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STATUTORY INSTRUMENTS

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**2020 No. 100**

**The Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (Consequential, Transitional and Saving Provision) Regulations 2020**

**Citation, commencement, interpretation and extent**

1.—(1) These Regulations may be cited as the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (Consequential, Transitional and Saving Provision) Regulations 2020 and come into force on 6th April 2020.

(2) In these Regulations, “the 2018 Act” means the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018.

(3) These Regulations extend to England and Wales.

**Consequential provision**

2. The Schedule makes consequential provision in relation to the Schedule to the 2018 Act.

**Saving provision: rules of court**

3. Notwithstanding the repeal by paragraphs 19 and 38 of the Schedule to the 2018 Act of paragraph 2 of Schedule 1 to the Civil Procedure Act 1997 <sup>M1</sup> and section 51(2)(d) of the Mental Capacity Act 2005 <sup>M2</sup> (exercise of jurisdiction by officers or other staff of the court)—

- (a) any provisions of the Civil Procedure Rules 1998 <sup>M3</sup>, as in force immediately before the coming into force of the repeal of paragraph 2 of Schedule 1 to the Civil Procedure Act 1997, which provide for functions which would be relevant judicial functions within the meaning of section 67A of the Courts Act 2003 <sup>M4</sup> to be performed by officers or other staff of the court, shall continue in force and shall have effect as if made under section 67B(1) of the Courts Act 2003 and may be varied or revoked accordingly;
- (b) any provisions of the Court of Protection Rules 2017 <sup>M5</sup>, as in force immediately before the coming into force of the repeal of section 51(2)(d) of the Mental Capacity Act 2005, which provide for functions which would be relevant judicial functions within the meaning of section 67A of the Courts Act 2003 to be performed by officers or other staff of the court, shall continue in force and shall have effect as if made under section 67B(1) of the Courts Act 2003 and may be varied or revoked accordingly.

**Marginal Citations**

**M1** 1997 c. 12.

**M2** 2005 c. 9.

**M3** S.I. 1998/3132.

**M4** 2003 c. 39. Sections 67A to 67G were inserted by the [Courts and Tribunals \(Judiciary and Functions of Staff\) Act 2018 \(c. 33\)](#), [Schedule](#), paragraph 32.

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**Changes to legislation:** *There are currently no known outstanding effects for the The Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (Consequential, Transitional and Saving Provision) Regulations 2020. (See end of Document for details)*

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M5 [S.I. 2017/1035](#).

**Transitional provision**

4. On and after 6 April 2020, anything done before that date by a justices' clerk or an assistant to a justices' clerk under any of the provisions amended by the Schedule shall, so far as necessary for its continuing validity, for any question as to its validity or for any proceedings in respect of it, have effect as if done under that provision as so amended.

Ministry of Justice  
27th January 2020

*Chris Philp*  
Parliamentary Under Secretary of State]

**Changes to legislation:**

There are currently no known outstanding effects for the The Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (Consequential, Transitional and Saving Provision) Regulations 2020.