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*Changes to legislation: There are currently no known outstanding effects for the Courts Act 1971, Part I. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 8

#### AMENDMENTS OF OTHER ACTS

##### PART I

##### GENERAL

###### *Administrative functions of quarter sessions and clerks of the peace*

- 1 (1) Any function of courts of quarter sessions, or of committees of quarter sessions, which relates—
- (a) to the deposit of plans or documents, other than those relating to judicial business, or
  - (b) to the keeping of records other than those relating to judicial business, or
  - (c) to any other matter which is not of a judicial nature,
- shall be transferred to the local authorities for the areas to which those matters relate.
- (2) Any function of clerks of the peace, or deputy clerks of the peace, relating to any of the matters mentioned in sub-paragraph (1) above shall be transferred to the clerks of the local authorities for the areas to which those matters relate.
- (3) The preceding provisions of this paragraph are without prejudice to—
- (a) sections 3 and 31 of the <sup>M1</sup>Local Government Act 1888 (which transferred certain quarter sessions functions to councils of counties or county boroughs), and
  - (b) section 101 of the <sup>M2</sup>Local Government Act 1933 (which transferred certain functions of clerks of the peace to clerks of county councils).
- (4) References in this paragraph to local authorities—
- (a) do not include the Greater London Council,
  - (b) include county councils, but not any authority for a part of a county:
- Provided that as respects matters in the Isles of Scilly the Council of the Isles of Scilly shall be the local authority.
- (5) So far as any matter referred to in this paragraph relates to the Inner Temple or the Middle Temple, references in this paragraph to local authorities, or to clerks of local authorities, are references to the Sub-Treasurer of the Inner Temple or, as the case may be, the Under-Treasurer of the Middle Temple.

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**Modifications etc. (not altering text)**

- C1** Certain functions exercisable by virtue of para. 1 of Sch. 8 transferred by [Local Government Act 1985](#) (c. 51, SIF 81:1), s. 16, **Sch. 8 para. 25**

**Marginal Citations**

- M1** 1888 c. 41.  
**M2** 1933 c. 51.

*General rules of construction*

- 2 (1) In any enactment or other instrument for any reference or expression in the first column of the Table below there shall be substituted the relevant reference or expression in the second column of the Table.
- (2) Sub-paragraph (1) above applies to Acts or instruments passed or made before the appointed date or later.
- (3) The preceding provisions of this paragraph apply subject to the provisions of this Act, and only except where the context otherwise requires, and in particular do not apply in relation to a sentence imposed, or other thing done, by a court before the appointed day.

TABLE

	<i>Reference</i>	<i>Substituted reference</i>
1	Court of gaol delivery or of oyer and terminer.	The Crown Court.
2	Court of assize, or assizes, where the context does not relate to civil jurisdiction.	The Crown Court.
3	Court of assize, or assizes, where the context relates either to criminal or civil jurisdiction, or relates exclusively to civil jurisdiction.	The Crown Court or the High Court, or as the case may be the High Court and not the Crown Court.
4	Court of quarter sessions, or committee of a court of quarter sessions, except in relation to functions transferred to some authority other than the Crown Court.	The Crown Court.

This paragraph applies to references to courts of quarter sessions, however expressed, and applies in particular to any reference

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- to “the next court of quarter sessions”, or to the quarter sessions for any particular area, or to any sessions which, by section 13(14), of the <sup>M3</sup>Interpretation Act 1889, were included in the expression “court of quarter sessions”.
- 5 Judge or commissioner of assize, or judge acting during assizes. The Crown Court or the High Court, or both, according as the reference is to criminal jurisdiction, or civil jurisdiction, or to both.
- 6 Chairman or deputy chairman of quarter sessions. The Crown Court.
- 7 Recorder, or deputy, assistant or temporary recorder, of a borough (but not the Recorder of London). (a) Where the context implies a reference to jurisdiction of the Crown Court, the Crown Court.  
(b) Where the context implies a reference to any judicial function not related to a court of quarter sessions (or the Crown Court) such Circuit judge or Recorder as the [F1Lord Chief Justice]<sup>F1</sup> may nominate for the purpose.  
(c) In any other case, such local authority, member of a local authority or officer of a local authority as the [F1Lord Chief Justice]<sup>F1</sup> may nominate.
- 8 County court judge. A judge assigned to a county court district, or acting as a judge so assigned.
- 9 The judge or chairman of the court where the court is the Crown Court and comprises justices of the peace and the reference was applicable before the appointed day to county quarter sessions and meant the chairman or acting chairman of the bench. The judge presiding in the Crown Court proceedings.
- 10 Clerk of assize or other officer whose duties related exclusively to the criminal jurisdiction of courts of assize. The appropriate officer of the Crown Court.

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11	Clerk of the peace or deputy clerk of the peace, except in relation to functions transferred to local authorities or officers of local authorities.	The appropriate officer of the Crown Court.
12	Clerk of the court where the court is the Crown Court.	The appropriate officer of the Crown Court.
13	A borough having a separate court of quarter sessions.	A borough which, immediately before the appointed day, had a separate court of quarter sessions.
14	Any period limited by reference to the next sitting, or the beginning or end of the next sitting, of a court of quarter sessions.	30 days or such other period as the [F1Lord Chief Justice] may direct.
15	Any right to apply to a court of quarter sessions limited to a specified sitting of the court next after, or in the calendar year of, a 21st or other anniversary of an enclosure award or other event.	A right to apply to the Crown Court within twelve months from the anniversary. The Crown Court may modify or supersede any associated time limit for the giving of notice of the application, or for the confirmation of any decision on the application.
16	Any reference to local funds in the context of a reference to the M4Costs in Criminal Cases Act 1952.	Central funds, that is to say money provided by Parliament.

Nothing in the Table above shall be taken as affecting any enactment which, as respects any judicial or other office abolished by this Act, provides for—

- (a) the appointment, retirement, or removal of the officer, or
- (b) the tenure of office and oaths to be taken by any such officer, or
- (c) the remuneration, allowances or pensions of any such officer;

and nothing in the Table above shall apply to any reference to records of any court.

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**Textual Amendments**

**F1** Words in Sch. 8 para. 2 Table substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 72](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(e)

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**Marginal Citations**

**M3** 1889 c. 63.

**M4** 1952 c. 48.

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*Amendments of local Acts*

- 3
- (1) The Lord Chancellor may by order in a statutory instrument provide for such amendments or repeals of provisions of any local Act as appears to him required to give effect to the provisions of this Act.
  - (2) An order under this paragraph may, in particular, provide, if in the opinion of the Lord Chancellor there are special circumstances justifying it, for any jurisdiction of a court of quarter sessions under any local Act to be abolished, or transferred otherwise than to the Crown Court.
  - (3) An order under this paragraph may contain such transitional and other supplemental and incidental provisions as appear to the Lord Chancellor to be necessary or expedient.
  - (4) A statutory instrument under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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