
STATUTORY INSTRUMENTS

2020 No. 24 (C. 2)

**COUNTY COURT, ENGLAND AND WALES
FAMILY COURT, ENGLAND AND WALES
JUSTICES OF THE PEACE,
ENGLAND AND WALES
MAGISTRATES' COURTS,
ENGLAND AND WALES
SENIOR COURTS OF ENGLAND AND WALES
TRIBUNALS AND INQUIRIES**

The Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (Commencement) Regulations 2020

Made - - - - *8th January 2020*

The Secretary of State makes the following Regulations in exercise of the power conferred by section 4(3) of the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018⁽¹⁾:

Citation

1. These Regulations may be cited as the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (Commencement) Regulations 2020.

Provisions coming into force on 10th January 2020

2. The following provisions of the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 come into force on 10th January 2020 for the purposes specified for each—

- (a) section 3 (authorised court and tribunal staff: legal advice and judicial functions), for the purpose of making regulations under that section and for the purposes of the provisions of the Schedule referred to in paragraph (b);
- (b) in the Schedule (authorised court and tribunal staff: legal advice and judicial functions)—

(1) 2018 c. 33.

- (i) paragraphs 12, 14 and 15, for the purpose of making regulations under subsection (2) (b) of section 31O of the Matrimonial and Family Proceedings Act 1984⁽²⁾ substituted by paragraph 14;
- (ii) paragraphs 25 and 26, for the purpose of making regulations under subsection (3)(b) of section 28 of the Courts Act 2003⁽³⁾ substituted by paragraph 26;
- (iii) paragraphs 25, 32 and 36, for the purpose of making rules under subsection (1) of section 67B of the Courts Act 2003 inserted by paragraph 32 and regulations under subsection (4) of section 67F of that Act also inserted by paragraph 32;
- (iv) paragraphs 39, 41, 42, 43, 44 and 45, for the purpose of making regulations under subsection (4) of section 29D of the Tribunals, Courts and Enforcement Act 2007⁽⁴⁾ inserted by paragraph 41 and rules under paragraph 3 of Schedule 5 to that Act as amended by paragraph 44.

Provisions coming into force on 6th April 2020

3. The following provisions of the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018, so far as not already in force, come into force on 6th April 2020—

- (a) section 3 (authorised court and tribunal staff: legal advice and judicial functions); and
- (b) the Schedule (authorised court and tribunal staff: legal advice and judicial functions).

8th January 2020

Chris Philp
Parliamentary Under Secretary of State
Ministry of Justice

(2) 1984 c. 42. Section 31O was inserted by paragraph 1 of Schedule 10 to the Crime and Courts Act 2013 (c. 22).
(3) 2003 c. 39.
(4) 2007 c. 15.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force section 3 of, and the Schedule to, the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018, the only provisions of that Act not commenced either on Royal Assent or two months after Royal Assent. The remaining provisions of the Act are already in force.

Section 3 introduces the Schedule and provides a power for the Secretary of State or Lord Chancellor by regulations made by statutory instrument (subject to annulment pursuant to resolution of either House of Parliament) to make consequential, transitional, transitory or saving provision in relation to the Schedule. The Schedule provides, by way of amendment to other legislation, for authorised court and tribunal staff to provide legal advice to judges of the family court and justices of the peace and to exercise judicial functions where procedure rules so provide.

Regulation 2 of these Regulations brings into force section 3, and specified paragraphs of the Schedule, for the purpose of making regulations under powers conferred by those provisions.

Regulation 3 brings into force section 3 and the Schedule for all other purposes.

A full impact assessment has not been produced for this instrument, as no, or no significant, impact on the private, voluntary or public sectors is foreseen.