions of this Order come into force—

- (a) paragraphs 36 and 37 of Schedule 1; and
- (b) paragraphs 3 and 4 of Schedule 2.

(4) Amendments, repeals and revocations in this Order have the same extent as the provisions amended, repealed or revoked.

**Abolition of Her Majesty's Inspectorate of Court Administration**

2.—(1) Her Majesty's Inspectorate of Court Administration, established under section 58 of the Courts Act 2003(1), is abolished.

(2) The function of inspecting areas of the Crown Court, county courts and magistrates' courts where prisoners are detained in custody is transferred to Her Majesty's Chief Inspector of Prisons.

(3) The function of inspecting any vehicle used to transport prisoners in custody to and from the Crown Court, county courts or magistrates' courts is transferred to Her Majesty's Chief Inspector of Prisons.

(4) Any of Her Majesty's Chief Inspector of Prisons, Her Majesty's Chief Inspector of the Crown Prosecution Service, Her Majesty's Inspectorate of Probation for England and Wales and Her Majesty's Inspectors of Constabulary may inspect any aspect of the Crown Court or magistrates' courts in relation to their criminal jurisdiction which could have been inspected by Her Majesty's Inspectorate of Courts Administration immediately before its abolition.

(5) Paragraph (4) applies only if the inspection includes matters other than any aspect of the Crown Court or magistrates' courts.

(6) Schedule 1 (which makes consequential etc provision) has effect.

---

(1) 2003 c.39. Section 58 has been amended by the Education and Inspections Act 2006 (c.40).

### **Rights of entry and inspection**

3.—(1) An inspector exercising functions under article 2(2), (3) or (4) may enter any place of work occupied by persons provided under a contract made by the Lord Chancellor by virtue of section 2(4) of the Courts Act 2003.

(2) An inspector exercising functions under article 2(2), (3) or (4) may inspect and take copies of any records kept by persons provided under such a contract which the inspector considers relevant to the discharge of the inspector's functions.

(3) Paragraph (1) does not entitle an inspector—

- (a) to be present when the Crown Court, a county court or a magistrates' court is hearing proceedings in private; or
- (b) to attend any private deliberations of persons having jurisdiction to hear or determine any proceedings.

(4) The records referred to in paragraph (2) include records kept by means of a computer.

(5) An inspector exercising the power under paragraph (2) to inspect records—

(a) is entitled to have access to, and inspect and check the operation of, any computer and associated apparatus or material which is or has been in use in connection with the records in question, and

(b) may require—

- (i) the person by whom or on whose behalf the computer is or has been used, or
- (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,

to afford the inspector such reasonable assistance as the inspector may require.

(6) The powers conferred by paragraphs (1), (2) and (5) may be exercised at reasonable times only.

### **Abolition of the Public Guardian Board**

4.—(1) The Public Guardian Board, established under section 59 of the Mental Capacity Act 2005(2), is abolished.

(2) Schedule 2 (which makes consequential etc provision) has effect.

17th September 2012

*Helen Grant*  
Parliamentary Under Secretary of State  
Ministry of Justice

---

(2) 2005 c.9. Section 59 has been amended by the Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No.2) Order 2006 (S.I 2006/1016).