



Crime and Courts Act 2013

2013 CHAPTER 22

An Act to establish, and make provision about, the National Crime Agency; to abolish the Serious Organised Crime Agency and the National Policing Improvement Agency; to make provision about the judiciary and the structure, administration, proceedings and powers of courts and tribunals; to make provision about deferred prosecution agreements; to make provision about border control; to make provision about drugs and driving; and for connected purposes. [25th April 2013]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

VALID FROM 08/05/2013

PART 1

THE NATIONAL CRIME AGENCY

VALID FROM 27/05/2013

The NCA and its officers

1 The National Crime Agency

- (1) A National Crime Agency, consisting of the NCA officers, is to be formed.
- (2) The NCA is to be under the direction and control of one of the NCA officers, who is to be known as the Director General of the National Crime Agency.
- (3) The NCA is to have—

Status: Point in time view as at 25/04/2013. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: Crime and Courts Act 2013 is up to date with all changes known to be in force on or before 24 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) the functions conferred by this section;
 - (b) the functions conferred by the Proceeds of Crime Act 2002; and
 - (c) the other functions conferred by this Act and by other enactments.
- (4) The NCA is to have the function (the “crime-reduction function”) of securing that efficient and effective activities to combat organised crime and serious crime are carried out (whether by the NCA, other law enforcement agencies, or other persons).
- (5) The NCA is to have the function (the “criminal intelligence function”) of gathering, storing, processing, analysing, and disseminating information that is relevant to any of the following—
- (a) activities to combat organised crime or serious crime;
 - (b) activities to combat any other kind of crime;
 - (c) exploitation proceeds investigations (within the meaning of section 341(5) of the Proceeds of Crime Act 2002), exploitation proceeds orders (within the meaning of Part 7 of the Coroners and Justice Act 2009), and applications for such orders.
- (6) The NCA must discharge the crime-reduction function in the following ways (in particular).
- (7) The first way is by the NCA itself—
- (a) preventing and detecting organised crime and serious crime,
 - (b) investigating offences relating to organised crime or serious crime, and
 - (c) otherwise carrying out activities to combat organised crime and serious crime, including by instituting criminal proceedings in England and Wales and Northern Ireland.
- (8) The second way is by the NCA securing that activities to combat organised crime or serious crime are carried out by persons other than the NCA.
- (9) The third way is by the NCA securing improvements—
- (a) in co-operation between persons who carry out activities to combat organised crime or serious crime, and
 - (b) in co-ordination of activities to combat organised crime or serious crime.
- (10) The crime-reduction function does not include—
- (a) the function of the NCA itself prosecuting offences; or
 - (b) the function of the NCA itself instituting criminal proceedings in Scotland.
- (11) In this Part, a reference to activities to combat crime (or a particular kind of crime, such as organised crime or serious crime) is a reference to—
- (a) the prevention and detection of crime (or that kind of crime),
 - (b) the investigation and prosecution of offences (or offences relating to that kind of crime),
 - (c) the reduction of crime (or that kind of crime) in other ways, and
 - (d) the mitigation of the consequences of crime (or that kind of crime);
- and references to the carrying out of activities to combat crime (or a particular kind of crime) are to be construed accordingly.
- (12) Schedule 1 (the NCA & NCA officers) has effect.

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VALID FROM 07/10/2013

2 Modification of NCA functions

- (1) The Secretary of State may, by order, make—
 - (a) provision about NCA counter-terrorism functions (and, in particular, may make provision conferring, removing, or otherwise modifying such functions); and
 - (b) other provision which the Secretary of State considers necessary in consequence of provision made under paragraph (a) (and, in particular, may make provision about the functions of any person other than the NCA, including provision conferring or otherwise modifying, but not removing, such functions).
- (2) If an order under this section confers an NCA counter-terrorism function, an NCA officer may only carry out activities in Northern Ireland for the purpose of the discharge of the function if the NCA officer does so with the agreement of the Chief Constable of the Police Service of Northern Ireland.
- (3) That includes cases where an order under this section confers an NCA counter-terrorism function by the modification of a function.
- (4) An order under this section may amend or otherwise modify this Act or any other enactment.
- (5) An order under this section is subject to the super-affirmative procedure (see section 58 and Schedule 23).
- (6) In this section “NCA counter-terrorism function” means an NCA function relating to terrorism (and for this purpose “terrorism” has the same meaning as in the Terrorism Act 2000 — see section 1 of that Act).

3 Strategic priorities

- (1) The Secretary of the State must determine strategic priorities for the NCA.
- (2) In determining strategic priorities for the NCA (including deciding whether there should be such priorities), the Secretary of State must consult—
 - (a) the strategic partners,
 - (b) the Director General, and
 - (c) any other persons whom the Secretary of State considers it is appropriate to consult.

Extent Information

- E1 [S. 3\(2\)\(a\)](#): "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see [Sch. 24 paras. 1, 2](#)

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4 Operations

- (1) The Director General has (by virtue of the function of direction and control of the NCA) the power to decide—
 - (a) which particular operations are to be mounted by NCA officers, and
 - (b) how such operations are to be conducted.
- (2) In exercising functions, the Director General must have regard to—
 - (a) any strategic priorities for the NCA (see section 3);
 - (b) the annual plan (see below); and
 - (c) the framework document (see Part 1 of Schedule 2).
- (3) Before the beginning of each financial year, the Director General must issue a document (the “annual plan”) setting out how the Director General intends that NCA functions are to be exercised during that year (including how they are to be exercised in Scotland and Northern Ireland).
- (4) The annual plan for a financial year must include—
 - (a) a statement of any strategic priorities for the NCA,
 - (b) a statement of the operational priorities for the NCA, and
 - (c) in relation to each of the strategic and operational priorities, an explanation of how the Director General intends that the priority will be given effect to.
- (5) The Director General must determine operational priorities for the NCA; and those priorities may relate—
 - (a) to matters to which current strategic priorities also relate, or
 - (b) to other matters;
 but operational priorities must, in any event, be framed so as to be consistent with the current strategic priorities.
- (6) In preparing any annual plan, the Director General must consult—
 - (a) the strategic partners, and
 - (b) any other persons whom the Director General considers it is appropriate to consult.
- (7) The Director General is required by subsection (6)(a)—
 - (a) to consult the Scottish Ministers about the annual plan only as it relates to activities in Scotland; and
 - (b) to consult the Department of Justice in Northern Ireland about the annual plan only as it relates to activities in Northern Ireland.
- (8) Before issuing any annual plan, the Director General must obtain—
 - (a) the consent of the Secretary of State to the plan,
 - (b) the consent of the Scottish Ministers to the plan as it relates to activities in Scotland, and
 - (c) the consent of the Department of Justice in Northern Ireland as it relates to activities in Northern Ireland.
- (9) The Director General must arrange for each annual plan to be published in the manner which the Director General considers appropriate.
- (10) Schedule 2 (the framework document & annual report) has effect.

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Extent Information

- E2** S. 4(6)(a)(7)(b)(8)(c): "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

Other functions etc.

5 Relationships between NCA and other agencies: tasking etc

- (1) Any of the following persons may perform a task if the Director General requests the person to perform it—
 - (a) the chief officer of a UK police force;
 - (b) a UK law enforcement agency.
- (2) A request under subsection (1)—
 - (a) may be made only if the Director General considers that performance of the task would assist the NCA to exercise functions;
 - (b) must explain how performance of the requested task would so assist the exercise of functions.
- (3) The Director General may perform a task if any of the following persons requests the Director General to perform it—
 - (a) the chief officer of a UK police force;
 - (b) a UK law enforcement agency.
- (4) A request under subsection (3)—
 - (a) may be made only if the person making it considers that performance of the task would assist that person — or, in a case where that person is the chief officer of a police force, would assist that person or police force — to exercise functions;
 - (b) must explain how performance of the requested task would so assist the exercise of functions.
- (5) The Director General may direct any of the following persons to perform a task specified in the direction—
 - (a) the chief officer of an England and Wales police force;
 - (b) the Chief Constable of the British Transport Police.
- (6) The Director General may give a direction under subsection (5) only if the Director General considers that—
 - (a) performance of the task would assist the NCA to exercise functions;
 - (b) it is expedient for the directed person to perform that task; and
 - (c) satisfactory arrangements cannot be made, or cannot be made in time, under subsection (1).
- (7) A person given a direction under this section must comply with it.
- (8) If a person is requested or directed under this section to perform a task, the person may comply with that request or direction by securing that the task is performed by another person.

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- (9) The Director General may give a direction under this section to the Chief Constable of the British Transport Police only if the Secretary of State consents.
- (10) Schedule 3 (relationships between NCA and other agencies) has effect.
- (11) This section has effect subject to Part 5 (payment for tasks etc) of Schedule 3.
- (12) Paragraph 33 of Schedule 3 gives the Secretary of State power to amend this section.

VALID FROM 27/05/2013

6 Duty to publish information

- (1) The Director General must—
 - (a) make arrangements for publishing information about the exercise of NCA functions and other matters relating to the NCA, and
 - (b) publish information in accordance with those arrangements.
- (2) The framework document may impose on the Director General requirements in relation to performance of the duties imposed by subsection (1) (including requirements about what information is not to be published).
- (3) The Director General must comply with any such requirements in the framework document (and accordingly the duty in section 4(2)(c) to have regard to that document does not apply in relation to such requirements).
- (4) This section is subject to Schedule 7 (information: restrictions on disclosure).

VALID FROM 07/10/2013

7 Information gateways

- (1) A person may disclose information to the NCA if the disclosure is made for the purposes of the exercise of any NCA function.
- (2) Subsection (1) does not authorise any of the following to disclose information to the NCA—
 - (a) a person serving in the Security Service;
 - (b) a person serving in the Secret Intelligence Service;
 - (c) a person serving in GCHQ;
 but this does not affect the disclosures which such a person may make to the NCA in accordance with intelligence service disclosure arrangements.
- (3) Information obtained by the NCA in connection with the exercise of any NCA functions may be used by the NCA in connection with the exercise of any other NCA function.
- (4) An NCA officer may disclose information obtained by the NCA in connection with the exercise of any NCA function if the disclosure is for any permitted purpose.

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- (5) Subsection (4) authorises an NCA officer to disclose information for the purpose of the exercise of—
- (a) the functions of the Lord Advocate under Part 3 of the Proceeds of Crime Act 2002 (“PCA 2002”), or
 - (b) the functions of the Scottish Ministers under, or in relation to, Part 5 of PCA 2002,
- only where the information has been obtained by the NCA in connection with the exercise of a function under PCA 2002 (other than a function under Part 6 of that Act).
- (6) Where information has been obtained by the NCA in connection with the exercise of a function under Part 6 of PCA 2002 (revenue functions), subsection (4) does not authorise an NCA officer to disclose the information.
- (7) But an NCA officer may disclose the information if the disclosure is—
- (a) to the Commissioners for Her Majesty's Revenue and Customs,
 - (b) to the Lord Advocate for the purposes of the exercise by the Lord Advocate of the Lord Advocate's functions under Part 3 of PCA 2002 (confiscation: Scotland),
 - (c) to any person for purposes relating to civil proceedings (whether or not in the United Kingdom) which relate to a matter in respect of which the NCA has functions, or
 - (d) to any person for the purposes of compliance with an order of a court or tribunal (whether or not in the United Kingdom).
- (8) A disclosure of information which is authorised or required by this Part does not breach—
- (a) an obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (9) This section is subject to Schedule 7 (information: restrictions on disclosure).
- (10) In this section—
- “GCHQ” has the same meaning as in the Intelligence Services Act 1994;
 - “intelligence service disclosure arrangements” means—
- (a) arrangements made by the Director-General of the Security Service under section 2(2)(a) of the Security Service Act 1989 about the disclosure of information by that Service,
 - (b) arrangements made by the Chief of the Intelligence Service under section 2(2)(a) of the Intelligence Services Act 1994 about the disclosure of information by that Service, or
 - (c) arrangements made by the Director of GCHQ under section 4(2)(a) of that Act about the disclosure of information by GCHQ.

8 Other functions etc

- (1) In section 11 of the Children Act 2004 (arrangements to safeguard and promote welfare of children: England), in subsection (1), after paragraph (i) insert—
- “(ia) the National Crime Agency;”.

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- (2) In section 28 of the Children Act 2004 (arrangements to safeguard and promote welfare of children: Wales), in subsection (1), after paragraph (e) insert—
 “(ea) the National Crime Agency;”.
- (3) The Director General may provide assistance to—
 - (a) a government in a country or territory outside the British Islands, or
 - (b) another overseas body exercising functions of a public nature in a country or territory outside the British Islands,
 if the government, or the body, requests assistance to be provided.
- (4) If such a request is made, the Director General may provide such assistance as the Director General considers appropriate in all the circumstances.
- (5) Subsection (3) does not apply to any request for assistance which could be made under section 13 of the Crime (International Co-operation) Act 2003, unless the NCA has functions under that section in relation to the request by virtue of an order under section 27(2) of that Act.
- (6) Schedule 4 (NCA: general) has effect.

9 Director General: customs powers of Commissioners & operational powers

- (1) The Director General has, in relation to any customs matter, the same powers as the Commissioners for Her Majesty's Revenue and Customs would have.
- (2) The Secretary of State may designate the Director General as a person having one or more of the following—
 - (a) the powers and privileges of a constable;
 - (b) the powers of an officer of Revenue and Customs;
 - (c) the powers of an immigration officer.
- (3) The Secretary of State may modify or withdraw a designation of the Director General by giving notice of the modification or withdrawal to the Director General.
- (4) Schedule 5 (police, customs and immigration powers) has effect.
- (5) If, in accordance with paragraph 4 of Schedule 5, recommendations are made to the Secretary of State as to the operational powers which the Director General should have, the Secretary of State must exercise the powers of designation to give effect to those recommendations (unless the recommendations are already given effect to by a previous exercise of the powers of designation).
- (6) The Secretary of State may not exercise the powers of designation unless—
 - (a) required to do so by subsection (5); or
 - (b) required or otherwise authorised to do so by regulations under paragraph 5 of Schedule 5.
- (7) In this section “powers of designation” means the powers conferred by subsections (2) and (3).
- (8) In this Part—
 “customs matter” means any matter other than—
 - (a) a matter to which section 7 of the Commissioners for Revenue and Customs Act 2005 applies (former Inland Revenue matters), or

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(b) any tax or duty not mentioned in Schedule 1 to that Act (which lists such matters);

“operational power” means any of the following—

- (a) a power or privilege of a constable;
- (b) a power of an officer of Revenue and Customs;
- (c) a power of an immigration officer.

VALID FROM 07/10/2013

10 Operational powers of other NCA officers

- (1) The Director General may designate any other NCA officer as a person having one or more of the following—
 - (a) the powers and privileges of a constable;
 - (b) the powers of an officer of Revenue and Customs;
 - (c) the powers of an immigration officer.
- (2) The Director General may not designate an NCA officer under this section as having particular operational powers unless the Director General is satisfied that the officer—
 - (a) is capable of effectively exercising those powers;
 - (b) has received adequate training in respect of the exercise of those powers; and
 - (c) is otherwise a suitable person to exercise those powers.
- (3) The Director General may modify or withdraw a designation of an NCA officer by giving notice of the modification or withdrawal to the officer.
- (4) For further provision about designations under this section, see Schedule 5.

General

11 Inspections and complaints

- (1) Her Majesty's Inspectors of Constabulary (“HMIC”) must carry out inspections of the NCA.
- (2) HMIC must also carry out an inspection of the NCA if requested to do so by the Secretary of State either—
 - (a) generally, or
 - (b) in respect of a particular matter.
- (3) Following an inspection under this section, HMIC must report to the Secretary of State on the efficiency and effectiveness of the NCA either—
 - (a) generally, or
 - (b) in the case of an inspection under subsection (2)(b), in respect of the matter to which the inspection related.
- (4) HMIC must carry out such other duties for the purpose of furthering the efficiency and effectiveness of the NCA as the Secretary of State may from time to time direct.

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(5) Paragraphs 2 and 5 of Schedule 4A to the Police Act 1996 (inspection programmes and inspection frameworks) apply to functions of inspection and reporting under this section as they apply to other such functions.

(6) In the Police Reform Act 2002, after section 26B insert—

“26C The National Crime Agency

(1) The Secretary of State must make regulations conferring functions on the Independent Police Complaints Commission in relation to the exercise of functions by the Director General and other National Crime Agency officers.

(2) Regulations under this section may, in particular—

- (a) apply (with or without modifications), or make provision similar to, any provision of or made under this Part of this Act;
- (b) make provision for payment by the National Crime Agency to, or in respect of, the Independent Police Complaints Commission.

(3) Regulations under this section must relate only to the exercise of functions in, or in relation to, England and Wales.

(4) The Independent Police Complaints Commission and the Parliamentary Commissioner for Administration may jointly investigate a matter in relation to which—

- (a) the Independent Police Complaints Commission has functions by virtue of this section, and
- (b) the Parliamentary Commissioner for Administration has functions by virtue of the Parliamentary Commissioner Act 1967.

(5) A National Crime Agency officer may disclose information to the Independent Police Complaints Commission, or to a person acting on the Commission's behalf, for the purposes of the exercise by the Commission, or by any person acting on the Commission's behalf, of an NCA complaints function.

(6) The Independent Police Complaints Commissioner and the Parliamentary Commissioner for Administration may disclose information to each other for the purposes of the exercise of a function—

- (a) by virtue of this section, or
- (b) under the Parliamentary Commissioner Act 1967.

(7) Regulations under this section may, in particular, make—

- (a) further provision about the disclosure of information under subsection (5) or (6);
- (b) provision about the further disclosure of information that has been so disclosed;

including provision which applies (with or without modifications), or is similar to, any provision of Schedule 7 to the Crime and Courts Act 2013.

(8) Except as provided for in regulations under this section, that Schedule to that Act does not apply to—

- (a) the disclosure of information under subsection (5) or (6), or
- (b) the further disclosure of information so disclosed.

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- (9) In this section “NCA complaints function” means a function in relation to the exercise of functions by the Director General or any other National Crime Agency officer.”
- (7) In the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007, in article 4(4) (agreements to establish complaints procedures)—
- (a) for “SOCA” (in the first place) substitute “ the National Crime Agency ”;
 - (b) for “SOCA and members of the staff of SOCA” substitute “ the National Crime Agency and National Crime Agency officers ”.
- (8) In section 60ZA of the Police (Northern Ireland) Act 1998 (Serious Organised Crime Agency: complaints)—
- (a) in the title, for “Serious Organised Crime Agency” substitute “ The National Crime Agency ”;
 - (b) in subsection (1), for “members of the staff of the Serious Organised Crime Agency” substitute “ National Crime Agency officers ”;
 - (c) in subsection (6), for “member of the staff of the Agency” substitute “ National Crime Agency officer ”;
 - (d) omit subsection (7).
- (9) Schedule 6 (inspections and complaints) has effect.

Extent Information

- E3** S. 11(8): "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

VALID FROM 07/10/2013

12 Information: restrictions on disclosure etc

- (1) Schedule 7 (information: restrictions on disclosure) has effect.
- (2) Schedule 7 applies to disclosures made for the purposes of the criminal intelligence function.
- (3) Any duty to disclose information imposed on an NCA officer (including the duty of the Director General under paragraph 4 or 6 of Schedule 3 to disclose information by keeping other persons informed of information obtained by the NCA), and any power of an NCA officer to disclose information, has effect subject to Schedule 7.
- (4) Subsections (2) and (3) do not limit Schedule 7.

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VALID FROM 07/10/2013

13 NCA officers with operational powers: labour relations

- (1) A person must not induce the Director General or any NCA officer designated under section 10 to withhold (or to continue to withhold) services as an NCA officer.
- (2) The duty imposed by subsection (1) is a duty owed to the Secretary of State.
- (3) A breach of that duty which causes the Secretary of State to sustain loss or damage is to be actionable, at the Secretary of State's suit or instance, against the person in breach.
- (4) Subsection (3) is without prejudice to the right of the Secretary of State, by virtue of subsections (1) and (2), to bring civil proceedings in respect of any apprehended contravention of subsection (1).
- (5) The no-strike provisions must be disregarded in determining for the purposes of any of the relevant employment legislation whether any trade union is an independent trade union.
- (6) Nothing in the relevant employment legislation is to affect the rights of the Secretary of State by virtue of the no-strike provisions.
- (7) The Secretary of State may, by order, suspend, or later revive, the operation of the no-strike provisions.
- (8) In this section—
 - “no-strike provisions” means subsections (1) to (3) of this section;
 - “relevant employment legislation” means—
 - (a) the Trade Union and Labour Relations (Consolidation) Act 1992;
 - (b) the Employment Rights Act 1996;
 - (c) the Trade Union and Labour Relations (Northern Ireland) Order 1995;
 - (d) the Employment Rights (Northern Ireland) Order 1996.

14 NCA officers with operational powers: pay and allowances

- (1) The Secretary of State may, by regulations, provide for the establishment, maintenance and operation of procedures for the determination from time to time of—
 - (a) the rates of pay and allowances to be applied to the Director General and to NCA officers designated under section 10; and
 - (b) other associated terms and conditions of employment as the Director General or as an NCA officer designated under section 10.
- (2) Regulations under this section may—
 - (a) provide for determinations with respect to matters to which the regulations relate to be made wholly or partly by reference to such factors, and the opinion or recommendations of such persons, as may be specified or described in the regulations;

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(b) authorise the matters considered and determined in pursuance of the regulations to include matters applicable to times and periods before they are considered or determined.

(3) In this section “associated terms and conditions” means such terms and conditions as may appear to the Secretary of State to fall to be determined in association with the determination of rates of pay and allowances.

15 Abolition of SOCA and NPIA

- (1) The Serious Organised Crime Agency is abolished.
- (2) The National Policing Improvement Agency is abolished.
- (3) Schedule 8 (abolition of SOCA and NPIA) has effect.

16 Interpretation of Part 1

(1) In this Part—

“chief officer” means—

- (a) the chief constable of a police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
- (b) the Commissioner of Police of the Metropolis;
- (c) the Commissioner of Police for the City of London;
- (d) the chief constable of the Police Service of Scotland;
- (e) the Chief Constable of the Police Service of Northern Ireland;
- (f) the chief constable of the British Transport Police;
- (g) the chief constable of the Civil Nuclear Constabulary;
- (h) the chief constable of the Ministry of Defence Police;

“customs revenue official” has the same meaning as in the Borders, Citizenship and Immigration Act 2009 (see section 11 of that Act);

“Director General” means the Director General of the National Crime Agency;

“Director of Border Revenue” means the person designated under section 6 of the Borders, Citizenship and Immigration Act 2009;

“enactment” means any enactment, whenever passed or made, contained in—

- (a) an Act of Parliament;
- (b) an Act of the Scottish Parliament;
- (c) Northern Ireland legislation;
- (d) a Measure or Act of the National Assembly for Wales;
- (e) an instrument made under any such Act, legislation or Measure;
- (f) any other subordinate legislation (within the meaning of the Interpretation Act 1978);

“England and Wales police force” means—

- (a) a police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
- (b) the metropolitan police force;
- (c) the City of London police force;

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“functions” means all functions of any description, including powers and duties, whether conferred by an enactment or arising otherwise;

“general customs official” has the same meaning as in Borders, Citizenship and Immigration Act 2009 (see section 3 of that Act);

“Island law enforcement agency” means any person charged with the duty of investigating or prosecuting offences who operates in any of the Channel Islands or in the Isle of Man (apart from an Island police force);

“Island police force” means—

- (a) the States of Jersey Police Force;
- (b) the salaried police force of the Island of Guernsey;
- (c) the Isle of Man Constabulary;

“local policing body” means—

- (a) a police and crime commissioner;
- (b) the Mayor's Office for Policing and Crime;
- (c) the Common Council of the City of London as police authority for the City of London police area;

“NCA” means the National Crime Agency;

“NCA functions” means—

- (a) functions of the NCA,
- (b) functions of the Director General, and
- (c) functions of other NCA officers;

“NCA officers” means—

- (a) the Director General,
- (b) the other National Crime Agency officers appointed under paragraph 9 of Schedule 1,
- (c) persons who have been seconded to the NCA to serve as National Crime Agency officers under paragraph 13 of Schedule 1 (unless the context otherwise requires), and
- (d) NCA specials;

“permitted purpose” means any of the following purposes—

- (a) the prevention or detection of crime, whether in the United Kingdom or elsewhere;
- (b) the investigation or prosecution of offences, whether in the United Kingdom or elsewhere;
- (c) the prevention, detection or investigation of conduct for which penalties other than criminal penalties are provided under the law of any part of the United Kingdom or the law of any country or territory outside the United Kingdom;
- (d) the exercise of any NCA functions (so far as not falling within any of paragraphs (a) to (c));
- (e) purposes relating to civil proceedings (whether or not in the United Kingdom) which relate to a matter in respect of which the NCA has functions;
- (f) compliance with an order of a court or tribunal (whether or not in the United Kingdom);
- (g) the exercise of any function relating to the provision or operation of the system of accreditation of financial investigators under section 3 of the Proceeds of Crime Act 2002;

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(h) the exercise of any function of the prosecutor under Parts 2, 3 and 4 of the Proceeds of Crime Act 2002;

(i) the exercise of any function of—

- (i) the Director of Public Prosecutions,
- (ii) the Director of the Serious Fraud Office,
- (iii) the Director of Public Prosecutions for Northern Ireland, or
- (iv) the Scottish Ministers,

under, or in relation, to Part 5 or 8 of the Proceeds of Crime Act 2002;

(j) the exercise of any function of—

- (i) an officer of Revenue and Customs,
- (ii) a general customs official,
- (iii) a customs revenue official,
- (iv) an immigration officer,
- (v) an accredited financial investigator, or
- (vi) a constable,

under Chapter 3 of Part 5 of the Proceeds of Crime Act 2002;

(k) investigations or proceedings outside the United Kingdom which have led, or may lead, to the making of an external order (within the meaning of section 447 of the Proceeds of Crime Act 2002);

(l) the exercise of any function of any intelligence service (within the meaning of the Regulation of Investigatory Powers Act 2000);

(m) the exercise of any function under—

- (i) Part 2 of the Football Spectators Act 1989, or
- (ii) sections 104 to 106 of the Policing and Crime Act 2009;

(n) the exercise of any function relating to public health;

(o) the exercise of any function of the Financial Services Authority;

(p) the exercise of any function designated by the Secretary of State by order;

but a function may be designated under paragraph (p) only if the function appears to the Secretary of State to be a function of a public nature;

“policing body” means—

- (a) a police and crime commissioner;
- (b) the Mayor's Office for Policing and Crime;
- (c) the Common Council of the City of London as police authority for the City of London police area;
- (d) the Scottish Police Authority;
- (e) the Northern Ireland Policing Board;
- (f) the British Transport Police Authority;
- (g) the Civil Nuclear Police Authority;
- (h) the Secretary of State, in relation to the Ministry of Defence Police;

“special police force” means—

- (a) the British Transport Police;
- (b) the Civil Nuclear Constabulary;
- (c) the Ministry of Defence Police;

“strategic partners” means—

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- (a) the Scottish Ministers;
 - (b) the Department of Justice in Northern Ireland;
 - (c) such persons as appear to the Secretary of State to represent the views of local policing bodies;
 - (d) such persons as appear to the Secretary of State to represent the views of the chief officers of England and Wales police forces;
 - (e) the chief constable of the Police Service of Scotland;
 - (f) the Chief Constable of the Police Service of Northern Ireland;
 - (g) the Commissioners for Her Majesty's Revenue and Customs;
 - (h) the Director of the Serious Fraud Office;
- “UK law enforcement agency” means—
- (a) the Commissioners for Her Majesty's Revenue and Customs;
 - (b) the Director of the Serious Fraud Office;
 - (c) the Director of Border Revenue;
 - (d) the Scottish Administration;
 - (e) a Northern Ireland department;
 - (f) any other person operating in England, Scotland, Northern Ireland or Wales charged with the duty of investigating or prosecuting offences (apart from a UK police force);
- “UK police force” means—
- (a) an England and Wales police force;
 - (b) the Police Service of Scotland;
 - (c) the Police Service of Northern Ireland;
 - (d) a special police force.
- (2) In this Part—
- (a) a reference to the powers and privileges of a constable is a reference to any powers and privileges of the constable, whether arising under an enactment or otherwise;
 - (b) a reference to the Police Service of Northern Ireland includes a reference to the Police Service of Northern Ireland Reserve.
- (3) In any enactment—
- (a) a reference to a National Crime Agency officer is to be construed as a reference to an NCA officer within the meaning of this Part;
 - (b) a reference to a function of the National Crime Agency is to be construed as a reference to an NCA function within the meaning of this Part (unless the context otherwise requires).
- (4) Definitions of the following terms used in this Part, or other provision relating to the meanings of such terms, are contained in the provisions (outside this section) which are indicated.

<i>Term</i>	<i>Provision containing definition etc</i>
activities to combat crime (or a particular kind of crime)	section 1(11)
annual plan	section 4(3)
annual report	Part 2 of Schedule 2

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crime-reduction function	section 1(4)
criminal intelligence function	section 1(5)
customs matter	section 9(8)
framework document	Part 1 of Schedule 2
NCA special	paragraph 15 of Schedule 1
operational power	section 9(8)
strategic priorities	section 3

PART 2

COURTS AND JUSTICE

Administration of justice

VALID FROM 04/09/2013

17 Civil and family proceedings in England and Wales

(1) In Part 1 of the County Courts Act 1984 at the beginning insert—

“The county court

A1 Establishment of a single county court

(1) There is to be a court in England and Wales, called the county court, for the purpose of exercising the jurisdiction and powers conferred on it—

- (a) by or under this or any other Act, or
- (b) by or under any Act, or Measure, of the National Assembly for Wales.

(2) The county court is to be a court of record and have a seal.”

(2) Sections 1 and 2 of that Act (county courts to be held for districts) are repealed.

(3) In the Matrimonial and Family Proceedings Act 1984 before Part 5 insert—

“PART 4A

THE FAMILY COURT

31A Establishment of the family court

(1) There is to be a court in England and Wales, called the family court, for the purpose of exercising the jurisdiction and powers conferred on it—

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- (a) by or under this or any other Act, or
- (b) by or under any Act, or Measure, of the National Assembly for Wales.

(2) The family court is to be a court of record and have a seal.”

- (4) Part 2 of the Children, Schools and Families Act 2010 (family proceedings) is repealed, as are the following related provisions of that Act: Part 2 of each of Schedules 3 and 4; section 29(4); and “, (4)” in section 29(6).
- (5) Schedule 9 (amendments in connection with the county court replacing the existing county courts) has effect.
- (6) Schedules 10 and 11 (amendments in connection with the establishment of the family court) have effect.

VALID FROM 01/06/2015

18 Youth courts to have jurisdiction to grant gang-related injunctions

- (1) Part 4 of the Policing and Crime Act 2009 (injunctions to prevent gang-related violence) is amended as follows.
- (2) In section 49(1) (interpretation of Part 4) for the definition of “court” substitute—
 - ““court” (except in Schedule 5A)—
 - (a) in the case of a respondent aged under 18, means a youth court, and
 - (b) in any other case, means the High Court or the county court,
 but this is subject to any provision in rules of court that is or could be made under section 48(4);”.
- (3) In section 43(7) (judge before whom person arrested on suspicion of breaching injunction under Part 4 is to be brought) for the words from “means” to the end substitute “means a judge of the court that granted the injunction, except that where—
 - (a) the respondent is aged 18 or over, but
 - (b) the injunction was granted by a youth court,
 it means a judge of the county court. ”
- (4) In section 48 (rules of court in relation to injunctions under Part 4) after subsection (3) insert—
 - “(4) In relation to a respondent attaining the age of 18 after the commencement of proceedings under this Part, rules of court may—
 - (a) provide for the transfer of the proceedings from a youth court to the High Court or the county court;
 - (b) prescribe circumstances in which the proceedings may or must remain in a youth court.”
- (5) Schedule 12 (which makes consequential and related amendments in the Policing and Crime Act 2009) has effect.

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- (6) Nothing in any provision of this section or of that Schedule affects proceedings in relation to applications made before the coming into force of that provision.

VALID FROM 26/04/2013

19 Varying designations of authorities responsible for remanded young persons

- (1) Section 102 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (where child remanded to youth detention accommodation, court must designate local authority to look after child and meet costs) is amended as follows.
- (2) In subsection (7)(a) (authority that already looks after child to be designated) after “being looked after by a local authority” insert “ otherwise than by virtue of section 104(1) ”.
- (3) In subsection (7)(b) (in other cases, court must designate authority for area where child habitually resides or offence committed) for “, the local authority” substitute “ but subject to subsection (7B), a local authority ”.
- (4) After subsection (7) insert—
- “(7A) In a case to which subsection (7)(b) applies, the court is to designate a local authority in whose area it appears to the court that the child habitually resides (a “home authority”) except where the court—
- (a) considers as respects the home authority, or each home authority, that it is inappropriate to designate that authority, or
 - (b) is unable to identify any place in England and Wales where the child habitually resides.
- (7B) If in a case to which subsection (7)(b) applies—
- (a) the court is not required by subsection (7A) to designate a home authority, but
 - (b) it appears to the court that the offence was not, or none of the offences was, committed in England and Wales,
- the court is to designate a local authority which it considers appropriate in the circumstances of the case.”
- (5) After subsection (7B) insert—
- “(7C) Where a child has been remanded to youth detention accommodation, the court—
- (a) which remanded the child, or
 - (b) to which the child was remanded,
- may designate a local authority (“B”) as the designated authority for the child in substitution for the authority previously designated (whether that previous designation was made when the child was remanded or under this subsection).
- (7D) Where a child has at any one time been subject to two or more remands to youth detention accommodation, a court which has jurisdiction to make a replacement designation under subsection (7C) in connection with one

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or some of the remands also has jurisdiction to make such a replacement designation in connection with each of the other remands.

- (7E) Where a replacement designation is made under subsection (7C) after the end of the period of remand concerned, the substitution of B for the previously-designated authority has effect only for the purposes of regulations under section 103.
- (7F) Where a replacement designation is made under subsection (7C) during the period of remand concerned, the substitution of B for the previously-designated authority—
- (a) has effect, as respects the part of that period ending with the making of the replacement designation, only for the purposes of regulations under section 103, and
 - (b) has effect, as respects the remainder of that period, for all of the purposes listed in subsection (6).
- (7G) A court may make a replacement designation under subsection (7C) only if it considers that, had everything it knows been known by the court which made the previous designation, that court would have designated B instead.
- (7H) Where a replacement designation is made under subsection (7C) in relation to a remand, the previously-designated authority is to be repaid any sums it paid in respect of the remand pursuant to regulations under section 103.
- (7J) A court which has jurisdiction to make a replacement direction under subsection (7C) may exercise that jurisdiction on an application by a local authority or of its own motion.”
- (6) A replacement designation under the new section 102(7C) may be made in respect of a remand ordered before this section comes into force, and the amendments made by this section have effect for the purpose of making a replacement designation in any such case; but, in such a case, the substitution of B for the previously-designated authority (and any entitlement to repayment under new section 102(7H)) does not have effect as respects any time before this section comes into force.
- (7) Except as provided by subsection (6), the amendments made by this section have effect only in relation to remands ordered after this section comes into force.

20 Judicial appointments

Schedule 13 has effect. In that Schedule—

Part 1 provides for there to be no more than the equivalent of 12 full-time judges of the Supreme Court, rather than exactly 12 judges, and makes provision about their selection,

Part 2 contains provisions to facilitate greater diversity among judges,

Part 3 amends provisions about membership of the Judicial Appointments Commission,

Part 4—

- (a) makes provision about selection for certain judicial appointments, and
- (b) provides for the transfer, from the Lord Chancellor to the Lord Chief Justice or the Senior President of Tribunals, of functions in connection with selection for and appointment to judicial offices,

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Part 5 amends the selection procedure for certain senior judicial appointments until Part 4 of the Schedule is in force,

Part 6 makes provision for the exercise of certain functions where the Master of the Rolls, the President of the Queen's Bench Division, the President of the Family Division or the Chancellor of the High Court is incapable of exercising the functions or one of those offices is vacant, and

Part 7 abolishes the office of assistant Recorder.

Commencement Information

- II** S. 20 in force for certain purposes at Royal Assent, see. s. 61(2)(11)(a)

VALID FROM 01/10/2013

21 Deployment of the judiciary

- (1) The Lord Chief Justice's deployment responsibility includes (so far as it would not otherwise do so, and subject to having regard to the responsibilities of the Senior President of Tribunals) responsibility for the maintenance of appropriate arrangements for—
- (a) the deployment to tribunals of judiciary deployable to tribunals, and
 - (b) the deployment to courts in England and Wales of judiciary deployable to such courts.
- (2) In subsection (1) “the Lord Chief Justice's deployment responsibility” means the responsibility that the Lord Chief Justice of England and Wales, as President of the Courts of England and Wales, has under section 7(2)(c) of the Constitutional Reform Act 2005 for the maintenance of appropriate arrangements for the deployment of the judiciary of England and Wales.
- (3) Each of the following is a tribunal for the purposes of subsection (1)(a)—
- the Upper Tribunal,
 - the First-tier Tribunal,
 - the Employment Appeal Tribunal, and
 - an employment tribunal in England and Wales.
- (4) Schedule 14 (which makes provision for deployment of judiciary to courts and tribunals, and updates references to chairmen of employment tribunals following their being renamed as Employment Judges) has effect.

VALID FROM 01/10/2013

22 Transfer of immigration or nationality judicial review applications

- (1) In section 31A of the Senior Courts Act 1981 (transfer from the High Court to the Upper Tribunal)—
- (a) in subsection (2), for “, 3 and 4” substitute “ and 3 ”,
 - (b) omit subsection (2A),

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- (c) in subsection (3), for “, 2 and 4” substitute “ and 2 ”, and
 - (d) omit subsections (7) and (8).
- (2) In section 20 of the Tribunals, Courts and Enforcement Act 2007 (transfer from the Court of Session to the Upper Tribunal)—
- (a) in subsection (1)—
 - (i) in paragraph (a), for “, 2 and 4 are met” substitute “ and 2 are met, and ”,
 - (ii) omit paragraph (aa) (including the “and” following it), and
 - (iii) in paragraph (b), for “, 3 and 4” substitute “ and 3 ”, and
 - (b) omit subsections (5) and (5A).
- (3) In section 25A of the Judicature (Northern Ireland) Act 1978 (transfer from the High Court to the Upper Tribunal)—
- (a) in subsection (2), for “, 3 and 4” substitute “ and 3 ”,
 - (b) omit subsection (2A),
 - (c) in subsection (3), for “, 2 and 4” substitute “ and 2 ”, and
 - (d) omit subsections (7) and (8).
- (4) In consequence of the amendments made by subsections (1) to (3), section 53 of the Borders, Citizenship and Immigration Act 2009 is repealed.

VALID FROM 15/07/2013

23 Permission to appeal from Upper Tribunal to Court of Session

In section 13 of the Tribunals, Courts and Enforcement Act 2007 (right to appeal from Upper Tribunal) after subsection (6) insert—

“(6A) Rules of court may make provision for permission not to be granted on an application under subsection (4) to the Court of Session that falls within subsection (7) unless the court considers—

- (a) that the proposed appeal would raise some important point of principle, or
- (b) that there is some other compelling reason for the court to hear the appeal.”

VALID FROM 07/01/2014

24 Appeals relating to regulation of the Bar

- (1) Section 44 of the Senior Courts Act 1981 (extraordinary functions of High Court judges) ceases to have the effect of conferring jurisdiction on judges of the High Court sitting as Visitors to the Inns of Court.
- (2) The General Council of the Bar, an Inn of Court, or two or more Inns of Court acting collectively in any manner, may confer a right of appeal to the High Court in respect of a matter relating to—

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- (a) regulation of barristers,
 - (b) regulation of other persons regulated by the person conferring the right,
 - (c) qualifications or training of barristers or persons wishing to become barristers, or
 - (d) admission to an Inn of Court or call to the Bar.
- (3) An Inn of Court may confer a right of appeal to the High Court in respect of—
- (a) a dispute between the Inn and a member of the Inn, or
 - (b) a dispute between members of the Inn;
- and in this subsection any reference to a member of an Inn includes a reference to a person wishing to become a member of that Inn.
- (4) A decision of the High Court on an appeal under this section is final.
- (5) Subsection (4) does not apply to a decision disbarring a person.
- (6) The High Court may make such order as it thinks fit on an appeal under this section.
- (7) A right conferred under subsection (2) or (3) may be removed by the person who conferred it; and a right conferred under subsection (2) by two or more Inns of Court acting collectively may, so far as relating to any one of the Inns concerned, be removed by that Inn.

VALID FROM 15/07/2013

25 Enforcement by taking control of goods

- (1) Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (procedure for taking control of goods) is amended as follows.
- (2) In paragraph 17 (enforcement agent may use reasonable force to enter etc where paragraph 18 or 19 applies) for “or 19” substitute “, 18A, 19 or 19A ”.
- (3) After paragraph 18 insert—
- “18A
- (1) This paragraph applies if these conditions are met—
 - (a) the enforcement agent has power to enter the premises under paragraph 14;
 - (b) the enforcement agent reasonably believes that the debtor carries on a trade or business on the premises;
 - (c) the enforcement agent is acting under a writ or warrant of control issued for the purpose of recovering a sum payable under a High Court or county court judgment;
 - (d) the sum so payable is not a traffic contravention debt.
 - (2) “Traffic contravention debt” has the meaning given by section 82(2) of the Traffic Management Act 2004.”
- (4) After paragraph 19 insert—

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“19A

- (1) This paragraph applies if these conditions are met—
 - (a) the enforcement agent has power to enter the premises under paragraph 16;
 - (b) the enforcement agent has taken control of the goods by entering into a controlled goods agreement with the debtor;
 - (c) the debtor has failed to comply with any provision of the controlled goods agreement relating to the payment by the debtor of the debt;
 - (d) the debtor has been given notice of the intention of the enforcement agent to enter the premises to inspect the goods or to remove them for storage or sale;
 - (e) neither paragraph 18 nor paragraph 19 applies.
- (2) For the purposes of a notice under sub-paragraph (1)(d), regulations must state—
 - (a) the minimum period of notice;
 - (b) the form of the notice;
 - (c) what it must contain;
 - (d) how it must be given;
 - (e) who must give it.
- (3) The enforcement agent must keep a record of the time when a notice under sub-paragraph (1)(d) is given.
- (4) If regulations authorise it, the court may order in prescribed circumstances that the notice given may be less than the minimum period.
- (5) The order may be subject to conditions.”
- (5) In paragraphs 24(2) and 31(5) (no power to use force against persons except to extent provided in regulations) omit “, except to the extent that regulations provide that it does”.
- (6) Omit paragraph 53(2) (controlled goods to be treated as abandoned if unsold after a sale).
- (7) Omit paragraph 56(2) (securities to be treated as abandoned if not disposed of in accordance with notice of disposal).
- (8) In consequence of the repeals in subsection (5), in section 90 of the Tribunals, Courts and Enforcement Act 2007 (regulations under Part 3)—
 - (a) omit subsection (4) (procedure for regulations under paragraphs 24(2) and 31(5) of Schedule 12), and
 - (b) in subsection (5) omit “In any other case”.
- (9) In Schedule 13 to that Act (taking control of goods: amendments)—
 - (a) in paragraph 37 (repeal in section 66(2) of the Criminal Justice Act 1972) for the words after “etc.,” substitute “omit subsection (2). ”,
 - (b) in paragraph 74 (repeal of sections 93 to 100 of the County Courts Act 1984) after “93 to” insert “98 and ”,
 - (c) in paragraph 85 (amendment of section 436 of the Insolvency Act 1986) for “436” substitute “436(1) ”,

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- (d) in paragraph 125 (amendment of section 15 of the Employment Tribunals Act 1996) for “ “by execution issued from the county court”” substitute “the words from “by execution”, to “court” in the first place after “by execution””, and
- (e) in paragraph 134 (which amends Schedule 17 to the Financial Services and Markets Act 2000) for “paragraph 16(a)” substitute “ paragraphs 16(a) and 16D(a) ”.

VALID FROM 25/06/2013

26 Payment of fines and other sums

- (1) In the Magistrates' Courts Act 1980 after section 75 insert—

“75A Costs of collecting sums adjudged to be paid by a conviction

- (1) Where a sum is adjudged to be paid by a conviction, the person liable to pay the sum is also liable to pay amounts in respect of costs of doing things for the purpose of collecting sums of that kind.
 - (2) Where the person is charged such an amount, the sum adjudged to be paid is treated as increased by that amount.
 - (3) No such amount may be charged unless a collection order or other notice of the person's liability to pay such amounts has been served on the person.
 - (4) Where time has been allowed for payment of the sum, no such amount may be charged before the end of that time.
 - (5) Where payment is to be by instalments, no such amount may be charged—
 - (a) before the first occasion on which there is default in the payment of an instalment, or
 - (b) at any other time when the instalments are up to date.
 - (6) No such amount may be charged in respect of costs that may be recovered under paragraph 62 of Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (costs related to taking control of goods and selling them).
 - (7) This section applies in relation to a sum even if a collection order is in force in relation to the sum.”
- (2) In the Courts Act 2003 after section 36 (a fines officer is a civil servant, or person provided under a contract, who is so designated by the Lord Chancellor) insert—

“36A All functions of fines officers may be contracted-out

A function given by or under an enactment to a fines officer as such is to be taken for the purposes of section 2(5) (ban on contracting-out of judicial functions) as not involving the making of judicial decisions and as not involving the exercise of any judicial discretion.”

- (3) In Schedule 5 to that Act (collection of fines and other sums) in paragraph 13(1) (contents of collection orders) after paragraph (c) insert—

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“(ca) explain how the sum due may be increased by amounts in respect of costs of doing things for the purpose of collecting sums of that kind.”

(4) In section 85 of the Magistrates' Courts Act 1980 (power to remit fines) after subsection (4) (power does not extend to other sums) insert—

“(5) Despite subsection (4) above, references in subsections (1) to (3) above to a fine do include an amount that a person has been charged in respect of costs mentioned in section 75A(1) above if the person is liable under section 75A(1) above to pay the amount as a result of being liable to pay a fine as defined by subsection (4) above.”

(5) In section 139(c) of that Act (disposal of balance of receipts on account of sum adjudged to be paid) after “balance” insert “ in accordance with any directions under section 139A and, subject to that, in payment ”.

(6) In that Act after section 139 insert—

“139A Disposal of amounts received in respect of collection costs

(1) The Secretary of State may give directions requiring that money received on account of an amount charged as mentioned in section 75A is to be paid to the person who charged the amount.

(2) For the purposes of this section, money is received on account of an amount charged as mentioned in section 75A if—

- (a) the money is received on account of a sum whose amount has been increased under that section,
- (b) the total received on account of the sum is more than the figure the sum would be if increases under that section are excluded, and
- (c) the money is—
 - (i) the balance after deducting that figure from the total received, or
 - (ii) if less, so much of that balance as equals the amount charged.

(3) Directions under this section—

- (a) may be general or apply only in cases specified in them;
- (b) may make different provision for different purposes;
- (c) may be revoked by directions given by the Secretary of State.”

(7) In section 24(2) of the Criminal Justice Act 1991 (regulations about applications by courts for benefit deductions) after paragraph (b) insert—

“(ba) provision, including provision for deductions, in connection with the fine or compensation to which an application relates being treated as increased under section 75A of the 1980 Act or paragraph 42A of Schedule 5 to the Courts Act 2003;”.

(8) In section 56(3) of the Education and Skills Act 2008 (normal enforcement provisions do not apply to a non-participation fine once offender reaches 18) after “to be concluded” insert “or to preserve existing increases under section 75A of the

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Magistrates' Courts Act 1980 (collection costs) or paragraph 42A of Schedule 5 to the Courts Act 2003”.

Commencement Information

I2 S. 26 partly in force; s. 26 not in force at Royal Assent; s. 26(2) in force at 25.6.2013, see s. 61(2)(6)

VALID FROM 11/12/2013

27 Disclosure of information to facilitate collection of fines and other sums

- (1) Schedule 5 to the Courts Act 2003 (collection of fines and other sums) is amended as follows.
- (2) Paragraphs 9A to 10 (disclosure of information by Secretary of State to court officer to help court decide whether to apply for benefit deductions etc) become Part 3A of the Schedule.
- (3) Accordingly, after paragraph 9 insert— “ PART 3A DISCLOSURE OF INFORMATION, AND MEANING OF “RELEVANT BENEFIT” ETC ”.
- (4) In the heading before paragraph 9A, after “Disclosure of information in connection with” insert “ making of attachment of earnings order or ”.
- (5) For paragraph 9A (power of Secretary of State to disclose information to help court decide whether to apply for benefit deductions) substitute—

“9A

- (1) The Secretary of State or a Northern Ireland department, or a person providing services to the Secretary of State or a Northern Ireland department, may disclose social security information to a relevant person.
- (1A) Her Majesty's Revenue and Customs, or a person providing services to the Commissioners for Her Majesty's Revenue and Customs, may disclose finances information to a relevant person.
- (1B) The disclosure authorised by sub-paragraph (1) or (1A) is disclosure of the information concerned for the purpose of facilitating the making, by the relevant court or a fines officer, of any of the following—
 - (a) a decision as to whether to make an attachment of earnings order in respect of P,
 - (b) a decision as to whether to make an application for benefit deductions in respect of P, and
 - (c) such an order or application.
- (2) In this paragraph—

“finances information” means information which—

 - (a) is about a person's income, gains or capital, and
 - (b) is held—
 - (i) by Her Majesty's Revenue and Customs, or

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(ii) by a person providing services to the Commissioners for Her Majesty's Revenue and Customs in connection with the provision of those services,

or information which is held with information so held;

“social security information” means information which is held for the purposes of functions relating to social security—

(a) by the Secretary of State or a Northern Ireland Department, or

(b) by a person providing services to the Secretary of State, or a Northern Ireland Department, in connection with the provision of those services,

or information which is held with information so held.

(2A) The reference in sub-paragraph (2) to functions relating to social security includes a reference to functions relating to any of the matters listed in section 127(8) of the Welfare Reform Act 2012 (statutory payments and maternity allowances).

(3) In this paragraph “relevant person” means a person who is appointed by the Lord Chancellor under section 2(1) or provided under a contract made by virtue of section 2(4).”

(6) In paragraph 9B(1) (limits on onward disclosure)—

(a) for “9A(3)” substitute “ 9A ”, and

(b) for the words after “making” substitute “ , by the relevant court or a fines officer, of such a decision, order or application as is mentioned in paragraph 9A(1B). ”

(7) In paragraph 9B(2)(b) (use of information otherwise than in connection with decision mentioned in sub-paragraph (1)) for “as is mentioned in that sub-paragraph” substitute “ , order or application as is mentioned in paragraph 9A(1B) ”.

(8) In paragraph 9B(3) (disclosures that are not unlawful)—

(a) in paragraph (a) (disclosure in accordance with order of a court etc) after “order of a court” insert “ or of a tribunal established by or under an Act ”, and

(b) in paragraph (b) (disclosure of information previously lawfully disclosed) after “disclose” insert “or use—

(i) any information which is in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it, or

(ii)”.

(9) In paragraph 9B(5) (offence of wrongful use or disclosure of disclosed information punishable on summary conviction by a fine not exceeding level 4) for the words from “liable” to the end substitute “liable—

(a) on conviction on indictment—

(i) to imprisonment for a term not exceeding 2 years, or

(ii) to a fine, or

(iii) to both;

(b) on summary conviction—

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- (i) to imprisonment for a term not exceeding 12 months, or
- (ii) to a fine not exceeding the statutory maximum, or
- (iii) to both.”

(10) In paragraph 9B after sub-paragraph (5) insert—

“(6) Sub-paragraph (5)(b) applies in relation to offences committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on power of magistrates' courts to impose imprisonment) as if the reference to 12 months were a reference to 6 months.

(7) A prosecution for an offence under sub-paragraph (2) may be instituted only by or with the consent of the Director of Public Prosecutions.”

(11) Omit paragraph 9C(2) and (4) (meaning of “benefit status” and “prescribed”).

(12) In paragraph 9C (interpretation etc of paragraphs 9A and 9B)—

- (a) in sub-paragraph (1) for “This paragraph applies” substitute “ Sub-paragraphs (3) and (3A) apply ”, and
- (b) after sub-paragraph (3) insert—

“(3A) Relevant court” has the same meaning as in Part 3 of this Schedule.

(3B) In paragraphs 9A and 10 (as in the provisions of this Schedule which extend to England and Wales only)—

- “fines officer” has the meaning given by section 36;
- “P” has the meaning given by paragraph 1.”

(13) Paragraphs 9A, 9C and 10, as amended by the preceding provisions of this section, extend to Scotland and Northern Ireland (as well as to England and Wales).

(14) Accordingly, in section 111(1) of the Courts Act 2003 (subject to subsections (2) and (3), Act extends to England and Wales only) after “(3)” insert “ and to section 27(13) of the Crime and Courts Act 2013 (extent of paragraphs 9A, 9C and 10 of Schedule 5) ”.

VALID FROM 22/04/2014

28 Disclosure of information for calculating fees of courts, tribunals etc

- (1) The Secretary of State or a Northern Ireland Department, or a person providing services to the Secretary of State or a Northern Ireland Department, may disclose social security information to a relevant person who wants social security information in connection with deciding a fee-remission application.
- (2) Her Majesty's Revenue and Customs, or a person providing services to the Commissioners for Her Majesty's Revenue and Customs, may disclose tax credit information or finances information to a relevant person who wants tax credit information or finances information in connection with deciding a fee-remission application.
- (3) Information disclosed to a relevant person under subsection (1) or (2)—

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- (a) must not be further disclosed, except to another relevant person who wants social security information, tax credit information or finances information in connection with deciding a fee-remission application, and
 - (b) must not be used otherwise than in connection with deciding a fee-remission application.
- (4) Subsection (3) does not prohibit—
- (a) disclosure or use of information which is in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it;
 - (b) disclosure or use of information which has previously been disclosed to the public with lawful authority;
 - (c) disclosure or use of information so far as necessary to comply with—
 - (i) an order of a court,
 - (ii) an order of a tribunal established by or under an Act, or
 - (iii) a duty imposed by or under an Act or Northern Ireland legislation.
- (5) It is an offence for a person to disclose or use information in contravention of subsection (3).
- (6) It is a defence for a person charged with an offence under subsection (5) to prove that the person reasonably believed that the disclosure or use concerned was lawful.
- (7) A person guilty of an offence under subsection (5) is liable—
- (a) on conviction on indictment—
 - (i) to imprisonment for a term not exceeding 2 years, or
 - (ii) to a fine, or
 - (iii) to both;
 - (b) on summary conviction—
 - (i) to imprisonment for a period not exceeding 12 months, or
 - (ii) to a fine not exceeding the statutory maximum, or
 - (iii) to both.
- (8) Subsection (7)(b) applies—
- (a) in England and Wales in relation to offences committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates' court's power to impose imprisonment), and
 - (b) in Northern Ireland,
- as if the reference to 12 months were a reference to 6 months.
- (9) A prosecution for an offence under subsection (5)—
- (a) may be instituted in England and Wales only by or with the consent of the Director of Public Prosecutions, and
 - (b) may be instituted in Northern Ireland only by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (10) In this section—
- “fee-remission application” means an application for any relief available to recipients of a social security benefit, or tax credit, from fees under any of—
- (a) section 92 of the Courts Act 2003 (court fees),

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- (b) section 52 of the Constitutional Reform Act 2005 (Supreme Court fees),
- (c) section 54 of the Mental Capacity Act 2005 (Court of Protection fees),
- (d) section 58 of that Act (Public Guardian fees),
- (e) section 42 of the Tribunals, Courts and Enforcement Act 2007 (tribunal fees),
- (f) paragraph 9 of Schedule 12 to the Commonhold and Leasehold Reform Act 2002 (leasehold valuation tribunal fees),
- (g) paragraph 11 of Schedule 13 to the Housing Act 2004 (residential property tribunal fees), and
- (h) section 7 of the Gender Recognition Act 2004 (Gender Recognition Panel fees);

“finances information” means information which—

- (a) is about a person's income, gains or capital, and
- (b) is held—
 - (i) by Her Majesty's Revenue and Customs, or
 - (ii) by a person providing services to the Commissioners for Her Majesty's Revenue and Customs, in connection with the provision of those services;

“relevant person” means—

- (a) the Lord Chancellor,
- (b) the Secretary of State,
- (c) a person providing services to the Lord Chancellor or to the Secretary of State,
- (d) any of the officers or staff of the Supreme Court, or
- (e) any of the officers or staff of, or a person providing services to, the Public Guardian appointed for the purposes of the Mental Capacity Act 2005;

“social security information” means information which is held for the purposes of functions relating to social security—

- (a) by the Secretary of State or a Northern Ireland Department, or
- (b) by a person providing services to the Secretary of State or a Northern Ireland Department, in connection with the provision of those services,

or information which is held with information so held;

“tax credit information” means information as to whether a person has been awarded child tax credit or working tax credit which is held—

- (a) by Her Majesty's Revenue and Customs, or
- (b) by a person providing services to the Commissioners for Her Majesty's Revenue and Customs, in connection with the provision of those services.

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VALID FROM 15/07/2013

29 Supreme Court chief executive, officers and staff

- (1) For section 48(2) of the Constitutional Reform Act 2005 (chief executive of the Supreme Court to be appointed by Lord Chancellor after consulting President of the Court) substitute—

“(2) It is for the President of the Court to appoint the chief executive.”

- (2) Section 49 of that Act (officers and staff of the Supreme Court) is amended as follows.

- (3) In subsection (2) (number of officers and staff, and their terms, are for the chief executive but subject to the provision in subsection (3) about application of civil service pension arrangements)—

- (a) for “these matters with the agreement of the Lord Chancellor—” substitute “the following matters—”, and
 (b) for “subsection” substitute “subsections (2A) and ”.

- (4) After subsection (2) insert—

“(2A) Service as the chief executive of the Court, and service as an officer or staff appointed under subsection (1), is service in the civil service of the State.”

- (5) In subsection (3) (civil service pension arrangements apply to chief executive, officers and staff) for “The” at the beginning substitute “Accordingly, the”.

VALID FROM 01/10/2013

30 Supreme Court security officers

- (1) In Part 3 of the Constitutional Reform Act 2005 (the Supreme Court) after section 51 insert—

“Court security

51A Security officers

- (1) A Supreme Court security officer is a person who is—
- (a) appointed by the President of the Supreme Court under section 49(1) or provided under a contract, and
 (b) designated by the President as a Supreme Court security officer.
- (2) The President may give directions as to—
- (a) training courses to be completed by Supreme Court security officers;
 (b) conditions to be met before a person may be designated as a Supreme Court security officer.
- (3) For the purposes of sections 51B to 51E, a Supreme Court security officer who is not readily identifiable as such (whether by means of uniform or

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badge or otherwise) is not to be regarded as acting in the execution of the officer's duty.

- (4) In those sections “court building” means any building—
- (a) where the business of the Supreme Court, or of the Judicial Committee of the Privy Council, is carried on, and
 - (b) to which the public has access.

51B Powers of search, exclusion, removal and restraint

- (1) A Supreme Court security officer acting in the execution of the officer's duty may search—
- (a) any person who is in, or seeking to enter, a court building, and
 - (b) any article in the possession of such a person.
- (2) Subsection (1) does not authorise a Supreme Court security officer to require a person to remove any of the person's clothing other than a coat, jacket, headgear, gloves or footwear.
- (3) A Supreme Court security officer acting in the execution of the officer's duty may exclude or remove from a court building, or a part of a court building, any person who refuses—
- (a) to permit a search under subsection (1), or
 - (b) to surrender an article in the person's possession when asked to do so under section 51C(1).
- (4) A Supreme Court security officer acting in the execution of the officer's duty may—
- (a) restrain any person who is in a court building, or
 - (b) exclude or remove any person from a court building, or a part of a court building,
- if it is reasonably necessary to do so for one of the purposes given in subsection (5).
- (5) The purposes are—
- (a) enabling business of the Supreme Court, or of the Judicial Committee of the Privy Council, to be carried on without interference or delay;
 - (b) maintaining order;
 - (c) securing the safety of any person in the court building.
- (6) A Supreme Court security officer acting in the execution of the officer's duty may remove any person from a courtroom at the request of—
- (a) a judge of the Supreme Court, or
 - (b) a member of the Judicial Committee of the Privy Council.
- (7) The powers given by subsections (3), (4) and (6) include power to use reasonable force, where necessary.

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51C Surrender, seizure and retention of knives and other articles

- (1) If a Supreme Court security officer acting in the execution of the officer's duty reasonably believes that an article in the possession of a person who is in, or seeking to enter, a court building ought to be surrendered on any of the grounds given in subsection (2), the officer must ask the person to surrender the article; and, if the person refuses to surrender the article, the officer may seize it.
- (2) The grounds are that the article—
 - (a) may jeopardise the maintenance of order in the court building (or a part of it),
 - (b) may put the safety of any person in the court building at risk, or
 - (c) may be evidence of, or in relation to, an offence.
- (3) Subject to subsection (4), a Supreme Court security officer may retain an article which was—
 - (a) surrendered in response to a request under subsection (1), or
 - (b) seized under that subsection,until the time when the person who surrendered it, or from whom it was seized, is leaving the court building.
- (4) If a Supreme Court security officer reasonably believes that the article may be evidence of, or in relation to, an offence, the officer may retain it until—
 - (a) the time when the person who surrendered it, or from whom it was seized, is leaving the court building, or
 - (b) the end of the permitted period,whichever is the later.
- (5) In subsection (4) “the permitted period” means such period, not exceeding 24 hours from the time the article was surrendered or seized, as will enable the Supreme Court security officer to draw the article to the attention of a constable.
- (6) Subsections (3) to (5) do not apply where a knife is—
 - (a) surrendered to a Supreme Court security officer in response to a request under subsection (1), or
 - (b) seized by a Supreme Court security officer under that subsection,but, instead, the knife must be retained in accordance with regulations under section 51D(3) unless returned or disposed of in accordance with those regulations or regulations under section 51D(1).
- (7) If a Supreme Court security officer reasonably believes that a retained knife may be evidence of, or in relation to, an offence, nothing in subsection (6) prevents the officer retaining the knife for so long as necessary to enable the officer to draw it to the attention of a constable.
- (8) In this section “knife” includes—
 - (a) a knife-blade, and
 - (b) any other article which—
 - (i) has a blade or is sharply pointed, and

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(ii) is made or adapted for use for causing injury to the person.

51D Regulations about retention of knives and other articles

- (1) The Lord Chancellor may by regulations make provision as to—
 - (a) the provision to persons—
 - (i) by whom articles have been surrendered in response to a request under subsection (1) of section 51C, or
 - (ii) from whom articles have been seized under that subsection, of written information about the powers of retention of Supreme Court security officers,
 - (b) the keeping of records about articles which have been so surrendered or seized,
 - (c) the period for which unclaimed articles have to be kept, and
 - (d) the disposal of unclaimed articles at the end of that period.
- (2) In subsection (1) “unclaimed article” means an article—
 - (a) which has been retained under section 51C,
 - (b) which a person is entitled to have returned,
 - (c) which has not been returned, and
 - (d) whose return has not been requested by a person entitled to it.
- (3) Without prejudice to the generality of subsection (1), the Lord Chancellor must by regulations make provision as to—
 - (a) the procedure to be followed when a knife is retained under section 51C;
 - (b) the making of requests by eligible persons for the return of knives so retained;
 - (c) the procedure to be followed when returning a knife pursuant to a request made in accordance with the regulations.
- (4) In subsection (3)—

“eligible person”, in relation to a knife retained under section 51C, means—

 - (a) the person who surrendered the knife under subsection (1) of section 51C or from whom the knife was seized under that subsection, or
 - (b) any other person specified in regulations under subsection (3);

“knife” has the same meaning as in section 51C.

51E Assaulting and obstructing Supreme Court security officers

- (1) Any person who assaults a Supreme Court security officer acting in the execution of the officer's duty commits an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction—
 - (a) to imprisonment for a term not exceeding 12 months, or
 - (b) to a fine not exceeding level 5 on the standard scale, or
 - (c) to both.

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(3) Subsection (2) applies—

(a) in England and Wales in relation to offences committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates' court's power to impose imprisonment), and

(b) in Northern Ireland,

as if the reference to 12 months were a reference to 6 months.

(4) A person who resists or wilfully obstructs a Supreme Court security officer acting in the execution of the officer's duty commits an offence.

(5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

(2) In section 48(3)(a) of the Constitutional Reform Act 2005 (delegation of President's functions to chief executive) after “under section 49(1)” insert “ or 51A(1)(a) or (b) ”.

VALID FROM 25/06/2013

31 Making, and use, of recordings of Supreme Court proceedings

(1) Section 9 of the Contempt of Court Act 1981 (recording of court proceedings) is amended as follows.

(2) After subsection (1) insert—

“(1A) In the case of a recording of Supreme Court proceedings, subsection (1)(b) does not apply to its publication or disposal with the leave of the Court.”

(3) In subsection (2) (leave under subsection (1)(a): grant, refusal, conditions, withdrawal and amendment)—

(a) after “paragraph (a) of subsection (1)” insert “ , or under subsection (1A), ”,

(b) for “if granted may” substitute “if granted—

(a) may, in the case of leave under subsection (1)(a),”, and

(c) after “leave; and” insert—

“(b) may, in the case of leave under subsection (1A), be granted subject to such conditions as the Supreme Court thinks proper with respect to publication or disposal of any recording to which the leave relates;

and ”.

(4) In subsection (1) (activities which are contempt of court) after paragraph (c) insert—

“(d) to publish or dispose of any recording in contravention of any conditions of leave granted under subsection (1A).”

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VALID FROM 15/07/2013

32 Enabling the making, and use, of films and other recordings of proceedings

- (1) The Lord Chancellor may, by order made with the concurrence of the Lord Chief Justice, provide that a section mentioned in subsection (2) or any provision of either of those sections—
 - (a) does not apply in relation to the making of a recording or the making of a prescribed recording;
 - (b) does not apply in relation to the making of a recording, or the making of a prescribed recording, if prescribed conditions are met, including conditions as to a court or tribunal or any other person being satisfied as to anything or agreeing;
 - (c) does not apply in relation to prescribed use of a prescribed recording.
- (2) Those sections are—
 - (a) section 41 of the Criminal Justice Act 1925 (no photography or drawing in court of persons involved in proceedings, and no publication of contravening images);
 - (b) section 9 of the Contempt of Court Act 1981 (no sound recording in court without permission, and no public playing of recordings).
- (3) In the case of any particular proceedings of a court or tribunal, the court or tribunal may in the interests of justice or in order that a person is not unduly prejudiced—
 - (a) direct that a provision disapplied in relation to the proceedings by an order under subsection (1) is, despite the order, to apply in relation to the proceedings, or
 - (b) direct that a provision disapplied in relation to the proceedings by an order under subsection (1) is, despite the order, disapplied in relation to the proceedings only if conditions specified in the direction are met.
- (4) No appeal may be made against—
 - (a) a direction given under subsection (3), or
 - (b) a decision not to give a direction under that subsection.
- (5) In this section—

“recording” means a visual or sound recording on any medium, including (in particular)—

 - (a) films and other video-recordings, with or without sound,
 - (b) other photographs, and
 - (c) sketches and portraits;

“prescribed” means prescribed by an order under subsection (1).
- (6) The preceding provisions of this section do not apply in relation to Supreme Court proceedings.
- (7) In section 41 of the Criminal Justice Act 1925 after subsection (1) insert—

“(1A) See section 32 of the Crime and Courts Act 2013 for power to provide for exceptions.”
- (8) In section 9 of the Contempt of Court Act 1981 after subsection (4) insert—

Status: Point in time view as at 25/04/2013. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: Crime and Courts Act 2013 is up to date with all changes known to be in force on or before 24 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“(5) See section 32 of the Crime and Courts Act 2013 for power to provide for further exceptions.”

VALID FROM 25/06/2013

33 Abolition of scandalising the judiciary as form of contempt of court

- (1) Scandalising the judiciary (also referred to as scandalising the court or scandalising judges) is abolished as a form of contempt of court under the common law of England and Wales.
- (2) That abolition does not prevent proceedings for contempt of court being brought against a person for conduct that immediately before that abolition would have constituted both scandalising the judiciary and some other form of contempt of court.

VALID FROM 03/11/2015

Publishers of news-related material: damages and costs

34 Awards of exemplary damages

- (1) This section applies where—
 - (a) a relevant claim is made against a person (“the defendant”),
 - (b) the defendant was a relevant publisher at the material time,
 - (c) the claim is related to the publication of news-related material, and
 - (d) the defendant is found liable in respect of the claim.
- (2) Exemplary damages may not be awarded against the defendant in respect of the claim if the defendant was a member of an approved regulator at the material time.
- (3) But the court may disregard subsection (2) if—
 - (a) the approved regulator imposed a penalty on the defendant in respect of the defendant's conduct or decided not to do so,
 - (b) the court considers, in light of the information available to the approved regulator when imposing the penalty or deciding not to impose one, that the regulator was manifestly irrational in imposing the penalty or deciding not to impose one, and
 - (c) the court is satisfied that, but for subsection (2), it would have made an award of exemplary damages under this section against the defendant.
- (4) Where the court is not prevented from making an award of exemplary damages by subsection (2) (whether because that subsection does not apply or the court is permitted to disregard that subsection as a result of subsection (3)), the court—
 - (a) may make an award of exemplary damages if it considers it appropriate to do so in all the circumstances of the case, but
 - (b) may do so only under this section.
- (5) Exemplary damages may be awarded under this section only if they are claimed.

Status: Point in time view as at 25/04/2013. This version of this Act contains provisions that are not valid for this point in time.

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- (6) Exemplary damages may be awarded under this section only if the court is satisfied that—
 - (a) the defendant's conduct has shown a deliberate or reckless disregard of an outrageous nature for the claimant's rights,
 - (b) the conduct is such that the court should punish the defendant for it, and
 - (c) other remedies would not be adequate to punish that conduct.
- (7) Exemplary damages may be awarded under this section whether or not another remedy is granted.
- (8) The decision on the question of—
 - (a) whether exemplary damages are to be awarded under this section, or
 - (b) the amount of such damages,must not be left to a jury.

Commencement Information

- I3** Ss. 34-39 in force at 3.11.2015 by virtue of s. 61(7) of this Act (and see explanatory note to [S.I. 2015/1837](#))

35 Relevant considerations

- (1) This section applies where the court is deciding whether the circumstances of the case make it appropriate for exemplary damages to be awarded under section 34.
- (2) The court must have regard to the principle that exemplary damages must not usually be awarded if, at any time before the decision comes to be made, the defendant has been convicted of an offence involving the conduct complained of.
- (3) The court must take account of the following—
 - (a) whether membership of an approved regulator was available to the defendant at the material time;
 - (b) if such membership was available, the reasons for the defendant not being a member;
 - (c) so far as relevant in the case of the conduct complained of, whether internal compliance procedures of a satisfactory nature were in place and, if so, the extent to which they were adhered to in that case.
- (4) The reference in subsection (3)(c) to “internal compliance procedures” being in place is a reference to any procedures put in place by the defendant for the purpose of ensuring that—
 - (a) material is not obtained by or on behalf of the defendant in an inappropriate way, and
 - (b) material is not published by the defendant in inappropriate circumstances.
- (5) The court may regard deterring the defendant and others from similar conduct as an object of punishment.
- (6) This section is not to be read as limiting the power of the court to take account of any other matters it considers relevant to its decision.

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Commencement Information

- I4** Ss. 34-39 in force at 3.11.2015 by virtue of s. 61(7) of this Act (and see explanatory note to [S.I. 2015/1837](#))

36 Amount of exemplary damages

- (1) This section applies where the court decides to award exemplary damages under section 34.
- (2) The court must have regard to these principles in determining the amount of exemplary damages—
 - (a) the amount must not be more than the minimum needed to punish the defendant for the conduct complained of;
 - (b) the amount must be proportionate to the seriousness of the conduct.
- (3) The court must take account of these matters in determining the amount of exemplary damages—
 - (a) the nature and extent of any loss or harm caused, or intended to be caused, by the defendant's conduct;
 - (b) the nature and extent of any benefit the defendant derived or intended to derive from such conduct.
- (4) The court may regard deterring the defendant and others from similar conduct as an object of punishment.
- (5) This section is not to be read as limiting the power of the court to take account of any other matters it considers relevant to its decision.

Commencement Information

- I5** Ss. 34-39 in force at 3.11.2015 by virtue of s. 61(7) of this Act (and see explanatory note to [S.I. 2015/1837](#))

37 Multiple claimants

- (1) This section applies where a relevant publisher—
 - (a) is a defendant to a relevant claim, and
 - (b) is found liable to two or more persons in respect of the claim (“the persons affected”).
- (2) In deciding whether to award exemplary damages under section 34 or the amount of such damages to award (whether to one or more of the persons affected), the court must take account of any settlement or compromise by any persons of a claim in respect of the conduct.
- (3) But the court may take account of any such settlement or compromise only if the defendant agrees.
- (4) If the court awards exemplary damages under section 34 to two or more of the persons affected, the total amount awarded must be such that it does not punish the defendant excessively.

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- (5) If the court awards exemplary damages under section 34 to one or more of the persons affected, no later claim may be made for exemplary damages as regards the conduct.

Commencement Information

- I6** Ss. 34-39 in force at 3.11.2015 by virtue of s. 61(7) of this Act (and see explanatory note to [S.I. 2015/1837](#))

38 Multiple defendants

- (1) Any liability of two or more persons for exemplary damages awarded under section 34 is several (and not joint or joint and several).
- (2) Subsection (1) has effect subject to the law relating to the liability of a partner for the conduct of another partner.
- (3) Where the liability of two or more persons for exemplary damages is several, no contribution in respect of the damages may be recovered by any of them under section 1 of the Civil Liability (Contribution) Act 1978.

Commencement Information

- I7** Ss. 34-39 in force at 3.11.2015 by virtue of s. 61(7) of this Act (and see explanatory note to [S.I. 2015/1837](#))

39 Awards of aggravated damages

- (1) This section applies where—
- (a) a relevant claim is made against a person (“the defendant”),
 - (b) the defendant was a relevant publisher at the material time,
 - (c) the claim is related to the publication of news-related material, and
 - (d) the defendant is found liable in respect of the claim.
- (2) Aggravated damages may be awarded against the defendant only to compensate for mental distress and not for purposes of punishment.
- (3) In this section, “aggravated damages” means damages that were commonly called aggravated before the passing of this Act and which—
- (a) are awarded against a person in respect of the person's motive or exceptional conduct, but
 - (b) are not exemplary damages or restitutionary damages.
- (4) Nothing in this section is to be read as implying that, in cases where this section does not apply, aggravated damages may be awarded for purposes of punishment.

Commencement Information

- I8** Ss. 34-39 in force at 3.11.2015 by virtue of s. 61(7) of this Act (and see explanatory note to [S.I. 2015/1837](#))

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PROSPECTIVE

40 Awards of costs

- (1) This section applies where—
 - (a) a relevant claim is made against a person (“the defendant”),
 - (b) the defendant was a relevant publisher at the material time, and
 - (c) the claim is related to the publication of news-related material.
- (2) If the defendant was a member of an approved regulator at the time when the claim was commenced (or was unable to be a member at that time for reasons beyond the defendant's control or it would have been unreasonable in the circumstances for the defendant to have been a member at that time), the court must not award costs against the defendant unless satisfied that—
 - (a) the issues raised by the claim could not have been resolved by using an arbitration scheme of the approved regulator, or
 - (b) it is just and equitable in all the circumstances of the case to award costs against the defendant.
- (3) If the defendant was not a member of an approved regulator at the time when the claim was commenced (but would have been able to be a member at that time and it would have been reasonable in the circumstances for the defendant to have been a member at that time), the court must award costs against the defendant unless satisfied that—
 - (a) the issues raised by the claim could not have been resolved by using an arbitration scheme of the approved regulator (had the defendant been a member), or
 - (b) it is just and equitable in all the circumstances of the case to make a different award of costs or make no award of costs.
- (4) The Secretary of State must take steps to put in place arrangements for protecting the position in costs of parties to relevant claims who have entered into agreements under section 58 of the Courts and Legal Services Act 1990.
- (5) This section is not to be read as limiting any power to make rules of court.
- (6) This section does not apply until such time as a body is first recognised as an approved regulator.

41 Meaning of “relevant publisher”

- (1) In sections 34 to 40, “relevant publisher” means a person who, in the course of a business (whether or not carried on with a view to profit), publishes news-related material—
 - (a) which is written by different authors, and
 - (b) which is to any extent subject to editorial control.

This is subject to subsections (5) and (6).

- (2) News-related material is “subject to editorial control” if there is a person (whether or not the publisher of the material) who has editorial or equivalent responsibility for—
 - (a) the content of the material,

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- (b) how the material is to be presented, and
 - (c) the decision to publish it.
- (3) A person who is the operator of a website is not to be taken as having editorial or equivalent responsibility for the decision to publish any material on the site, or for content of the material, if the person did not post the material on the site.
- (4) The fact that the operator of the website may moderate statements posted on it by others does not matter for the purposes of subsection (3).
- (5) A person is not a “relevant publisher” if the person is specified by name in Schedule 15.
- (6) A person is not a “relevant publisher” in so far as the person's publication of news-related material is in a capacity or case of a description specified in Schedule 15.
- (7) But a person who is not a “relevant publisher” as a result of paragraph 8 of that Schedule (micro-businesses) is nevertheless to be regarded as such if the person was a member of an approved regulator at the material time.

42 Other interpretative provisions

- (1) This section applies for the purposes of sections 34 to 41.
- (2) “Approved regulator” means a body recognised as a regulator of relevant publishers.
- (3) For the purposes of subsection (2), a body is “recognised” as a regulator of relevant publishers if it is so recognised by any body established by Royal Charter (whether established before or after the coming into force of this section) with the purpose of carrying on activities relating to the recognition of independent regulators of relevant publishers.
- (4) “Relevant claim” means a civil claim made in respect of any of the following—
- (a) libel;
 - (b) slander;
 - (c) breach of confidence;
 - (d) misuse of private information;
 - (e) malicious falsehood;
 - (f) harassment.
- (5) For the purposes of subsection (4)—
- (a) the reference to a claim made in respect of the misuse of private information does not include a reference to a claim made by virtue of section 13 of the Data Protection Act 1998 (damage or distress suffered as a result of a contravention of a requirement of that Act);
 - (b) the reference to a claim made in respect of harassment is a reference to a claim made under the Protection from Harassment Act 1997.
- (6) The “material time”, in relation to a relevant claim, is the time of the events giving rise to the claim.
- (7) “News-related material” means—
- (a) news or information about current affairs,
 - (b) opinion about matters relating to the news or current affairs, or

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- (c) gossip about celebrities, other public figures or other persons in the news.
- (8) A relevant claim is related to the publication of news-related material if the claim results from—
 - (a) the publication of news-related material, or
 - (b) activities carried on in connection with the publication of such material (whether or not the material is in fact published).
- (9) A reference to the “publication” of material is a reference to publication—
 - (a) on a website,
 - (b) in hard copy, or
 - (c) by any other means;
 and references to a person who “publishes” material are to be read accordingly.
- (10) A reference to “conduct” includes a reference to omissions; and a reference to a person's conduct includes a reference to a person's conduct after the events giving rise to the claim concerned.

Self-defence

43 Use of force in self-defence at place of residence

- (1) Section 76 of the Criminal Justice and Immigration Act 2008 (use of reasonable force for purposes of self-defence etc) is amended as follows.
- (2) Before subsection (6) (force not regarded as reasonable if it was disproportionate) insert—

“(5A) In a householder case, the degree of force used by D is not to be regarded as having been reasonable in the circumstances as D believed them to be if it was grossly disproportionate in those circumstances.”
- (3) In subsection (6) at the beginning insert “ In a case other than a householder case, ”.
- (4) After subsection (8) insert—

“(8A) For the purposes of this section “a householder case” is a case where—

 - (a) the defence concerned is the common law defence of self-defence,
 - (b) the force concerned is force used by D while in or partly in a building, or part of a building, that is a dwelling or is forces accommodation (or is both),
 - (c) D is not a trespasser at the time the force is used, and
 - (d) at that time D believed V to be in, or entering, the building or part as a trespasser.

(8B) Where—

 - (a) a part of a building is a dwelling where D dwells,
 - (b) another part of the building is a place of work for D or another person who dwells in the first part, and
 - (c) that other part is internally accessible from the first part,

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that other part, and any internal means of access between the two parts, are each treated for the purposes of subsection (8A) as a part of a building that is a dwelling.

(8C) Where—

- (a) a part of a building is forces accommodation that is living or sleeping accommodation for D,
- (b) another part of the building is a place of work for D or another person for whom the first part is living or sleeping accommodation, and
- (c) that other part is internally accessible from the first part,

that other part, and any internal means of access between the two parts, are each treated for the purposes of subsection (8A) as a part of a building that is forces accommodation.

(8D) Subsections (4) and (5) apply for the purposes of subsection (8A)(d) as they apply for the purposes of subsection (3).

(8E) The fact that a person derives title from a trespasser, or has the permission of a trespasser, does not prevent the person from being a trespasser for the purposes of subsection (8A).

(8F) In subsections (8A) to (8C)—

“building” includes a vehicle or vessel, and

“forces accommodation” means service living accommodation for the purposes of Part 3 of the Armed Forces Act 2006 by virtue of section 96(1)(a) or (b) of that Act.”

- (5) In subsection (9) (section intended to be clarificatory) after “This section” insert “, except so far as making different provision for householder cases, ”.
- (6) An amendment made by this section does not apply in respect of force used before the amendment comes into force.

VALID FROM 11/12/2013

Community and other non-custodial sentencing

44 Dealing non-custodially with offenders

Schedule 16 (which makes provision about community orders, restorative justice, community requirements in suspended sentence orders, compensation orders and fines etc) has effect.

Status: Point in time view as at 25/04/2013. This version of this Act contains provisions that are not valid for this point in time.

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VALID FROM 24/02/2014

Deferred prosecution agreements

45 Deferred prosecution agreements

Schedule 17 makes provision about deferred prosecution agreements.

Proceeds of crime

VALID FROM 20/03/2015

46 Restraint orders and legal aid

(1) Section 41 of the Proceeds of Crime Act 2002 (confiscation in England and Wales: restraint orders) is amended in accordance with subsections (2) to (6).

(2) After subsection (2) insert—

“(2A) A restraint order must be made subject to an exception enabling relevant legal aid payments to be made (a legal aid exception).

(2B) A relevant legal aid payment is a payment that the specified person is obliged to make—

(a) by regulations under section 23 or 24 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, and

(b) in connection with services provided in relation to an offence which falls within subsection (5),

whether the obligation to make the payment arises before or after the restraint order is made.”

(3) In subsection (3)—

(a) after “subject to” insert “ other ”, and

(b) omit paragraph (c).

(4) In subsection (4), for “But an exception to a restraint order” substitute “ But where an exception to a restraint order is made under subsection (3), it ”.

(5) After subsection (5) insert—

“(5A) A legal aid exception—

(a) must be made subject to prescribed restrictions (if any) on—

(i) the circumstances in which payments may be made in reliance on the exception, or

(ii) the amount of the payments that may be made in reliance on the exception,

(b) must be made subject to other prescribed conditions (if any), and

(c) may be made subject to other conditions.

(5B) Any other exception to a restraint order may be made subject to conditions.”

Status: Point in time view as at 25/04/2013. This version of this Act contains provisions that are not valid for this point in time.

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(6) After subsection (9) insert—

“(10) In this section “prescribed” means prescribed by regulations made by the Secretary of State.”

(7) In section 459 of that Act (orders and regulations)—

- (a) in subsection (4)(a), after “section” insert “ 41(5A), ”, and
- (b) in subsection (6)(a), after “section” insert “ 41(5A), ”.

Commencement Information

I9 S. 46(1) in force at 20.3.2015 for specified purposes by [S.I. 2015/813, art. 2\(a\)\(i\)](#)

I10 S. 46(5) in force at 20.3.2015 for specified purposes by [S.I. 2015/813, art. 2\(a\)\(ii\)](#)

I11 S. 46(6)(7) in force at 20.3.2015 by [S.I. 2015/813, art. 2\(a\)\(iii\)](#)

VALID FROM 20/03/2015

47 Restraint orders and legal aid: supplementary

(1) The Secretary of State may by regulations—

- (a) make provision about the making of relevant legal aid payments out of property that is the subject of a restraint order under Part 2 of the Proceeds of Crime Act 2002 (“the 2002 Act”), and
- (b) make provision in connection with cases in which such payments are or may be made out of such property,

whether by modifying the operation of Part 2 of the 2002 Act or Chapter 1, 2 or 4 of Part 8 of that Act or otherwise.

(2) The provision that may be made by regulations under this section includes—

- (a) provision about how much property may be subject to a restraint order, including provision made by reference to the amount or estimated amount of relevant legal aid payments;
- (b) provision for a restraint order or other order under Part 2 of the 2002 Act to remain in force, where a relevant legal aid payment remains unpaid, in circumstances in which the order would otherwise have to be discharged;
- (c) provision about powers of investigation for the purpose of identifying property that may be used to make relevant legal aid payments, including powers exercisable where an order continues in force in accordance with provision described in paragraph (b);
- (d) provision about the use of property in cases in which there is or has been a restraint order, including provision about the order in which different obligations to make payments may or must be satisfied in such cases;
- (e) provision about powers of entry, search and seizure;
- (f) provision about the payment of compensation by the Lord Chancellor;
- (g) provision about the disclosure and use of documents, information and other evidence.

(3) The provision that may be made by regulations under this section (whether by virtue of this section or section 58(12)) includes—

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- (a) provision conferring, removing or otherwise modifying a function;
 - (b) provision amending, repealing, revoking or otherwise modifying provision made by or under any enactment (including provision inserted or amended by this Act).
- (4) In this section—
- “function” means a function of any description, including a power or duty (whether conferred by an enactment or arising otherwise);
 - “property” has the same meaning as in Part 2 of the 2002 Act;
 - “relevant legal aid payment” means—
 - (a) a payment that is a relevant legal aid payment for the purposes of section 41 of the 2002 Act, and
 - (b) a payment that would be such a payment if a restraint order were made.
- (5) In subsection (2)(a) and (c) the references to relevant legal aid payments include any payment that is likely to be a relevant legal aid payment when the obligation to make the payment arises.

Commencement Information

112 S. 47 in force at 20.3.2015 by [S.I. 2015/813](#), **art. 2(b)**

48 Civil recovery of the proceeds etc of unlawful conduct

- (1) Part 5 of the Proceeds of Crime Act 2002 (civil recovery of the proceeds etc of unlawful conduct) is amended as follows.
- (2) After section 282 insert—

“Scope of powers

282A Scope of powers

- (1) An order under this Chapter may be made by the High Court in England and Wales or the Court of Session—
 - (a) in respect of property wherever situated, and
 - (b) in respect of a person wherever domiciled, resident or present, subject to subsection (2).
- (2) Such an order may not be made by the High Court in England and Wales or the Court of Session in respect of—
 - (a) property that is outside the United Kingdom, or
 - (b) property that is in the United Kingdom but outside the relevant part of the United Kingdom,
 unless there is or has been a connection between the case and the relevant part of the United Kingdom.
- (3) The circumstances in which there is or has been such a connection include those described in Schedule 7A.

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- (4) “The relevant part of the United Kingdom” means—
- (a) in relation to an order made by the High Court in England and Wales, England and Wales, and
 - (b) in relation to an order made by the Court of Session, Scotland.”
- (3) After Schedule 7 insert—

“SCHEDULE 7A

Section 282A

CONNECTION WITH RELEVANT PART OF UNITED KINGDOM

Unlawful conduct

- 1 There is a connection where the unlawful conduct occurred entirely or partly in the relevant part of the United Kingdom.

Property

- 2 There has been a connection where the property in question has been in the relevant part of the United Kingdom, but only if it was recoverable property in relation to the unlawful conduct for some or all of the time it was there.
- 3 There is a connection where there is other property in the relevant part of the United Kingdom that is recoverable property in relation to the unlawful conduct.
- 4 There has been a connection where, at any time, there has been other property in the relevant part of the United Kingdom that, at the time, was recoverable property in relation to the unlawful conduct.

Person

- 5 (1) There is or has been a connection where a person described in subparagraph (2)—
- (a) is linked to the relevant part of the United Kingdom,
 - (b) was linked to that part of the United Kingdom at a time when the unlawful conduct, or some of the unlawful conduct, was taking place, or
 - (c) has been linked to that part of the United Kingdom at any time since that conduct took place.
- (2) Those persons are—
- (a) a person whose conduct was, or was part of, the unlawful conduct;
 - (b) a person who was deprived of property by the unlawful conduct;
 - (c) a person who holds the property in question;
 - (d) a person who has held the property in question, but only if it was recoverable property in relation to the unlawful conduct at the time;
 - (e) a person who holds other property that is recoverable property in relation to the unlawful conduct;
 - (f) a person who, at any time, has held other property that was recoverable property in relation to the unlawful conduct at the time.

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- (3) A person is linked to the relevant part of the United Kingdom if the person is—
- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
 - (b) a person who, under the British Nationality Act 1981, is a British subject,
 - (c) a British protected person within the meaning of that Act,
 - (d) a body incorporated or constituted under the law of any part of the United Kingdom, or
 - (e) a person domiciled, resident or present in the relevant part of the United Kingdom.

Property held on trust

- 6 (1) There is a connection where the property in question is property held on trust, or an interest in property held on trust, and—
- (a) the trust arises under the law of any part of the United Kingdom,
 - (b) the trust is entirely or partly governed by the law of any part of the United Kingdom,
 - (c) one or more of the trustees is linked to the relevant part of the United Kingdom, or
 - (d) one or more of the beneficiaries of the trust is linked to the relevant part of the United Kingdom.
- (2) A person is linked to the relevant part of the United Kingdom if the person falls within paragraph 5(3).
- (3) “Beneficiaries” includes beneficiaries with a contingent interest in the trust property and potential beneficiaries.

Interpretation

- 7 “The relevant part of the United Kingdom” has the meaning given in section 282A(4).
- 8 “The unlawful conduct” means—
- (a) in a case in which the property in question was obtained through unlawful conduct, that conduct,
 - (b) in a case in which the property in question represents property obtained through unlawful conduct, that conduct, or
 - (c) in a case in which it is shown that the property in question was obtained through unlawful conduct of one of a number of kinds or represents property so obtained (see section 242(2)(b)), one or more of those kinds of conduct.”
- (4) Omit section 286 (scope of powers: Scotland).
- (5) In section 316 (general interpretation), after subsection (8A) insert—
- “(8B) An enforcement authority in relation to England and Wales or Scotland may take proceedings there for an order under Chapter 2 of this Part in respect of any property or person, whether or not the property or person is (or is domiciled, resident or present) in that part of the United Kingdom.”

Status: Point in time view as at 25/04/2013. This version of this Act contains provisions that are not valid for this point in time.
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- (6) In Schedule 18 to this Act (proceeds of crime: civil recovery of the proceeds etc of unlawful conduct)—
- (a) Part 1 makes provision about the enforcement of interim orders in the United Kingdom, and
 - (b) Part 2 makes provision about enforcement where property or evidence is outside the United Kingdom.
- (7) The amendments made by this section and Part 2 of Schedule 18 are deemed always to have had effect.
- (8) The amendments made by this section and Schedule 18 do not affect the extent to which provisions of the Proceeds of Crime Act 2002 (other than Chapter 2 of Part 5), or of any other enactment, apply in respect of persons or property outside the United Kingdom or outside a particular part of the United Kingdom.

Extent Information

E4 S. 48(2)(3)(5)(6)(7): "the relevant civil recovery provisions" as specified in Sch. 25 para. 1, and to the extent there specified, do not extend to Northern Ireland, see Sch. 25 para. 2

Commencement Information

I13 S. 48 partly in force; s. 48(1)-(5)(6)(b)(7)(8) in force at Royal Assent, see s. 61(11)(c)

VALID FROM 22/11/2014

49 Investigations

In Schedule 19 (proceeds of crime: investigations)—

- (a) Part 1 makes provision about orders and warrants sought under Part 8 of the Proceeds of Crime Act 2002 in connection with civil recovery investigations,
- (b) Part 2 makes provision about obtaining evidence overseas, and
- (c) Part 3 makes consequential amendments relating to immigration officers and to the National Crime Agency.

VALID FROM 29/07/2013

Extradition

50 Extradition

Schedule 20 (extradition) has effect.

Status: Point in time view as at 25/04/2013. This version of this Act contains provisions that are not valid for this point in time.

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PART 3

MISCELLANEOUS AND GENERAL

VALID FROM 08/05/2013

Border control

51 Immigration cases: appeal rights; and facilitating combined appeals

- (1) In section 84(1)(b) of the Nationality, Immigration and Asylum Act 2002 (grounds of appeal: decision unlawful because of race discrimination etc by Northern Ireland public authority) after “1997” insert “ or by virtue of section 29 of the Equality Act 2010 (discrimination in the exercise of public functions etc) so far as relating to race as defined by section 9(1) of that Act ”.
- (2) In section 99 of that Act (pending appeals lapse on issue of certificates)—
- (a) in subsection (1) (list of provisions under which certificates may be issued) omit “96(1) or (2),” and
 - (b) in the title, for “96 to” substitute “ 97 and ”.
- (3) For section 47(1) of the Immigration, Asylum and Nationality Act 2006 (decision that person is to be removed from the United Kingdom may be made while person can bring appeal) substitute—
- “(1) Where the Secretary of State gives written notice of a pre-removal decision to the person affected, the Secretary of State may—
- (a) in the document containing that notice,
 - (b) in a document enclosed in the same envelope as that document,
 - (c) otherwise on the occasion when that notice is given to the person, or
 - (d) at any time after that occasion but before an appeal against the pre-removal decision is brought under section 82(1) of the Nationality, Immigration and Asylum Act 2002,
- also give the person written notice that the person is to be removed from the United Kingdom under this section in accordance with directions given by an immigration officer if and when the person's leave to enter or remain in the United Kingdom expires.
- (1A) In subsection (1) “pre-removal decision” means—
- (a) a decision on an application—
 - (i) for variation of limited leave to enter or remain in the United Kingdom, and
 - (ii) made before the leave expires,
 - (b) a decision to revoke a person's leave to enter or remain in the United Kingdom, or
 - (c) a decision to vary a person's leave to enter or remain in the United Kingdom where the variation will result in the person having no leave to enter or remain in the United Kingdom.”

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VALID FROM 25/06/2013

52 Appeals against refusal of entry clearance to visit the UK

- (1) Section 88A of the Nationality, Immigration and Asylum Act 2002 as inserted by the 2006 Act (appeals against refusal of entry clearance) is amended in accordance with subsections (3) to (5).
- (2) In section 4(1) of the 2006 Act, the section 88A to be inserted into the Nationality, Immigration and Asylum Act 2002 is amended in accordance with subsections (3) to (5).
- (3) In section 88A(1) omit paragraph (a) (power to allow the making of appeals by certain visitors).
- (4) In section 88A(2) omit paragraph (a) (provision supplementing subsection (1)(a)).
- (5) In section 88A(2)(c) (provision supplementing subsection (1)(a) and (b)) for “circumstances of the applicant, of the person whom the applicant seeks to visit or” substitute “ circumstances of the applicant or of the person ”.
- (6) In section 4(3)(e) of the 2006 Act for “88A(1)(a) or (b)” substitute “ 88A(1)(b) ”.
- (7) After the coming into force of this subsection, the power under section 62 of the 2006 Act (power to make commencement orders) so far as exercisable in relation to section 4(1) of the 2006 Act is power to provide for the coming into force of section 4(1) of the 2006 Act as amended by this section.
- (8) In this section “the 2006 Act” means the Immigration, Asylum and Nationality Act 2006.

VALID FROM 25/06/2013

53 Restriction on right of appeal from within the United Kingdom

- (1) The Nationality, Immigration and Asylum Act 2002 is amended as follows.
- (2) In section 92 (appeals from within the United Kingdom: general), after subsection (2) insert—

“(2A) So far as it relates to an immigration decision of a kind specified in section 82(2)(e), subsection (2) is subject to section 97B.”
- (3) After section 97A insert—

“97B Variation of leave on grounds of public good: rights of appeal

- (1) This section applies to an immigration decision of a kind referred to in section 82(2)(e) if the Secretary of State, acting in person, certifies that the decision is or was taken wholly or partly on the ground that it is no longer conducive to the public good for the person to have leave to enter or remain in the United Kingdom.

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- (2) If the person concerned is outside the United Kingdom when the immigration decision is taken, an appeal under section 82(1) against that decision may be brought only from outside the United Kingdom.
- (3) Accordingly, the person concerned may not enter the United Kingdom for the purposes of an appeal against that decision and the person's appeal against that decision is not one of a kind to which section 92 applies.”

VALID FROM 25/06/2013

54 Deportation on national security grounds: appeals

- (1) Section 97A of the Nationality, Immigration and Asylum Act 2002 (deportation on national security grounds: appeal rights) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) This section also applies where the Secretary of State certifies, in the case of a person in respect of whom a deportation order has been made which states that it is made in accordance with section 32(5) of the UK Borders Act 2007, that the person's removal from the United Kingdom would be in the interests of national security.”
- (3) For subsection (2)(c) substitute—
- “(c) section 2(5) of the Special Immigration Appeals Commission Act 1997 (whether appeals brought against decisions certified under section 97 may be brought from within the United Kingdom) does not apply, but see instead the following provisions of this section.”
- (4) After subsection (2) insert—
- “(2A) The person while in the United Kingdom may not bring or continue an appeal under section 2 of the Special Immigration Appeals Commission Act 1997—
- (a) against the decision to make the deportation order, or
- (b) against any refusal to revoke the deportation order,
- unless the person has made a human rights claim while in the United Kingdom.
- (2B) Subsection (2A) does not allow the person while in the United Kingdom to bring or continue an appeal if the Secretary of State certifies that removal of the person—
- (a) to the country or territory to which the person is proposed to be removed, and
- (b) despite the appeals process not having been begun or not having been exhausted,
- would not breach the United Kingdom's obligations under the Human Rights Convention.
- (2C) The grounds upon which a certificate may be given under subsection (2B) include (in particular)—

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- (a) that the person would not, before the appeals process is exhausted, face a real risk of serious irreversible harm if removed to the country or territory to which the person is proposed to be removed;
 - (b) that the whole or part of any human rights claim made by the person is clearly unfounded.
 - (2D) Subsection (2A) does not allow the person while in the United Kingdom to bring an appeal on a non-human-rights ground, or to continue an appeal so far as brought on non-human-rights grounds, if the Secretary of State certifies that removal of the person—
 - (a) to the country or territory to which the person is proposed to be removed, and
 - (b) despite the appeals process, so far as relating to appeal on non-human-rights grounds, not having been begun or not having been exhausted,would not breach the United Kingdom's obligations under the Human Rights Convention.
 - (2E) In subsection (2D) “non-human-rights ground” means any ground other than the ground that removal of the person from the United Kingdom in consequence of the decision to make the deportation order would be unlawful under section 6 of the Human Rights Act 1998 as being incompatible with a person's Convention rights.
 - (2F) If a certificate in respect of a person is given under subsection (2B), the person may apply to the Special Immigration Appeals Commission to set aside the certificate.
 - (2G) If a person makes an application under subsection (2F) then the Commission, in determining whether the certificate should be set aside, must apply the principles that would be applied in judicial review proceedings.
 - (2H) The Commission's determination of a review under subsection (2F) is final.
 - (2J) The Commission may direct that a person who has made and not withdrawn an application under subsection (2F) is not to be removed from the United Kingdom at a time when the review has not been finally determined by the Commission.
 - (2K) Sections 5 and 6 of the Special Immigration Appeals Commission Act 1997 apply in relation to reviews under subsection (2F) (and to applicants for such reviews) as they apply in relation to appeals under section 2 or 2B of that Act (and to persons bringing such appeals).
 - (2L) Any exercise of power to make rules under section 5 of that Act in relation to reviews under subsection (2F) is to be with a view to securing that proceedings on such reviews are handled expeditiously.”
- (5) In subsection (3) (appeal against certificate under subsection (2)(c)(iii)) for “(2)(c)(iii)” substitute “(2D)”.

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VALID FROM 25/06/2013

55 Powers of immigration officers

- (1) In the Police Act 1997, in section 93 (authorisations to interfere with property etc: authorising officers), in subsection (5), after paragraph (h) insert—
 - “(ha) an immigration officer who is a senior official within the meaning of the Regulation of Investigatory Powers Act 2000 and who is designated for the purposes of this paragraph by the Secretary of State;”.
- (2) In the Regulation of Investigatory Powers Act 2000, in section 32(6) (authorisation of intrusive surveillance: senior authorising officers), after paragraph (m) insert—
 - “(ma) a senior official in the department of the Secretary of State by whom functions relating to immigration are exercisable who is designated for the purposes of this paragraph by the Secretary of State; and”.
- (3) The Proceeds of Crime Act 2002 is amended in accordance with subsections (4) and (5).
- (4) In the 2002 Act—
 - (a) in section 47A (search and seizure powers under sections 47B to 47S: meaning of “appropriate officer”), in subsection (1), after paragraph (a) insert—
 - “(aa) an immigration officer;”;
 - (b) in section 127A (search and seizure powers in Scotland under sections 127B to 127R: meaning of “appropriate officer”), in subsection (1), after paragraph (a) insert—
 - “(aa) an immigration officer, or;”;
 - (c) in section 195A (search and seizure powers in Northern Ireland under sections 195B to 195S: meaning of “appropriate officer”), in subsection (1), after paragraph (a) insert—
 - “(aa) an immigration officer, or”.
- (5) In section 378 of the 2002 Act (appropriate officers and senior appropriate officers for the purposes of investigations under Part 8 of that Act)—
 - (a) in subsection (1) (appropriate officers for confiscation investigations), after paragraph (d) insert—
 - “(e) an immigration officer.”;
 - (b) in subsection (2) (senior appropriate officers for confiscation investigations), after paragraph (c) insert—
 - “(ca) an immigration officer who is not below such grade as is designated by the Secretary of State as equivalent to that rank;”;
 - (c) in subsection (3A) (appropriate officers for detained cash investigations), after paragraph (b) insert—
 - “(c) an immigration officer.”;
 - (d) in subsection (4) (appropriate officers for money laundering investigations), after paragraph (c) insert—

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- “(d) an immigration officer.”;
- (e) in subsection (6) (senior appropriate officers in relation to money laundering investigations), after paragraph (b) insert—
- “(ba) an immigration officer who is not below such grade as is designated by the Secretary of State as equivalent to that rank.”.
- (6) In the UK Borders Act 2007, in section 24 (seizure of cash by immigration officers under Proceeds of Crime Act 2002)—
- (a) in subsection (2), for paragraphs (a) and (b) substitute—
- “(a) unlawful conduct”, in or in relation to section 289, means conduct which—
- (i) relates to the entitlement of one or more persons who are not nationals of the United Kingdom to enter, transit across, or be in, the United Kingdom (including conduct which relates to conditions or other controls on any such entitlement), or
- (ii) is undertaken for the purposes of, or otherwise in relation to, a relevant nationality enactment,
- and (in either case) constitutes an offence.”;
- (b) after subsection (2) insert—
- “(2A) In subsection (2)(a)(ii) “relevant nationality enactment” means any enactment in—
- (a) the British Nationality Act 1981,
- (b) the Hong Kong Act 1985,
- (c) the Hong Kong (War Wives and Widows) Act 1996,
- (d) the British Nationality (Hong Kong) Act 1997,
- (e) the British Overseas Territories Act 2002, or
- (f) an instrument made under any of those Acts.”.
- (7) Sections 136 to 139 of the Criminal Justice and Public Order Act 1994 (execution of warrants and powers of arrest and search) apply to an immigration officer as they apply to a constable (but subject to subsection (8) below and paragraphs 41 to 43 of Schedule 21).
- (8) An immigration officer may exercise a power under sections 136 to 139 of the 1994 Act only—
- (a) in the exercise of a function which relates to the entitlement of one or more persons who are not nationals of the United Kingdom to enter, transit across, or be in, the United Kingdom (including a function which relates to conditions or other controls on any such entitlement),
- (b) in exercising a function under, or for the purposes of—
- (i) the British Nationality Act 1981,
- (ii) the Hong Kong Act 1985,
- (iii) the Hong Kong (War Wives and Widows) Act 1996,
- (iv) the British Nationality (Hong Kong) Act 1997,
- (v) the British Overseas Territories Act 2002,
- (vi) an instrument made under any of those Acts, or

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- (c) in connection with the prevention, investigation or prosecution of any of the following offences (insofar as that does not involve the exercise of a function which falls within paragraph (a) or (b))—
- (i) an offence under section 26(1)(a), (b) or (g) of the Immigration Act 1971 (refusal or failure to submit to examination or to furnish information etc, or obstruction of immigration officer);
 - (ii) an offence under section 22 of the UK Borders Act 2007 (assaulting an immigration officer).
- (9) The Criminal Law (Consolidation) (Scotland) Act 1995 is amended in accordance with subsections (10) to (12).
- (10) In section 24 of the 1995 Act (detention and questioning at office of Revenue and Customs)—
- (a) in subsection (1), in the words before paragraph (a), for the words from the beginning to “the officer may” substitute—

“(A1) The powers conferred by subsection (1) are exercisable—

 - (a) by an officer of Revenue and Customs where the officer has reasonable grounds for suspecting that a person has committed or is committing a Revenue and Customs offence punishable by imprisonment, or
 - (b) by an immigration officer where the officer has reasonable grounds for suspecting that a person has committed or is committing an immigration offence or nationality offence punishable by imprisonment.

(1) The officer may”;
 - (b) in subsection (1), in the words after paragraph (b)—
 - (i) after “Customs” (in the first place) insert “ (in a case falling within subsection (A1)(a)) or police station (in a case falling within subsection (A1)(b) ”;
 - (ii) after “premises” (in the first place) insert “ (in either of those cases) ”;
 - (iii) for “or, as the case may be,” substitute “ or police station, or ”;
 - (iv) at the end insert “ (as the case may be) ”.
- (11) In section 26A of the 1995 Act (power of arrest)—
- (a) the existing provision becomes subsection (1) of section 26A;
 - (b) in subsection (1), for “an authorised officer” substitute “ an authorised officer of Revenue and Customs ”;
 - (c) after subsection (1) insert—

“(2) Where an authorised immigration officer has reasonable grounds for suspecting that an immigration offence or nationality offence or immigration enforcement offence has been or is being committed, the officer may arrest without warrant any person whom the officer has reasonable grounds for suspecting to be guilty of the offence.

(3) In this section—

 - (a) “authorised officer of Revenue and Customs” means an officer of Revenue and Customs acting with the authority

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(which may be general or specific) of the Commissioners for Her Majesty's Revenue and Customs;

- (b) “authorised immigration officer” means an immigration officer acting with the authority (which may be general or specific) of the Secretary of State.”

(12) In section 26B of the 1995 Act (interpretation of Part 3 etc), in subsection (1), after the definition of “authorised officer” insert—

““immigration offence” means an offence involving conduct which relates to the entitlement of one or more persons who are not nationals of the United Kingdom to enter, transit across, or be in, the United Kingdom (including conduct which relates to conditions or other controls on any such entitlement);

“immigration enforcement offence” means any of the following offences (insofar as they are not immigration or nationality offences)—

- (a) an offence under section 26(1)(a), (b) or (g) of the Immigration Act 1971 (refusal or failure to submit to examination or to furnish information etc, or obstruction of immigration officer);
- (b) an offence under section 22 of the UK Borders Act 2007 (assaulting an immigration officer);

“nationality offence” means an offence involving conduct which is undertaken for the purposes of, or otherwise in relation to, an enactment in—

- (a) the British Nationality Act 1981,
- (b) the Hong Kong Act 1985,
- (c) the Hong Kong (War Wives and Widows) Act 1996,
- (d) the British Nationality (Hong Kong) Act 1997,
- (e) the British Overseas Territories Act 2002, or
- (f) an instrument made under any of those Acts.”

(13) In the Criminal Procedure (Scotland) Act 1995, in section 307 (interpretation)—

- (a) in subsection (1), in the definition of “officer of law”, after paragraph (ba) insert—

“(bb) subject to subsection (1AA) below, an immigration officer acting with the authority (which may be general or specific) of the Secretary of State;”;

- (b) after subsection (1A) insert—

“(1AA) The inclusion of immigration officers as “officers of law” shall have effect only in relation to immigration offences and nationality offences (within the meaning of Part 3 of the Criminal Law (Consolidation) (Scotland) Act 1995).”;

- (c) in subsection (1B), for the words from “this Act” to “had the authority” substitute “this Act—

- (a) a certificate of the Commissioners for Her Majesty's Revenue and Customs that an officer of Revenue of Customs, or
- (b) a certificate of the Secretary of State that an immigration officer,

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had the authority”.

(14) Schedule 21 (powers of immigration officers: further provision) has effect.

VALID FROM 02/03/2015

Drugs and driving

56 Drugs and driving

(1) After section 5 of the Road Traffic Act 1988 (“the 1988 Act”) insert—

“5A Driving or being in charge of a motor vehicle with concentration of specified controlled drug above specified limit

- (1) This section applies where a person (“D”)—
- (a) drives or attempts to drive a motor vehicle on a road or other public place, or
 - (b) is in charge of a motor vehicle on a road or other public place, and there is in D's body a specified controlled drug.
- (2) D is guilty of an offence if the proportion of the drug in D's blood or urine exceeds the specified limit for that drug.
- (3) It is a defence for a person (“D”) charged with an offence under this section to show that—
- (a) the specified controlled drug had been prescribed or supplied to D for medical or dental purposes,
 - (b) D took the drug in accordance with any directions given by the person by whom the drug was prescribed or supplied, and with any accompanying instructions (so far as consistent with any such directions) given by the manufacturer or distributor of the drug, and
 - (c) D's possession of the drug immediately before taking it was not unlawful under section 5(1) of the Misuse of Drugs Act 1971 (restriction of possession of controlled drugs) because of an exemption in regulations made under section 7 of that Act (authorisation of activities otherwise unlawful under foregoing provisions).
- (4) The defence in subsection (3) is not available if D's actions were—
- (a) contrary to any advice, given by the person by whom the drug was prescribed or supplied, about the amount of time that should elapse between taking the drug and driving a motor vehicle, or
 - (b) contrary to any accompanying instructions about that matter (so far as consistent with any such advice) given by the manufacturer or distributor of the drug.

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- (5) If evidence is adduced that is sufficient to raise an issue with respect to the defence in subsection (3), the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (6) It is a defence for a person (“D”) charged with an offence by virtue of subsection (1)(b) to prove that at the time D is alleged to have committed the offence the circumstances were such that there was no likelihood of D driving the vehicle whilst the proportion of the specified controlled drug in D’s blood or urine remained likely to exceed the specified limit for that drug.
- (7) The court may, in determining whether there was such a likelihood, disregard any injury to D and any damage to the vehicle.
- (8) In this section, and in sections 3A, 6C(1), 6D and 10, “specified” means specified in regulations made—
 - (a) by the Secretary of State, in relation to driving or attempting to drive, or being in charge of a vehicle, in England and Wales;
 - (b) by the Scottish Ministers, in relation to driving or attempting to drive, or being in charge of a vehicle, in Scotland.
- (9) A limit specified under subsection (2) may be zero.”
- (2) In section 11 of the 1988 Act (interpretation of sections 3A to 10), in subsection (2)—
 - (a) before the definition of “drug” insert—
 - ““controlled drug” has the meaning given by section 2 of the Misuse of Drugs Act 1971,”;
 - (b) at the end insert—
 - ““specified”, in relation to a controlled drug, has the meaning given by section 5A(8)”.
- (3) In section 195 of the 1988 Act (provisions as to regulations), in subsection (3), and in subsections (4) and (4A) (regulations subject to affirmative resolution procedure), before “8(3)” insert “ 5A, ”.
- (4) In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences under the Traffic Acts), after the entry beginning “RTA section 5(1)(b)” insert—

RTA section 5A(1) and (2)	Driving or attempting to drive with concentration of specified controlled drug above specified limit.	Summarily	On conviction in England and Wales: 51 weeks or level 5 on the standard scale or both. On conviction in Scotland: 6 months or level 5 on the standard scale or both.	Obligatory.	Obligatory	3-11
RTA section 5A(1) and (2)	Being in charge of a motor vehicle with concentration of specified controlled drug	Summarily	On conviction in England and Wales: 51 weeks or level 4 on the standard scale or both. On conviction in Scotland: 3 months or	Discretionary	Obligatory	10”.

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above specified limit.	level 4 on the standard scale or both.
<p>(5) In the entry inserted by subsection (4) beginning “RTA section 5A(1)(a) and (2)”, in relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 the reference to 51 weeks (on conviction in England and Wales) is to be read as a reference to 6 months.</p> <p>(6) In the entry inserted by subsection (4) beginning “RTA section 5A(1)(b) and (2)”, in relation to an offence committed before the commencement of section 280(2) of the Criminal Justice Act 2003 the reference to 51 weeks (on conviction in England and Wales) is to be read as a reference to 3 months.</p> <p>(7) Schedule 22 (drugs and driving: minor and consequential amendments) has effect.</p>	

VALID FROM 01/02/2014

Public order

57 Public order offences

- (1) The Public Order Act 1986 is amended as follows.
- (2) In section 5(1) (harassment, alarm or distress) for “, abusive or insulting” in the two places where it occurs substitute “ or abusive ”.
- (3) In section 6(4) (mental element: miscellaneous) for “, abusive or insulting” in the two places where it occurs substitute “ or abusive ”.

General

58 Orders and regulations

- (1) Orders and regulations made by the Secretary of State or Lord Chancellor under this Act are to be made by statutory instrument.
- (2) An order made by the Secretary of State under section 2 is subject to super-affirmative procedure.
- (3) Schedule 23 (super-affirmative procedure) has effect.
- (4) The Secretary of State or Lord Chancellor may not make a statutory instrument containing any of the following (whether or not also containing other provisions) unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament—
 - (a) an order under paragraph 33 or 34 of Schedule 3;
 - (b) regulations under paragraph 5 of Schedule 5;
 - (c) an order under paragraph 27 or 28 of Schedule 5 which amends or repeals any provision of primary legislation;
 - (d) an order under section 13;

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- (e) an order under paragraph (p) of the definition of “permitted purpose” in section 16(1);
 - (f) an order under paragraph 87 of Schedule 13;
 - (g) an order under section 32(1);
 - (h) an order under paragraph 3(1)(c) or 31 of Schedule 17;
 - (i) regulations under section 47;
 - (j) an order under section 59 which amends or repeals any provision of primary legislation;
 - (k) an order under section 61 bringing anything in Part 4 of Schedule 16 into force or bringing section 44 into force so far as relating to anything in that Part of that Schedule, other than an order which makes the provision permitted by section 61(8) or (9);
 - (l) an order under paragraph 5 of Schedule 24.
- (5) A statutory instrument made by the Secretary of State or Lord Chancellor containing any of the following is subject to annulment in pursuance of a resolution of either House of Parliament—
- (a) regulations under paragraph 1 of Schedule 4;
 - (b) an order under paragraph 27 or 28 of Schedule 5 which does not amend or repeal any provision of primary legislation;
 - (c) regulations under paragraph 5 of Schedule 6;
 - (d) regulations under section 14;
 - (e) an order under section 59 which does not amend or repeal any provision of primary legislation;
 - (f) an order under paragraph 1, 2, 3 or 4 of Schedule 24;
 - (g) an order under Schedule 25.
- (6) Subsection (5) does not apply to a statutory instrument that is subject to a requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament.
- (7) Any provision that may be made by the Secretary of State by order under this Act may be made by the Secretary of State by regulations (and where, in reliance on this subsection, provision is made by regulations instead of by order, this Act applies in relation to the regulations as it would otherwise apply in relation to the order).
- (8) Any provision that may be made by the Secretary of State by regulations under this Act may be made by the Secretary of State by order (and where, in reliance on this subsection, provision is made by order instead of by regulations, this Act applies in relation to the order as it would otherwise apply in relation to the regulations).
- (9) An order made by the Scottish Ministers under paragraph 27 or 28 of Schedule 5 is subject to the negative procedure unless it amends or repeals any provision of primary legislation, in which case it is subject to the affirmative procedure.
- (10) An order made by the Department of Justice in Northern Ireland under paragraph 27 or 28 of Schedule 5 is to be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
- (11) A statutory rule containing such an order is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954) unless it amends or repeals any provision of primary legislation, in which case it may not be

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made unless a draft has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(12) An order or regulations made under this Act by the Secretary of State, the Lord Chancellor, the Scottish Ministers or the Department of Justice in Northern Ireland may—

- (a) make different provision for different purposes or areas,
- (b) include supplementary, incidental or consequential provision, or
- (c) make transitional, transitory or saving provision.

(13) In this section—

“primary legislation” means—

- (a) an Act of Parliament,
- (b) an Act of the Scottish Parliament,
- (c) a Measure or Act of the National Assembly for Wales, or
- (d) Northern Ireland legislation;

“super-affirmative procedure” means the procedure provided for by Schedule 23.

59 Consequential amendments

- (1) The Secretary of State or Lord Chancellor may by order make such provision as the Secretary of State or Lord Chancellor (as the case may be) considers appropriate in consequence of this Act.
- (2) The power to make an order under this section may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under an enactment.
- (3) In this section “enactment” means an enactment whenever passed or made, and includes an Act of the Scottish Parliament, a Measure or Act of the National Assembly for Wales and Northern Ireland legislation.

60 Transitional, transitory or saving provision

The Secretary of State or Lord Chancellor may by order make such transitional, transitory or saving provision as the Secretary of State or Lord Chancellor (as the case may be) considers appropriate—

- (a) in connection with the coming into force of any provision of this Act, or
- (b) where Part 4 of Schedule 16 and section 44 so far as relating to that Part of that Schedule are brought into force in relation to a specified area for a specified period, in connection with those provisions ceasing to be in force at the end of that period or at the end of that period as continued under section 61(9).

61 Short title, commencement and extent

- (1) This Act may be cited as the Crime and Courts Act 2013.
- (2) Subject as follows, this Act comes into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different purposes and, in the case of Part 4 of Schedule 16 and section 44 so far as relating to that Part of that Schedule, for different areas.

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- (3) Sections 17, 20 to 30 and 32 and Schedules 9 to 11, 13 and 14 come into force on such day as the Lord Chancellor may by order appoint; and different days may be appointed for different purposes.
- (4) Subsection (3) does not apply to—
 - (a) Part 5 of Schedule 13, or section 20 so far as relating to that Part;
 - (b) section 26(2).
- (5) Section 19 comes into force on the day after the day on which this Act is passed.
- (6) Sections 26(2), 31 and 33 come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (7) Sections 34 to 39 come into force at the end of the period of one year beginning with the day on which a body is established by Royal Charter with the purpose of carrying on activities relating to the recognition of independent regulators of relevant publishers (as defined by section 41).
- (8) An order which brings the monitoring provisions into force only in relation to a specified area may provide that they are to be in force in relation to that area for a specified period; and in this subsection and subsection (9) “the monitoring provisions” means Part 4 of Schedule 16, and section 44 so far as relating to that Part of that Schedule.
- (9) An order containing the provision permitted by subsection (8) may be amended by a subsequent order under subsection (2) so as to continue the monitoring provisions in force in relation to the area concerned for a further period.
- (10) An order which includes provision for the commencement of section 49 or Schedule 19 may not be made unless the Secretary of State has consulted the Scottish Ministers.
- (11) The following come into force on the day on which this Act is passed—
 - (a) Part 5 of Schedule 13, and section 20 so far as relating to that Part;
 - (b) section 43;
 - (c) section 48 (except subsection (6)(a));
 - (d) Part 2 of Schedule 18;
 - (e) sections 58 to 60 and this section;
 - (f) Schedules 24 and 25.
- (12) Subject as follows, this Act extends to England and Wales, Scotland and Northern Ireland.
- (13) The following extend to England and Wales only—
 - (a) section 24;
 - (b) section 32;
 - (c) section 33;
 - (d) sections 34 to 42;
 - (e) paragraph 30 of Schedule 16 and section 44 so far as relating to that paragraph, but only so far as relating to disclosure or use of information by a person appointed under section 2(1) of the Courts Act 2003 or provided under a contract made by virtue of section 2(4) of that Act;
 - (f) the amendments and repeals made by this Act in sections 4(5A) to (6A) and 6(2) of the Maintenance Orders (Facilities for Enforcement) Act 1920, in

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- sections 8(4) and 33(3) of the Maintenance Orders (Reciprocal Enforcement) Act 1972 and in section 14 of the Contempt of Court Act 1981;
- (g) paragraphs 1 to 31 and 39 of Schedule 17, and section 45 so far as relating to those paragraphs.
- (14) The amendments made by this Act in the Industrial and Provident Societies Act 1965 extend to England and Wales, and Scotland, only.
- (15) Except as provided by subsections (13) and (14), an amendment, repeal or revocation has the same extent as the provision amended, repealed or revoked (ignoring extent by virtue of an Order in Council).
- (16) Subsection (15) applies to section 43 only so far as the provisions amended extend to England and Wales or apply in relation to service offences.
- (17) Subsection (15) does not apply to amendments made by section 27(13) and (14) or to the amendments made by this Act in the Government Annuities Act 1929 or the Friendly Societies Act 1974 (which amendments, accordingly, extend to England and Wales, Scotland and Northern Ireland only).
- (18) This section is subject to Schedule 24 (the NCA: Northern Ireland).
- (19) This section is subject to Schedule 25 (proceeds of crime provisions: Northern Ireland).
- (20) Her Majesty may by Order in Council provide for any provision of section 51, 52, 53 or 54 to extend, with or without modifications, to—
- (a) any of the Channel Islands, or
 - (b) the Isle of Man.
- (21) Her Majesty may by Order in Council provide for provisions of Part 8 of Schedule 16 (amendments of Armed Forces Act 2006) to extend, with or without modifications, to—
- (a) any of the Channel Islands,
 - (b) the Isle of Man, or
 - (c) any of the British overseas territories.
- (22) The power conferred by section 338 of the Criminal Justice Act 2003 (power to extend to Channel Islands and Isle of Man) is exercisable in relation to any amendment of that Act that is made by or under this Act.
- (23) The power conferred by section 52(2) of the Civil Jurisdiction and Judgments Act 1982 (power to extend to Channel Islands, Isle of Man and British overseas territories) is exercisable in relation to any amendment of that Act that is made by or under this Act.

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SCHEDULES

VALID FROM 27/05/2013	
SCHEDULE 1	Section 1
THE NCA & NCA OFFICERS	
.....	

VALID FROM 27/05/2013	
SCHEDULE 2	Section 4
THE FRAMEWORK DOCUMENT & ANNUAL REPORT	
.....	

VALID FROM 08/05/2013	
SCHEDULE 3	Section 5
RELATIONSHIPS BETWEEN NCA AND OTHER AGENCIES	
.....	

VALID FROM 08/05/2013	
SCHEDULE 4	Section 8
NCA: GENERAL	
.....	

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VALID FROM 08/05/2013

SCHEDULE 5 Section 9

POLICE, CUSTOMS AND IMMIGRATION POWERS

.....

VALID FROM 08/05/2013

SCHEDULE 6 Section 11

INSPECTIONS AND COMPLAINTS

.....

VALID FROM 07/10/2013

SCHEDULE 7 Section 12

INFORMATION: RESTRICTIONS ON DISCLOSURE

.....

VALID FROM 08/05/2013

SCHEDULE 8 Section 15

ABOLITION OF SOCA AND NPJA

.....

VALID FROM 01/10/2013

SCHEDULE 9 Section 17

SINGLE COUNTY COURT IN ENGLAND AND WALES

.....

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VALID FROM 22/04/2014

SCHEDULE 10

Section 17

THE FAMILY COURT

PART 1

ESTABLISHMENT OF THE FAMILY COURT

1 In the Matrimonial and Family Proceedings Act 1984 after section 31A (which is inserted by section 17 of this Act) insert—

“31B Sittings

- (1) Sittings of the family court may be held, and any other business of the family court may be conducted, at any place in England and Wales.
- (2) Sittings of the family court at any place may be continuous or intermittent or occasional.
- (3) Sittings of the family court may be held simultaneously to take any number of different cases in the same place or different places, and the court may adjourn cases from place to place at any time.
- (4) The places at which the family court sits, and the days and times at which it sits in any place, are to be determined in accordance with directions given by the Lord Chancellor after consulting the Lord Chief Justice.
- (5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.

31C Judges

- (1) A person is a judge of the family court if the person—
 - (a) is the Lord Chief Justice,
 - (b) is the Master of the Rolls,
 - (c) is the President of the Queen's Bench Division,
 - (d) is the President of the Family Division,
 - (e) is the Chancellor of the High Court,
 - (f) is an ordinary judge of the Court of Appeal (including the vice-president, if any, of either division of that court),
 - (g) is the Senior President of Tribunals,
 - (h) is a puisne judge of the High Court,
 - (i) is a deputy judge of the High Court,
 - (j) is a Circuit judge,
 - (k) is the Judge Advocate General,
 - (l) is a Recorder,

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- (m) holds an office listed—
 - (i) in the first column of the table in section 89(3C) of the Senior Courts Act 1981 (senior High Court Masters etc), or
 - (ii) in column 1 of Part 2 of Schedule 2 to that Act (High Court Masters etc),
- (n) is a district judge (which, by virtue of section 8(1C) of the County Courts Act 1984, here includes a deputy district judge appointed under section 8 of that Act),
- (o) is a deputy district judge appointed under section 102 of the Senior Courts Act 1981,
- (p) is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal,
- (q) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007,
- (r) is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act),
- (s) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act),
- (t) is a judge of the First-tier Tribunal by virtue of appointment under paragraph 1(1) of Schedule 2 to that Act,
- (u) is a transferred-in judge of the First-tier Tribunal (see section 31(2) of that Act),
- (v) is a member of a panel of Employment Judges established for England and Wales or for Scotland,
- (w) is a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General),
- (x) is a District Judge (Magistrates' Courts), or
- (y) is a justice of the peace who is not a District Judge (Magistrates' Courts),

but see also section 9 of the Senior Courts Act 1981 (certain ex-judges may act as judges of the family court).

- (2) A decision of the family court, if made by or by persons who include—
 - (a) a judge within subsection (1)(a) to (i),
 - (b) a person who has been a judge of the Court of Appeal, or
 - (c) a person who has been a puisne judge of the High Court,
 is (so far as relevant) to be followed by a judge within subsection (1)(j) to (y), and by a justices' clerk or an assistant to a justices' clerk, when carrying out functions of the family court unless doing so with a person within paragraphs (a) to (c) of this subsection.
- (3) A fee-paid, or unsalaried, part-time judge of the family court may not act as a judge of the court in relation to any proceedings in the court in which the judge, or a partner or employer of the judge, or a body of which the judge is a member or officer, or a body of whose governing body the judge

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is a member, is directly or indirectly engaged as legal representative or agent for any party.

- (4) In this section “legal representative” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act).

31D Composition of the court and distribution of its business

- (1) Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 (process for making designated rules) about—

- (a) the composition of the family court, and
- (b) the distribution of business of the family court among judges of the court.

- (2) Rules about the composition of the family court may in particular—

- (a) provide for the court to be constituted differently for the purpose of deciding different matters;
- (b) make provision about who is to preside where the court is composed of more than one judge.

- (3) Rules about the distribution of business of the family court may in particular—

- (a) prohibit specified judges from conducting specified business;
- (b) prohibit judges from conducting specified business unless authorised to do so by a specified judicial office holder;
- (c) prohibit specified judges from conducting business, or specified business, unless authorised to do so by a specified judicial office holder;
- (d) prohibit specified judges from exercising specified powers of the court.

- (4) In subsection (3)—

“judge” does not include a judge within section 31C(1)(a) to (i);

“specified” means specified in, or of a description specified in, rules under this section.

- (5) Rules under this section—

- (a) may confer powers on the Lord Chief Justice or on a judicial office holder;
- (b) may be made only after consultation with the Family Procedure Rule Committee.

- (6) Family Procedure Rules are subject to rules under this section.

- (7) The Lord Chief Justice's power under paragraph 2(2)(b) of Schedule 1 to the Constitutional Reform Act 2005 to nominate a judicial office holder to make rules under this section includes power to nominate different judicial office holders to make rules under this section for different purposes.

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- (8) Paragraph 5 of that Schedule (duty to make rules to achieve purpose specified by Lord Chancellor) does not apply in relation to rules under this section.
- (9) In this section “judicial office holder” has the meaning given by section 109(4) of that Act.
- (10) No proceedings in the family court are to be with a jury.

31E Family court has High Court and county court powers

- (1) In any proceedings in the family court, the court may make any order—
 - (a) which could be made by the High Court if the proceedings were in the High Court, or
 - (b) which could be made by the county court if the proceedings were in the county court.
- (2) In its application to a power of the High Court to issue a writ directed to an enforcement officer, subsection (1)(a) gives the family court power to issue a warrant, directed to an officer of the family court, containing provision corresponding to any that might be contained in the writ.
- (3) Subsection (1) is subject to section 38(3) of the County Courts Act 1984.
- (4) Subsection (1) is without prejudice to, and not limited by, any other powers of the family court.
- (5) The Lord Chancellor may by regulations make provision, about or in connection with the effect or execution of warrants issued by the family court for enforcing any order or judgment enforceable by the court, that corresponds to any provision applying in relation to the effect or execution of writs issued by the High Court, or warrants issued by the county court, for the purpose of enforcing any order or judgment enforceable by that court.

31F Proceedings and decisions

- (1) The family court may adjourn a hearing, and may do so at any time including a time before the hearing has begun.
- (2) Any order made by the family court—
 - (a) may be absolute or conditional;
 - (b) may be final or interim;
 - (c) may, subject to rules of court, be made without taking evidence.
- (3) Every judgment and order of the family court is, except as provided by this or any other Act or by rules of court, final and conclusive between the parties.
- (4) Where the family court has power to require the doing of anything other than the payment of money, or to prohibit the doing of anything, an order of the court made in exercising the power may contain provision—
 - (a) as to the manner in which anything is to be done,
 - (b) as to the time within which anything is to be done,

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- (c) as to the time during which anything is not to be done, and
 - (d) generally for giving effect to the order.
- (5) Where the family court has power to require the payment of money, an order of the court made in exercising the power may allow time for payment or order payment by instalments; and where the court has ordered payment by instalments and default is made in the payment of any one instalment, proceedings may be taken as if the default had been made in the payment of all the instalments then unpaid.
- (6) The family court has power to vary, suspend, rescind or revive any order made by it, including—
- (a) power to rescind an order and re-list the application on which it was made,
 - (b) power to replace an order which for any reason appears to be invalid by another which the court has power to make, and
 - (c) power to vary an order with effect from when it was originally made.
- (7) Subject to rules of court, the family court may proceed in the absence of one, some or all of the parties.
- (8) The family court has the same power to enforce an undertaking given by a solicitor in relation to any proceedings in that court as the High Court has to enforce an undertaking given by a solicitor in relation to any proceedings in the High Court.
- (9) In any case not expressly provided for by or in pursuance of this or any other Act, the general principles of practice in the High Court may be adopted and applied to proceedings in the family court.

31G Witnesses and evidence

- (1) Subsection (2) applies where the family court is satisfied that a person in England and Wales is likely to be able to give material evidence, or produce any document or thing likely to be material evidence, in proceedings in the court.
- (2) The court may, if it is satisfied that it is in the interests of justice to do so, issue a summons—
- (a) requiring the person to attend before the court, at the time and place specified in the summons, to give evidence,
 - (b) requiring the person to attend before the court, at the time and place specified in the summons, to produce the document or thing, or
 - (c) requiring the person to produce the document or thing to the court.
- (3) Subsection (4) applies where without just excuse—
- (a) a person fails to attend before the court in answer to a summons under subsection (2)(a) or (b),
 - (b) a person fails to produce a document or thing in answer to a summons under subsection (2)(b) or (c), or

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- (c) a person attending before the court, whether or not in answer to a summons under subsection (2), refuses to be sworn or give evidence.
- (4) The court may—
 - (a) commit the person to custody until the expiry of a period not exceeding one month specified by the court or until the person sooner gives evidence or produces the document or thing, or
 - (b) impose on the person a fine not exceeding £2,500, or
 - (c) both.
- (5) A fine imposed under subsection (4) is deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction of a magistrates' court.
- (6) Where in any proceedings in the family court it appears to the court that any party to the proceedings who is not legally represented is unable to examine or cross-examine a witness effectively, the court is to—
 - (a) ascertain from that party the matters about which the witness may be able to depose or on which the witness ought to be cross-examined, and
 - (b) put, or cause to be put, to the witness such questions in the interests of that party as may appear to the court to be proper.
- (7) Subject to the provisions of any Act or instrument made under an Act or rule of law authorising the reception of unsworn evidence, evidence given before the family court is to be given on oath.
- (8) An affidavit to be used in the family court may be sworn before—
 - (a) a judge of the court, or
 - (b) an officer of the court appointed by a judge of the court for the purpose,
 as well as before a commissioner for oaths or any other person authorised to take affidavits under the Commissioners for Oaths Acts 1889 and 1891.
- (9) An affidavit sworn before any such judge or officer may be sworn without the payment of any fee.

31H Contempt of court: power to limit court's powers

- (1) The Lord Chancellor may by regulations made after consulting the Lord Chief Justice make provision limiting or removing, in circumstances specified in the regulations, any of the powers exercisable by the family court when dealing with a person for contempt of court.
- (2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.

31I Powers of the High Court in respect of family court proceedings

- (1) If the High Court, at any stage in proceedings in the family court, thinks it desirable that the proceedings, or any part of them, should be transferred

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to the High Court, it may order the transfer to the High Court of the proceedings or part.

- (2) The power given by subsection (1) is without prejudice to section 29 of the Senior Courts Act 1981, and is to be exercised—
- (a) in accordance with any directions given as to the distribution or transfer of proceedings, and
 - (b) subject to any provision made under section 1 of the Courts and Legal Services Act 1990 or made by or under any other enactment.

31J Overview of certain powers of the court under other Acts

The powers of the family court include its powers under—

- (a) section 33 of the Senior Courts Act 1981 (powers exercisable before commencement of action);
- (b) section 34 of that Act (power to order disclosure or inspection of documents or property of non-party);
- (c) section 37 of that Act (power to grant injunction or appoint receiver);
- (d) section 39 of that Act (power to order documents to be executed or indorsed by nominated person);
- (e) section 70(1) and (2) of that Act (assessors);
- (f) section 57 of the County Courts Act 1984 (evidence of prisoners);
- (g) section 71 of that Act (powers as to payment of costs).

31K Appeals

- (1) Subject to any order made under section 56(1) of the Access to Justice Act 1999 (power to provide for appeals to be made instead to the High Court or county court, or to the family court itself), if any party to any proceedings in the family court is dissatisfied with the decision of the court, that party may appeal from it to the Court of Appeal in such manner and subject to such conditions as may be provided by Family Procedure Rules.

- (2) Subsection (1) does not—
- (a) confer any right of appeal from any decision where a right of appeal is conferred by some other enactment, or
 - (b) take away any right of appeal from any decision where a right of appeal is so conferred,

and has effect subject to any enactment other than this Part; and in this subsection “enactment” means an enactment whenever passed.

- (3) The Lord Chancellor may, after consulting the Lord Chief Justice, by order make provision as to the circumstances in which appeals may be made against decisions taken by courts or judges on questions arising in connection with the transfer, or proposed transfer, of proceedings from or to the family court.

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- (4) Except to the extent provided for in any order made under subsection (3), no appeal may be made against any decision of a kind mentioned in that subsection.
- (5) At the hearing of any proceedings in the family court in which there is a right of appeal or from which an appeal may be brought with permission, the judge, if requested to do so by any party, is to make a note—
 - (a) of any question of law raised at the hearing,
 - (b) of the facts in evidence in relation to any such question, and
 - (c) of the court's decision on any such question and of the court's determination of the proceedings.
- (6) Where such a note is made, and whether or not an appeal has been made, the court—
 - (a) on the application of any party to the proceedings, and
 - (b) on payment of the fee (if any) prescribed under section 92 of the Courts Act 2003,
 is to provide that party with a copy of the note signed by the judge, and the copy so signed is to be used at the hearing of any appeal.
- (7) Section 81 of the County Courts Act 1984 (powers of Court of Appeal on appeal from county court) applies to appeals from the family court to the Court of Appeal as it applies to appeals from the county court to the Court of Appeal.
- (8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under subsection (3).

31L Enforcement

- (1) Payment of a fine or penalty imposed by the family court may be enforced upon the order of the court in like manner as a judgment of the court for the payment of money.
- (2) Rules of court may, in relation to cases where under two or more orders made by or registered in the family court the same person is required to make periodical payments to the same recipient, make provision—
 - (a) for recovery of payments under more than one of the orders to be dealt with in the same proceedings;
 - (b) for apportioning, between some or all of the orders, payments made by the person required to make payments under the orders.
- (3) Subsection (4) applies where—
 - (a) periodical payments are required to be made, or a lump sum is required to be paid, to a child under an order made by the family court, or
 - (b) periodical payments are required to be made to a child under an order registered in the family court.
- (4) Any sum required under the order to be paid to the child may be paid to the person who looks after the child, and that person may proceed in that person's own name for—

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- (a) the variation, revival or revocation of the order, or
 - (b) the recovery of any sum required to be paid under the order.
- (5) Where a child has a right under any Act or instrument made under an Act to apply for the revival of an order made by the family court which provided for the making of periodical payments to or for the benefit of the child, the person who looks after the child may proceed in the person's own name for the revival of the order.
- (6) Where any person by whom periodical payments are required to be paid to a child under an order made by or registered in the family court applies for the variation or revocation of the order, the person who looks after the child may answer the application in the person's own name.
- (7) Nothing in subsections (4) and (5) affects any right of a child to proceed in the child's own name for the variation, revival or revocation of an order or for the recovery of a sum payable under an order.
- (8) In this section—
- (a) a reference to the person who looks after a child is—
 - (i) in the case of a child who is being looked after by a local authority (within the meaning of section 22 of the Children Act 1989), a reference to that local authority, and
 - (ii) in any other case, a reference to the person who, disregarding any absence of the child at a hospital or boarding school and any other temporary absence, has care of the child;
 - (b) “child” means a person under the age of 18;
 - (c) a reference to an order registered in the family court is a reference to an order registered in the court under the Maintenance Orders (Facilities for Enforcement) Act 1920, Part 2 of the Maintenance Orders Act 1950, Part 1 of the Maintenance Orders Act 1958, the Maintenance Orders (Reciprocal Enforcement) Act 1972 or Part 1 of the Civil Jurisdiction and Judgments Act 1982.

31M Records of proceedings

- (1) The Lord Chancellor may by regulations provide for the keeping of records of and in relation to proceedings of the family court.
- (2) Any entry in a book or other document required to be kept by regulations under subsection (1), or a copy of any such entry or document purporting to be signed and certified as a true copy by a judge of the family court, is at all times without further proof to be admitted in any court or place as evidence of the entry and of the proceeding referred to by it and of the regularity of that proceeding.
- (3) The Lord Chancellor must consult the Lord Chief Justice before making regulations under this section.
- (4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.

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31N Summonses and other documents

- (1) Where any summons or other process issued from the family court is served by an officer of the court, the service may be proved by a certificate in a prescribed form showing the fact and mode of the service.
- (2) Section 133(2) of the County Courts Act 1984 (offence and punishment) applies in relation to any officer of the family court wilfully and corruptly giving a false certificate under subsection (1) as it applies in relation to any officer of the county court wilfully and corruptly giving a false certificate under section 133(1) of that Act.
- (3) Sections 135 and 136 of that Act (offences of pretending to have court's authority etc) apply in relation to the family court as they apply in relation to the county court.

31O Justices' clerks and assistants: functions

- (1) The Lord Chancellor may by rules made with the agreement of the Lord Chief Justice and after consulting the Family Procedure Rule Committee—
 - (a) make provision enabling functions of the family court, or of a judge of the court, to be carried out by a justices' clerk;
 - (b) make provision enabling functions of a justices' clerk given under paragraph (a), or specified in subsection (2), to be carried out by an assistant to a justices' clerk.
- (2) The functions of a justices' clerk include—
 - (a) giving advice to lay judges of the family court about matters of law (including procedure and practice) on questions arising in connection with the discharge by them of functions conferred on them or the court, including questions arising when the clerk is not personally attending on them, and
 - (b) power, at any time when the clerk thinks that the clerk should do so, to bring to the attention of lay judges of the family court any point of law (including procedure and practice) that is or may be involved in any question so arising;

and in this subsection “lay judge of the family court” means a judge of the court who is within section 31C(1)(y).
- (3) Subsection (2) does not limit—
 - (a) the functions of a justices' clerk, or
 - (b) the matters on which any judge of the family court may obtain assistance from a justices' clerk.
- (4) A justices' clerk is not subject to the direction of the Lord Chancellor or any other person when carrying out—
 - (a) a function of the family court or of a judge of the court, or
 - (b) a function specified in subsection (2);

and an assistant to a justices' clerk when carrying out any such function is not subject to the direction of any person other than a justices' clerk.

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- (5) No action lies against a person in respect of anything done or not done in carrying out functions of the family court or of a judge of the court—
 - (a) in execution of the person's duties as a justices' clerk or an assistant to a justices' clerk, and
 - (b) in relation to matters within the person's jurisdiction.
- (6) An action lies against a person in respect of anything done or not done in carrying out functions of the family court or of a judge of the court—
 - (a) in purported execution of the person's duties as a justices' clerk or an assistant to a justices' clerk, and
 - (b) in relation to a matter not within the person's jurisdiction, if, but only if, it is proved that the person acted in bad faith.
- (7) If an action is brought in circumstances in which subsection (5) or (6) provides that no action lies, the court in which the action is brought—
 - (a) may, on the application of the defendant, strike out the proceedings in the action, and
 - (b) if it does so, may if it thinks fit order the person bringing the action to pay costs.
- (8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.

31P Orders, regulations and rules under Part 4A

- (1) Any power of the Lord Chancellor to make an order, regulations or rules under this Part—
 - (a) is exercisable by statutory instrument,
 - (b) includes power to make different provision for different purposes, and
 - (c) includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision.
- (2) The Lord Chancellor may not make the first rules under section 31O (1) unless a draft of the statutory instrument containing the rules (whether alone or with other provisions) has been laid before, and approved by a resolution of, each House of Parliament.
- (3) A statutory instrument that—
 - (a) contains an order, regulations or rules made under this Part by the Lord Chancellor other than regulations under section 31M, and
 - (b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,is subject to annulment in pursuance of a resolution of either House of Parliament.”

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PART 2

THE FAMILY COURT: FURTHER AMENDMENTS

Debtors Act 1869 (c. 62)

- 2 (1) In proviso (1) to section 5 of the Debtors Act 1869—
- (a) for the words from “any court other than” to “is to say,” substitute “ the county court—”, and
 - (b) omit paragraph (c).
- (2) In that section—
- (a) for “superior courts may” substitute “ High Court or family court may ”,
 - (b) for “by a superior court”, and for “by any superior court”, substitute “ by the High Court or family court ”, and
 - (c) at the end insert—

“Section 31E(1)(b) of the Matrimonial and Family Proceedings Act 1984 (family court has county court's powers) does not apply in relation to the powers given by this section to the county court.”

Maintenance Orders Act 1958 (c. 39)

- 3 The Maintenance Orders Act 1958 is amended as follows, but sections 2(1) to (5), 2A and 5(2) to (4) of that Act as applied by section 36(3) of the Civil Jurisdiction and Judgments Act 1982 (re-registration in different Northern Ireland court of orders made in England and Wales or Scotland and registered in a Northern Ireland court) have effect without the amendments made in them by this Schedule.

- 4 (1) Section 1 (application of Part 1) is amended as follows.
- (2) In subsection (1) (purpose of Part 1) for the words from “to be registered” to the end substitute “ to be registered in the family court and, subject to those provisions, while so registered to be enforced in like manner as an order made by the family court and to be varied by that court. ”
 - (3) In subsection (2) (registered orders deemed to be made by court in which registered) for each of “England” and “the court in England in which it is so registered” substitute “ the High Court ”.
 - (4) In subsection (2A) (orders to which Part applies)—
 - (a) in paragraph (a) omit “or a county court or a magistrates' court”, and
 - (b) in paragraph (b) for “England” substitute “ the High Court ”.
 - (5) In subsection (3) for the definition of “High Court order”, “county court order” and “magistrates' court order” substitute—

““High Court order” means an order made by the High Court;”.

- (6) Omit subsections (4) to (6) (registration in magistrates' courts).
- 5 (1) Section 2 (registration of orders) is amended as follows.

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- (2) In subsection (1) for “or county court order may apply for registration of the order to the original court, and the court” substitute “ order may apply to the High Court for registration of the order in the family court, and the High Court ”.
 - (3) In subsection (2) (original court to send certified copy of order if satisfied no enforcement steps being taken)—
 - (a) for “original court”, in both places, substitute “ High Court ”, and
 - (b) in paragraph (b) for the words from “sent” to “appears to be” substitute “ sent to the family court ”.
 - (4) Omit subsections (3) to (4) and (6) (registration of a magistrates' court order).
 - (5) In subsection (5) (order to be registered on receipt of certified copy)—
 - (a) for “The officer of, or for, a court” substitute “ An officer of the family court ”, and
 - (b) for “him” substitute “ the court ”.
 - (6) In subsection (6ZA) (registration of High Court or county court order)—
 - (a) in the words before paragraph (a)—
 - (i) omit “or county court”, and
 - (ii) for “a magistrates” substitute “ the family ”, and
 - (b) omit paragraph (b) and the word “and” preceding it.
 - (7) Omit subsection (6ZB) (variation or revocation of orders registered in a magistrates' court).
 - (8) In subsection (6ZC)—
 - (a) omit “or any order under subsection (6ZA)(b) of this section”, and
 - (b) for “the designated officer for a magistrates' court” substitute “ the family court ”.
 - (9) In subsection (6A) omit the definition of “magistrates' court order” and the “and” preceding the definition.
- 6 In section 2A (interest on registered orders)—
 - (a) omit subsections (1) to (4) (magistrates' court orders),
 - (b) in subsection (5) (registered orders do not carry interest) omit “Except as provided by this section”, and
 - (c) for the title substitute “ No interest on sums recoverable under registered orders ”.
- 7 In section 3 (enforcement of registered orders) omit subsections (2) to (2B) and (3A) (orders registered in magistrates' courts).
- 8 (1) Section 4 (variation etc of orders registered in a magistrates' court) is amended as follows.
- (2) In subsection (1) (orders in relation to which section 4 applies) for “orders registered in magistrates' courts” substitute “ High Court orders registered in the family court ”.
 - (3) In subsection (2)(a) (court of registration may vary rate of payments specified by order)—
 - (a) for “court of registration” substitute “ family court ”, and

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- (b) for “original court” substitute “ High Court ”.
- (4) In subsection (2)(b) (general rule that variation of rate of payments specified by registered order is to be by court of registration) for the words from “court of registration” to the end substitute “ family court. ”
- (5) Omit subsections (2A) to (2C), (5A), (5B) and (7).
- (6) In subsection (4) (power of court of registration to remit application for variation of rate of payments to original court)—
- omit “it appears to the court to which”,
 - after “registered order” insert “ and it appears to the family court ”,
 - for “original court”, in both places, substitute “ High Court ”, and
 - for “first-mentioned court” substitute “ family court ”.
- (7) In subsection (5) (other circumstances in which original court has jurisdiction to vary rate of payments) for “original court” substitute “ High Court ”.
- (8) In subsection (6A) (with the exception of power to make provision as to means of payment, magistrates' courts in England and Wales have no power to vary certain orders made by Court of Session or by High Court in Northern Ireland)—
- for the words before “variation” substitute “ Although such an order as is mentioned in this subsection may be varied under section 1 of the Maintenance Enforcement Act 1991 as applied by section 4A(2) of this Act, no application for any other ”,
 - for “any court” substitute “ the family court ”,
 - for “that court” substitute “ the family court ”, and
 - for “section 1(2)” substitute “ sections 1(2) and 2(6A) ”.
- (9) In subsection (6B) (no application to be made to a magistrates' court for variation of certain orders) for “any court” substitute “ the family court ”.
- 9 (1) Section 4A (variation etc of orders registered in High Court) is amended as follows.
- (2) Omit subsection (1) (orders to which section applies).
- (3) In subsection (2), and in the title, for “High Court”, in each place, substitute “ family court ”.
- (4) In subsection (2) omit paragraph (a) (including the “and” at the end).
- 10 (1) Section 5 (cancellation of registration) is amended as follows.
- (2) In subsection (2) for “a magistrates' court” substitute “ the family court ”.
- (3) Omit subsection (3) (orders registered in High Court).
- (4) In subsection (4)(c)(ii) for “a magistrates' court”, in both places, substitute “ the family court ”.
- (5) In subsection (5)—
- in the words before paragraph (a), and in the words after paragraph (b), omit “or county court”, and
 - for paragraphs (a) and (b) substitute—
 - “any order which requires payments under the order in question to be made by any method of payment falling

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	within section 1(5) of the Maintenance Enforcement Act 1991 (standing order, etc), other than an order which requires payments to be made to the family court, is to continue to have effect, and
	(b) any order which requires payments under the order in question to be made to the family court (whether or not by any method of payment falling within section 1(5) of the Maintenance Enforcement Act 1991) is to cease to have effect;”.
	(6) Omit subsection (6) (registration of a magistrates' court order).
	(7) In subsection (7)—
	(a) for “subsections (5) and (6)” substitute “ subsection (5) ”, and
	(b) omit “and “magistrates' court order””.
11	Section 18 (powers of magistrates to review committals etc) is repealed.
12	(1) Section 20 (registration, variation and arrears) is amended as follows.
	(2) Omit subsections (1) and (2) (magistrates' courts: applications for registration, revocation or variation of maintenance orders).
	(3) In subsection (8) (repeated complaints to enforce payment)—
	(a) for “a complaint” substitute “ an application ”, and
	(b) for “complaint”, in the second and third places, substitute “ application ”.
	(4) For the title substitute “ Repeat applications to enforce payment of maintenance arrears ”.
13	In section 21(1) omit the definition of “magistrates' court”.
	<i>Public Records Act 1958 (c. 51)</i>
14	In paragraph 4(1) of Schedule 1 to the Public Records Act 1958 (records which are public records) after paragraph (a) insert—
	“(aa) records of the family court;”.
	<i>Administration of Justice Act 1960 (c. 65)</i>
15	(1) Section 13 of the Administration of Justice Act 1970 (appeals in cases of contempt of court) is amended as follows.
	(2) After subsection (2) insert—
	“(2A) Paragraphs (a) to (c) of subsection (2) of this section do not apply in relation to appeals under this section from an order or decision of the family court, but (subject to any provision made under section 56 of the Access of Justice Act 1999 or by or under any other enactment) such an appeal shall lie to the Court of Appeal.”
	(3) In subsection (5)(a) (orders and decisions of High Court etc to which section applies) after “High Court,” insert “ the family court, ”.

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Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (c. 63)

- 16 In section 1(4) of the Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (courts to which section applies) after “the Crown Court” insert “, the family court”.

Civil Evidence Act 1968 (c. 64)

- 17 In section 12(5) of the Civil Evidence Act 1968 in the definition of “matrimonial proceedings” for “a county” substitute “family”.

Administration of Justice Act 1970 (c. 31)

- 18 (1) In section 11 of the Administration of Justice Act 1970 (restriction on powers of committal under section 5 of the Debtors Act 1869)—
- (a) omit the “and” at the end of paragraph (a),
 - (b) in paragraph (b) for the words from “in respect” to “judgment” substitute “in respect of a judgment”, and
 - (c) after paragraph (b) insert “; and
 - (c) by the family court in respect of a High Court or family court maintenance order.”
- (2) In section 28 of that Act (interpretation)—
- (a) for “, “county court maintenance order”” substitute “ and “family court maintenance order” ”, and
 - (b) for “, a county court” substitute “ and the family court ”.

Courts Act 1971 (c. 23)

- 19 Omit section 52(3A) of the Courts Act 1971 (subsection (3) does not apply to family proceedings in a magistrates' court).

Attachment of Earnings Act 1971 (c. 32)

- 20 The Attachment of Earnings Act 1971 is amended as follows.

- 21 (1) Section 1 (courts with power to attach earnings) is amended as follows.

- (2) After subsection (1) insert—

“(1A) The family court may make an attachment of earnings order to secure payments under a High Court or family court maintenance order.”

- (3) In subsection (2) (county court) omit paragraph (a) (maintenance orders).

- (4) In subsection (3) (magistrates' courts) omit paragraph (a) (maintenance orders).

- 22 In section 2(b) (meaning of “High Court maintenance order” etc)—

- (a) for “, “county court maintenance order” and “magistrates' court” substitute “and “family court”, and
- (b) for “, a county court and a magistrates' court;” substitute “and the family court;”.

- 23 (1) Section 3 (application for order and conditions of court's power to make it) is amended as follows.

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- (2) In subsection (1)(a) (payee may apply) after “through” insert “ any court or ”.
- (3) In subsection (1) (applicants) for paragraph (c) substitute—
 “(c) without prejudice to paragraph (a) above, an officer of the family court if the application is to the family court for an order to secure maintenance payments and there is in force an order that those payments be made to the court or an officer of the court;”.
- (4) In subsections (1)(d)(ii) and (4)(a) (maintenance payments) for the words between “or” and “for” substitute “ the family court ”.
- (5) In subsection (4)—
 (a) omit paragraph (b) and the “or” preceding it, and
 (b) in the words after paragraph (b), omit the words after “1869”.
- 24 In section 6(7) (meaning of “collecting officer”)—
 (a) in paragraph (a)(ii) after “of” insert “ the family court or ”, and
 (b) after paragraph (a) insert—
 “(aa) in the case of an order made by the family court, the appropriate officer of that court;”.
- 25 In section 8(3) (order ceases to have effect when warrant issued) omit the words after “related maintenance order”.
- 26 In section 10 (reduction of normal deduction rate)—
 (a) in subsection (2) for “a county” substitute “ the family ”, and
 (b) omit subsection (3) (magistrates' courts).
- 27 In section 11(1)(a) (registered maintenance orders) for the words after “provides” substitute “ for the registration in the family court of a High Court maintenance order); ”.
- 28 In section 15D (interpretation of sections 15A to 15C) after subsection (2) insert—
 “(2A) If the lapsed order was made by the family court, the proper authority is the family court.”
- 29 In section 16(2)(d) (power of collecting officer) for “magistrates' court” substitute “ family court ”.
- 30 (1) Section 18 (collecting officers of magistrates' courts) is amended as follows.
 (2) In subsection (1)—
 (a) for the words before paragraph (a) substitute “ Where payments under a maintenance order are payable to the family court or an officer of the family court for transmission to a person, no officer of the family court is to—
 ”, and
 (b) in the words after paragraph (c) for “him” substitute “ the family court or an officer of that court ”.
- (3) In subsection (2) for “the designated officer for a magistrates' court” substitute “ an officer of the family court ”.
- (4) Omit subsection (3).
- 31 (1) Section 20 (persons residing outside England and Wales) is amended as follows.

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	(2) In subsection (1)—
	(a) for “a magistrates' court”, in both places, substitute “ the family court ”, and
	(b) for “a complaint”, in both places, substitute “ an application ”.
	(3) In subsections (2) to (4) for “complaint”, in each place, substitute “ application ”.
	(4) In subsection (4) for “complainant” substitute “ applicant ”.
32	In section 21 (costs on application under section 16)—
	(a) in subsection (1) omit “(but subject to section 18(2)(b) of this Act)”, and
	(b) in subsection (2) for the words from “deemed—” to “otherwise,” substitute “ deemed ”.
33	In section 23 (enforcement) after subsection (10) insert—
	“(10A) This section applies in relation to the family court as it applies in relation to the county court, but as if the reference in subsection (8) to section 129 of the County Courts Act 1984 were a reference to section 31L(1) of the Matrimonial and Family Proceedings Act 1984.”
	<i>Matrimonial Causes Act 1973 (c. 18)</i>
34	In section 48(2) (nullity proceedings to be in private unless judge otherwise directs) for “judge” substitute “ court ”.
	<i>Litigants in Person (Costs and Expenses) Act 1975 (c. 47)</i>
35	In paragraph (a) of the second sentence in section 1(1) of the Litigants in Person (Costs and Expenses) Act 1975 before “in the Senior” insert “ in the family court, ”.
	<i>Inheritance (Provision for Family and Dependants) Act 1975 (c. 63)</i>
36	(1) The Inheritance (Provision for Family and Dependants) Act 1975 is amended as follows.
	(2) In section 15(1) (restriction imposed in divorce proceedings etc on application under the 1975 Act: meaning of “the court”) for the words from “, where a county court has jurisdiction” to the end substitute “ the family court ”.
	(3) In section 15ZA(2) (restriction imposed in proceedings for the dissolution etc of a civil partnership on application under the 1975 Act: meaning of “the court”) for the words from “, where a county court has jurisdiction” to the end substitute “ the family court ”.
	(4) In section 15A(1) (restriction imposed in proceedings under Matrimonial and Family Proceedings Act 1984 on application under the 1975 Act: meaning of “the court”) for the words from “, where a county court has jurisdiction” to the end substitute “ the family court ”.
	(5) In section 15B(2) (restriction imposed in proceedings under Schedule 7 to the Civil Partnership Act 2004 on application under the 1975 Act: meaning of “the court”) for the words from “, where a county court has jurisdiction” to the end substitute “ the family court ”.

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Torts (Interference with Goods) Act 1977 (c. 32)

37 In section 4 of the Torts (Interference with Goods) Act 1977 (interlocutory relief where goods are detained) after subsection (5) insert—

“(6) Subsections (1) to (4) apply in relation to the family court in England and Wales as they apply in relation to the High Court in England and Wales, but as if references in those subsections to rules of court (including references to rules of court under any particular enactment) were references to Family Procedure Rules.”

Charging Orders Act 1979 (c. 53)

38 (1) The Charging Orders Act 1979 is amended as follows.

(2) In sections 1(1) and (6), 3(4A)(a) and 6(2) (charging orders in respect of orders of certain courts) after “High Court”, in each place, insert “ or the family court ”.

(3) In section 1(2)(b) (enforcement of High Court maintenance order) for “a county” substitute “ the family ”.

(4) In section 1(2) (meaning of “appropriate court”) after paragraph (b) insert—

“(ba) in a case where paragraph (a) does not apply and the order to be enforced is an order of the family court, the family court;”.

(5) In section 1(2)(c) for “neither paragraph (a) nor paragraph (b)” substitute “ none of paragraphs (a), (b) and (ba) ”.

Magistrates' Courts Act 1980 (c. 43)

39 The Magistrates' Courts Act 1980 is amended as follows.

40 In section 58(2) (sums recoverable summarily as a civil debt) omit paragraph (a) (including the “or” at the end).

41 (1) Section 59 (orders for periodical payment: means of payment) is amended as follows.

(2) In subsection (1) (duty to exercise powers under subsection (3))—

(a) omit the words from “then” preceding paragraph (a) to “maintenance order,” in paragraph (b), and

(b) for “that subsection” substitute “ subsection (3) below ”.

(3) Omit subsections (2), (3)(cc), (3A), (5), (7) to (12) (maintenance orders).

(4) In subsection (3) omit paragraphs (c) to (d).

42 (1) Section 59A (orders for periodical payment: proceedings by designated officer) is amended as follows.

(2) In subsections (1) and (2) for “a relevant UK order” substitute “an order made by a magistrates' court”.

(3) In subsection (7) (interpretation)—

(a) in the definition of “the relevant designated officer”—

(i) after paragraph (a) insert “ and ”, and

(ii) omit paragraph (c) and the “and” preceding it,

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	(b) omit the definition of “relevant UK order”, and
	(c) omit the words after that definition.
43	Omit section 59B (power of magistrates' court to impose penalty for breach of certain maintenance orders).
44	In section 60 (variation etc of orders for periodical payments)—
	(a) omit subsections (3) to (10B) (which relate to maintenance orders), and
	(b) in subsection (11) (interpretation) omit paragraph (b) and the “and” preceding it.
45	In section 61(2) in the definition of “periodical payments order” omit the words from “, or registered” to “1958,”.
46	(1) Section 62 (payments required to be made to a child) is amended as follows.
	(2) In subsection (1) omit paragraph (b) and the “or” preceding it.
	(3) In subsection (3) omit “or registered in”.
	(4) Omit subsection (6) (meaning of “registered”).
47	In section 64 (costs)—
	(a) omit subsections (1A), (4) and (4A),
	(b) in subsection (2) omit “or (4A)”, and
	(c) in subsection (3) omit “Subject to subsection (4) below,”.
48	Omit sections 65 to 67, 68A, 69, 70, 71, 73, 74 and 75(2A) to (2C) (family proceedings in magistrates' courts).
49	Omit—
	(a) sections 76(4) to (6), 92(1)(a) and 93 to 95 (enforcement of maintenance orders),
	(b) in section 80(1) the words “or has ordered the enforcement of a sum due from a person under a magistrates' court maintenance order”, and
	(c) in section 100 (evidence) paragraph (b) and the “or” preceding it.
50	(1) Section 111A (appeals on ground of error of law etc in family proceedings in a magistrates' court) is amended as follows.
	(2) In subsection (1) for “family proceedings” substitute “proceedings under the Child Support Act 1991”.
	(3) In subsection (2) (appeal to a county court) for “a county” substitute “the family”.
	(4) In subsection (3)(a) (other rights to appeal exclude right under subsection (2)) before “against” insert “or the family court”.
	(5) Omit subsection (5) (meaning in the section of “family proceedings”).
	(6) In the title for “family” substitute “child support”.
51	In section 112(2) (decisions on appeals under section 111A) for “a county” substitute “the family” in both places.
52	In section 144 (procedure rules for civil proceedings in magistrates' courts and before justices' clerks) after subsection (1) insert—

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“(1ZA) Subsection (1) does not apply in relation to functions of justices' clerks given under section 31O(1)(a), or specified in section 31O(2), of the Matrimonial and Family Proceedings Act 1984 (functions in the family court).”

Contempt of Court Act 1981 (c. 49)

53 In section 14 of the Contempt of Court Act 1981 (penalties for contempt of court) but not in that section in its application to Northern Ireland (which in its application to Northern Ireland has effect as set out in Schedule 4 to that Act) before subsection (5) insert—

“(4B) The preceding provisions of this section do not apply to the family court, but—

- (a) this is without prejudice to the operation of section 31E(1)(a) of the Matrimonial and Family Proceedings Act 1984 (family court has High Court's powers) in relation to the powers of the High Court that are limited or conferred by those provisions of this section, and
- (b) section 31E(1)(b) of that Act (family court has county court's powers) does not apply in relation to the powers of the county court that are limited or conferred by those provisions of this section.”

Senior Courts Act 1981 (c. 54)

54 The Senior Courts Act 1981 is amended as follows.

55 In section 33 (powers of High Court exercisable before commencement of action) after subsection (2) insert—

“(3) This section applies in relation to the family court as it applies in relation to the High Court.”

56 In section 34 (powers of High Court to order disclosure or inspection of documents or property of non-party) after subsection (4) insert—

“(5) Subsections (2) and (3) apply in relation to the family court as they apply in relation to the High Court.”

57 In section 35(1) (limits on High Court's power to make orders under sections 33 and 34) for “The High Court” substitute “ A court ”.

58 In section 37 (powers of High Court to grant injunctions or appoint receivers) after subsection (5) insert—

“(6) This section applies in relation to the family court as it applies in relation to the High Court.”

59 In section 39(1) (powers of High Court to order documents to be executed or indorsed by nominated person)—

- (a) in the words before paragraph (a) after “High Court” insert “ or family court ”, and
- (b) in paragraph (b) for “the High Court” substitute “ that court ”.

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- 60 In section 42(1)(a) and (b) (engaging in vexatious civil proceedings is ground for High Court making order under the section) after “High Court” insert “ or the family court ”.
- 61 (1) Section 51 (costs) is amended as follows.
- (2) In subsection (1) (section applies to civil division of Court of Appeal, High Court and county court) before the “and” at the end of paragraph (b) insert—
 “(ba) the family court;”.
- (3) In subsection (8)(b) (proceedings commenced in High Court that should have been commenced in county court) before “in accordance” insert “ or family court ”.
- 62 In section 70 (assessors) after subsection (4) insert—
 “(5) Subsections (1) and (2) apply in relation to the family court as they apply in relation to the High Court.”
- 63 In Schedule 1 (distribution of business in High Court) omit paragraph 3(d) (appeals from enforcement decisions of magistrates' courts in relation to certain family matters).
- County Courts Act 1984 (c. 28)*
- 64 The County Courts Act 1984 is amended as follows.
- 65 In section 4(1) (certain public buildings may be used for county court sittings free of charges other than charges for light, heat and cleaning) before “, there is a building” insert “ or a sitting of the family court is held ”.
- 66 (1) In section 38(3) (county court does not have power to make certain orders) for “A county court shall not have” substitute “ Neither the county court nor the family court has ”.
- (2) In section 38(4) (regulations about orders which court may not make) after paragraph (d) insert “; and
 (e) may make different provision for different purposes.”
- 67 Omit sections 40(9) and 42(8) and, in section 41(2), the words after “prerogative orders)” (references to family jurisdiction of county court).
- 68 In section 57 (evidence of prisoners) after subsection (4) insert—
 “(5) This section applies in relation to the family court as it applies in relation to the county court.”
- 69 In section 61 (rights of audience by direction) after subsection (3) insert—
 “(3A) Subsections (1) to (3) apply in relation to the family court as they apply in relation to the county court.”
- 70 In section 71 (satisfaction of orders for payment of costs etc) after subsection (2) insert—
 “(3) Subsections (1) and (2), so far as relating to costs, apply in relation to the family court as they apply in relation to the county court.”
- 71 In section 131 (appointment of auditors etc) after “controlling the accounts of” insert “ the family court or ”.

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- 72 In section 132 (payments of expenses etc)—
- (a) in paragraph (b) (costs of books etc) after “offices” insert “ , and the family court and its offices, ”,
 - (b) in paragraph (c) (costs of transport to prison) after “committed by” insert “ the family court or ”, and
 - (c) in paragraph (d) (all other expenses arising out of any jurisdiction conferred) after “conferred” insert “ on the family court or any officer of the family court or ”.
- Administration of Justice Act 1985 (c. 61)*
- 73 In section 53(2) of the Administration of Justice Act 1985 (costs where judge unable to act) before the “and” at the end of paragraph (b) insert—
- “(ba) proceedings in the family court;”.
- Insolvency Act 1986 (c. 45)*
- 74 In section 281(8) of the Insolvency Act 1986 (discharge does not release bankrupt from bankruptcy debt arising under order made in family proceedings), in the definition of “family proceedings”, for paragraph (a) (but not the “and” following it) substitute—
- “(a) proceedings in the family court;”.
- Children Act 1989 (c. 41)*
- 75 In section 97 of the Children Act 1989 (privacy for children involved in certain proceedings)—
- (a) omit subsections (1), (7) and (8) (which relate to certain family proceedings in magistrates' courts), and
 - (b) in subsection (2) (restrictions on publication) for “, a county court or a magistrates' court” substitute “ or the family court ”.
- Courts and Legal Services Act 1990 (c. 41)*
- 76 (1) The Courts and Legal Services Act 1990 is amended as follows.
- (2) In section 1(1) (allocation of business between High Court and county court)—
- (a) in paragraph (a) (conferring jurisdiction on High Court) after “which” insert “ the family court or ”,
 - (b) in paragraph (b) (conferring jurisdiction on county court) after “on” insert “ the family court or ”,
 - (c) in paragraph (c) (allocating proceedings) after “High Court” insert “ or to the family court ”,
 - (d) after paragraph (d) insert—
 - “(da) specifying proceedings which may be commenced only in the family court;”, and
 - (e) after paragraph (f) insert—
 - “(fa) specifying proceedings which may be taken only in the family court;”.

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- (3) In section 1(3) (criteria for distinguishing categories of proceedings) after paragraph (c) insert—
- “(ca) any relationship between the proceedings and any other proceedings;”.
- (4) In section 1(7)(a) (power to make consequential amendments) after subparagraph (ii) insert “or
- (iii) the jurisdiction, practice or procedure of the family court.”.
- (5) In section 1(10) (no power to confer judicial review jurisdiction on county court) after “on” insert “ the family court or ”.
- (6) In the title of section 1 after “High Court” insert “ , family court ”.
- (7) Omit sections 9 and 10 (allocation of family proceedings in county court and rules about family proceedings in magistrates' courts).
- (8) In section 11 (representation in certain county court cases)—
- (a) after subsection (9) insert—
- “(9A) This section applies in relation to the family court as it applies in relation to the county court.”, and
- (b) in the title after “county court” insert “ and family court ”.
- Maintenance Enforcement Act 1991 (c. 17)*
- 77 (1) Section 1 of the Maintenance Enforcement Act 1991 (High Court and county court maintenance orders) is amended as follows.
- (2) For “a county court”, in each place, substitute “ the family court ”.
- (3) After subsection (1) insert—
- “(1A) Where the family court makes a qualifying periodical maintenance order, it may at the same time exercise any of its powers under subsection (4A) below in relation to the order, whether of its own motion or on an application made under this subsection by an interested party.”
- (4) After subsection (3) insert—
- “(3A) Where the family court has made a qualifying periodical maintenance order, it may at any later time—
- (a) on an application made under this subsection by an interested party, or
- (b) of its own motion, in the course of any proceedings concerning the order,
- exercise any of its powers under subsection (4A) below in relation to the order.”
- (5) After subsection (4) insert—
- “(4A) The powers mentioned in subsections (1A) and (3A) above are—
- (a) the power to order that payments under the qualifying periodical maintenance order in question be made to the court;

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- (b) the power to order that payments under the qualifying periodical maintenance order in question required to be made to the court are to be so made by such method of payment falling within subsection (5) below as the court may specify in the particular case; or
- (c) the power to order that payments under the qualifying periodical maintenance order in question be made in accordance with arrangements for their collection made by the Secretary of State under section 30 of the Child Support Act 1991 and regulations made under that section.”
- (6) In subsection (5) (methods of payment) after paragraph (b) insert “; or
- (c) any method of payment specified in regulations made by the Lord Chancellor.”
- (7) In subsection (6)(a) after “(4) above” insert “ or under paragraph (b) of subsection (4A) above ”.
- (8) In subsection (7) (powers where order made under subsection (4)(a))—
- (a) for “or (3)” substitute “ , (1A), (3) or (3A) ”, and
- (b) after “(4)(a)” insert “ or (4A) ”.
- (9) After subsection (8) insert—
- “(8A) No order made by the family court under subsection (4) or (4A)(a) or (b) above has effect at any time when the Secretary of State is, under section 30 of the Child Support Act 1991 and regulations made under that section, arranging for the collection of payments under the qualifying periodical maintenance order in question.”
- (10) After subsection (10) insert—
- “(11) The power of the Lord Chancellor to make regulations under subsection (5) (c) above is exercisable by statutory instrument, and a statutory instrument containing regulations under subsection (5)(c) is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (11) In the title, and in the preceding italic heading, for “county courts” substitute “ family court ”.

Access to Justice Act 1999 (c. 22)

- 78 The Access to Justice Act 1999 is amended as follows.
- 79 In section 54(1) (rules may require permission to appeal) after paragraph (a) insert—
- “(aa) the family court.”
- 80 In section 55(1) (limitations on right to appeal to Court of Appeal against a decision made on an appeal) before “or the High Court” insert “ , the family court ”.
- 81 In section 56(1) (power to prescribe alternative appellate court) after paragraph (a) insert—
- “(aa) the family court.”

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- 82 In section 57(1) (appeals otherwise than to Court of Appeal may be redirected there)—
- (a) before “or the High Court” insert “, the family court”, and
 - (b) after paragraph (b) insert “or
 - (c) the President of the Family Division where it is the family court from which or to which the appeal is made, or from which permission to appeal is sought.”.
- Courts Act 2003 (c. 39)*
- 83 The Courts Act 2003 is amended as follows.
- 84 In section 1(1) (Lord Chancellor's general duty to ensure that support systems and services, including staff and accommodation, are provided for certain courts) for the “and” at the end of paragraph (b) substitute—
- “(ba) the family court, and”.
- 85 In section 18(5)(a) (presiding at sittings of justices) omit “or family proceedings court”.
- 86 In section 19(2)(e) (committees may be established under rules to advise on authorisation of justices for specific purposes) for “members of family proceedings courts or” substitute “judges of the family court or as members of”.
- 87 (1) Section 28 (functions of justices' clerks and assistant clerks) is amended as follows.
- (2) After subsection (2) insert—

“(2A) Subsection (2) does not apply in relation to functions of a justices' clerk given under section 31O(1)(a), or specified in section 31O(2), of the Matrimonial and Family Proceedings Act 1984 (functions in the family court, but see section 31O(1)(b) of that Act).”
 - (3) After subsection (5) insert—

“(5A) For the purposes of subsections (1) to (5) the functions of justices of the peace do not include functions as a judge of the family court.”
 - (4) Omit subsection (9)(b) (requirement to consult Family Procedure Rule Committee) but not the “and” following it.
- 88 Omit section 30(6) (exclusion of family proceedings).
- 89 In section 34(2) (no order for costs in legal proceedings to be made against justices' clerk or assistant in respect of acts or omissions in exercising functions of a single justice of the peace) after “function of a single justice of the peace” insert “ or a function of the family court or of a judge of that court. ”
- 90 In section 66 (judges having powers of District Judges (Magistrates' Courts)) omit—
- (a) in subsection (1), paragraph (b) and the “and” preceding it, and
 - (b) subsection (4).
- 91 (1) Section 75 (Family Procedure Rules) is amended as follows.
- (2) In subsection (1) (family proceedings in certain courts to be governed by Family Procedure Rules) omit the words after “proceedings”.

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- (3) For subsection (3) (meaning of “family proceedings”) substitute—
- “ (3) Family proceedings” means—
- (a) proceedings in the family court, and
 - (a) proceedings in the Family Division of the High Court which are business assigned, by or under section 61 of (and Schedule 1 to) the Senior Courts Act 1981, to that Division of the High Court and no other.”
- (4) In subsection (4) (differential provision) before “different areas” insert “ different cases or ”.
- 92 (1) Section 76 (further provision about scope of Family Procedure Rules) is amended as follows.
- (2) In subsection (2) (provision that may be made by rules)—
- (a) after the “and” at the end of paragraph (a) insert—
 - “(aa) provide, subject to any provision that may be made in rules under section 31O(1) of the Matrimonial and Family Proceedings Act 1984, for any functions of a court in family proceedings to be carried out by officers or other staff of the court.” and
 - (b) omit paragraph (b).
- (3) In subsection (3) (rules may modify rules of evidence) omit the words after “proceedings”.
- 93 (1) Section 77(2) (membership of Family Rule Procedure Committee) is amended as follows.
- (2) Omit paragraphs (i) and (l).
- (3) In paragraphs (j) and (m) for “magistrates' courts” substitute “ the family court ”.
- 94 (1) Section 81 (practice directions relating to family proceedings) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (za) after “Court of Appeal” insert “ in proceedings on appeal from the Family Division of the High Court or from the family court ”, and
 - (b) for the words after paragraph (za) substitute—
 - “(zb) the Family Division of the High Court in proceedings which are business assigned, by or under section 61 of (and Schedule 1 to) the Senior Courts Act 1981, to that Division of the High Court and no other, and
 - (aa) the family court.”
- (3) In subsection (2) for the words “of those courts in family proceedings” substitute “ mentioned in subsection (1) which are ”.
- (4) In subsection (2A) for “of any relevant court in family proceedings” substitute “ mentioned in subsection (1) ”.
- (5) In subsection (3)(a) for “of any relevant court in family proceedings,” substitute “ mentioned in subsection (1), ”.

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- (6) In subsection (5) omit the definition of “relevant court”.
- 95 In section 92(1) (power to prescribe fees for things dealt with by certain courts) after paragraph (a) insert—
 “(aa) the family court.”
- Constitutional Reform Act 2005 (c. 4)*
- 96 The Constitutional Reform Act 2005 is amended as follows.
- 97 In section 7(4) (courts of which Lord Chief Justice is president) after the entry for the Crown Court insert— “ the family court ”.
- Legal Services Act 2007 (c. 29)*
- 98 (1) For paragraph 1(7)(c) of Schedule 3 to the Legal Services Act 2007 (rights of audience in chambers of exempt persons) substitute—
 “(c) the proceedings are not reserved family proceedings and are being heard in chambers—
 (i) in the High Court or county court, or
 (ii) in the family court by a judge who is not, or by two or more judges at least one of whom is not, within section 31C(1)(y) of the Matrimonial and Family Proceedings Act 1984 (lay justices).”
- (2) In paragraph 1(10) of that Schedule in the definition of “family proceedings” after “also includes” insert “ any proceedings in the family court and ”.

PART 3

REPEALS AND REVOCATIONS IN CONSEQUENCE OF PARTS 1 AND 2 OF THIS SCHEDULE

- 99 The provisions specified in the Table are repealed or revoked to the extent shown.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Administration of Justice Act 1977 (c. 38)	In Schedule 3, paragraph 4(a).
Magistrates' Courts Act 1980 (c. 43)	Section 53(4). Section 54(3) and (4). Section 55(9). In section 56 the words from the beginning to “any magistrates' court.”. In section 57 the words from the beginning to “any magistrates' court.”. Section 57A(3). In section 64— (a) subsection (1A), (b) in subsection (2) the words “or (4A)”.

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- (c) in subsection (3) the words “Subject to subsection (4) below,”, and
- (d) subsections (4) and (4A).

In section 97(1)(a) and (2) the words “or of an application in family proceedings”.

Section 111(7).

Section 121(8).

Section 144(1)(b).

Section 145(1)(ga).

In section 150(1), the definitions of “Family Procedure Rules”, “family proceedings”, “magistrates' court maintenance order” and “maintenance order”.

In Schedule 7, paragraphs 23 and 24.

Civil Jurisdiction and In Schedule 11, paragraph 2.
Judgments Act 1982 (c. 27)

In Schedule 12, paragraphs 3 and 7.

Matrimonial and Family Section 44.
Proceedings Act 1984 (c. 42)

In Schedule 1, paragraph 4.

Family Law Reform Act 1987 In Schedule 2, paragraphs 18, 81, 83 to 85 and
(c. 42) 87.

Children Act 1989 (c. 41) In Schedule 11, paragraph 8(a) to (c).

Broadcasting Act 1990 (c. 42) In Schedule 20, paragraph 29(2).

Maintenance Enforcement Act Sections 7 and 8.
1991 (c. 17)

In Schedule 1, paragraphs 8 and 9.

In Schedule 2, paragraphs 6 to 8 and 11(1).

Social Security (Consequential Provisions) Act 1992 (c. 6) In Schedule 2, paragraph 60.

Transfer of Functions In Schedule 2, the entries for sections 59 and
(Magistrates' Courts and Family 94A of the Magistrates' Courts Act 1980.
Law) Order 1992 (S.I.
1992/709)

Maintenance Orders Article 3 and Schedule 2.
(Backdating) Order 1993 (S.I.
1993/623)

Child Support Act 1991 Article 3.
(Consequential Amendments)
Order 1994 (S.I. 1994/731)

Family Law Act 1996 (c. 27) In Schedule 8, paragraph 49.

Family Law Act 1996 Article 2.
(Modifications of Enactments)
Order 1997 (S.I. 1997/1898)

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Crime and Disorder Act 1998 (c. 37)	In Schedule 8, paragraph 42.
Access to Justice Act 1999 (c. 22)	In Schedule 10, paragraphs 22, 33 and 34. In Schedule 11, paragraphs 26 and 27.
Child Support, Pensions and Social Security Act 2000 (c. 19)	In Schedule 8, paragraph 2.
Civil Jurisdiction and Judgments Order 2001 (S.I. 2001/3929)	In Schedule 3, paragraphs 5, 11 and 12(b) and (c).
Adoption and Children Act 2002 (c. 38)	In Schedule 3, paragraphs 37, 38 and 39(b)(i).
Courts Act 2003 (c. 39)	Section 26(4). Section 49(1). In Schedule 8, paragraphs 98 to 103, 143, 208(3), 210, 211(3) and (4), 214 to 217, 228, 229 and 349.
Civil Partnership Act 2004 (c. 33)	In Schedule 27, paragraphs 22(2), 64 and 65.
Constitutional Reform Act 2005 (c. 4)	In Schedule 4, paragraphs 101, 213 and 344(4).
European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005 (S.I. 2005/265)	Regulation 4.
Childcare Act 2006 (c. 21)	In Schedule 2, paragraph 2.
Legal Services Act 2007 (c. 29)	In Schedule 21, paragraph 144(2)(b).
Civil Jurisdiction and Judgments Regulations 2007 (S.I. 2007/1655)	In the Schedule, paragraph 9.
Human Fertilisation and Embryology Act 2008 (c. 22)	In Schedule 6, paragraph 20.
Children and Families (Wales) Measure 2010 (nawm 1)	In Schedule 1, paragraphs 1 and 2.
Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010 (S.I. 2010/1898)	In the Schedule, paragraph 1.

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Family Procedure Articles 3, 5, 6(b), 7, 10(b) and (d) and 11 to 14.
(Modification of Enactments)
Order 2011 (S.I. 2011/1045)

Civil Jurisdiction and Regulation 2.
Judgments (Maintenance)
(Rules of Court) Regulations
2011 (S.I. 2011/1215)

Civil Jurisdiction and In Schedule 7, paragraphs 2(4) and 9(2).
Judgments (Maintenance)
Regulations 2011 (S.I.
2011/1484)

VALID FROM 22/04/2014

SCHEDULE 11

Section 17

TRANSFER OF JURISDICTION TO FAMILY COURT

PART 1

AMENDMENTS OF ENACTMENTS

Married Women's Property Act 1882 (c. 75)

- 1 The Married Women's Property Act 1882 is amended as follows.
- 2 In section 10 (court's power to order transfer investment and dividends to husband where investment made with his money and without his consent) for “the Court” substitute “ the High Court or the family court ”.
- 3 In section 17 (power of High Court and prescribed county court to make orders in relation to disputes between husband and wife about title to or possession of property)—
- (a) for “such county court as may be prescribed” substitute “ the family court ”, and
 - (b) omit the words after “rules of court”.

Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)

- 4 (1) The Maintenance Orders (Facilities for Enforcement) Act 1920 is amended in accordance with paragraphs 5 to 11.
- (2) The amendments made by paragraphs 5 to 11 cease to have effect on the coming into force of the repeal of the Maintenance Orders (Facilities for Enforcement) Act 1920 by section 22(2)(a) of the Maintenance Orders (Reciprocal Enforcement) Act 1972.

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- 5 In section 1(2) (courts in which maintenance orders from Her Majesty's dominions outside the United Kingdom are to be registered) after “and, if the court was not a court of superior jurisdiction, be” insert “ the family court or, in Northern Ireland, ”.
- 6 (1) Section 3 (power of courts in England and Wales, or Northern Ireland, to make provisional orders of maintenance against certain persons resident outside the United Kingdom) is amended as follows.
- (2) In subsection (1) (circumstances in which provisional orders may be made) for “a court of summary jurisdiction in England or Ireland” substitute “ the family court, or in Northern Ireland to a court of summary jurisdiction, ”.
- (3) In subsection (4) (taking of evidence by court of summary jurisdiction at request of court in a part of Her Majesty's dominions outside the United Kingdom)—
- (a) omit “of summary jurisdiction” in the first place, and
 - (b) after “that court or” insert “ , in Northern Ireland, ”.
- (4) In subsection (5) (confirmation of order does not affect any power of court of summary jurisdiction to vary or revoke order, provided certain requirements are met)—
- (a) after “any power of” insert “ the family court, or ”, and
 - (b) after “summary jurisdiction” insert “ in Northern Ireland, ”.
- (5) Omit subsection (7) (variation etc in a magistrates' court in England and Wales).
- 7 (1) Section 4 (power of court of summary jurisdiction to confirm maintenance order made outside the United Kingdom) is amended as follows.
- (2) In subsection (1) (procedure for determining whether order should be confirmed by court of summary jurisdiction)—
- (a) after “confirmed by” insert “ the family court or by ”,
 - (b) omit “England or” in the first place,
 - (c) after “send the said documents” insert “ to the family court if it appears to the Lord Chancellor that the person is resident in England and Wales or ”, and
 - (d) after “court of summary jurisdiction”, in the second place, insert “ in Northern Ireland if it appears to the Lord Chancellor that the person is resident in Northern Ireland ”.
- (3) In subsection (5A) (exercise of powers where a magistrates' court in England and Wales confirms a provisional order)—
- (a) for “a magistrates” substitute “ the family ”, and
 - (b) for “shall” substitute “ may ”.
- (4) In subsection (5B) (available powers)—
- (a) in each of paragraphs (a) and (b) for “the designated officer for the court or for any other magistrates' court” substitute “ the family court ”, and
 - (b) in paragraph (b) for “59(6) of the Magistrates' Courts Act 1980” substitute “ 1(5) of the Maintenance Enforcement Act 1991 ”.
- (5) In subsection (5C) (deciding on exercise of powers)—
- (a) for “which of the” substitute “ whether to exercise any of its ”, and
 - (b) omit “it is to exercise”.

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- (6) In subsection (5D) (power to require account to be opened) for “Subsection (4) of section 59 of the Magistrates' Courts Act 1980” substitute “ Subsection (6) of section 1 of the Maintenance Enforcement Act 1991 ”.
- (7) In subsection (6) omit “Subject to subsection (6A),”.
- (8) Omit subsection (6A) (modifications of section 60 of the Magistrates' Courts Act 1980).
- 8 (1) Section 4A (variation and revocation of maintenance orders) is amended as follows.
- (2) In subsection (2) (jurisdiction of magistrates' court where respondent resides in a part of Her Majesty's dominions outside the United Kingdom to which the Act extends) for “a magistrates' court in England and Wales” substitute “ the family court ”.
- (3) In subsection (4) (magistrates' court hearings in absence of respondent), in paragraph (a) for “a magistrates' court in England and Wales” substitute “ the family court ”.
- (4) In subsection (5) (application of subsection (4) to Northern Ireland with modifications) in paragraph (c) for ““a magistrates' court in England and Wales”” substitute “ “the family court” ”.
- 9 (1) Section 6 (mode of enforcing orders) is amended as follows.
- (2) In subsection (1) (enforcement steps to be taken by court of summary jurisdiction) omit “of summary jurisdiction”.
- (3) For subsection (2) substitute—
- “(2) Every such order registered in or confirmed by the family court is enforceable as if it were an order made by the family court and as if that court had had jurisdiction to make it.”
- (4) In subsection (3) (execution of a warrant in a part of the United Kingdom in which the issuing court does not have jurisdiction) after “issued by” insert “ the family court or ”.
- 10 In section 9 (use of depositions taken outside United Kingdom) after “courts of summary jurisdiction” insert “ , or the family court, ”.
- 11 In section 11(za) (application of section 3 to Northern Ireland) for “for subsection (7) of that section there shall be substituted” substitute “ after subsection (6) of that section there shall be inserted ”.
- Marriage Act 1949 (c. 76)*
- 12 The Marriage Act 1949 is amended as follows.
- 13 In section 3(5) (marriage of persons aged 16 or 17: meaning of “the court” and provision about rules of court)—
- (a) for the words from “, the county court of the district” to the second “in which any applicant or respondent resides” substitute “ or the family court ”,
- (b) omit paragraph (b), and

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- (c) in paragraph (c) for “a court of summary jurisdiction” substitute “ the family court ”.
- 14 (1) Section 27B (provisions relating to section 1(3) marriages) is amended as follows.
- (2) In subsection (4) (certificate not to be issued if alleged that section 1(3) criteria not met, unless declaration obtained from High Court under subsection (5)) omit “from the High Court”.
- (3) In subsection (5) (application to High Court for declaration) after “High Court” insert “ or the family court ”.
- Maintenance Orders Act 1950 (c. 37)*
- 15 The Maintenance Orders Act 1950 is amended as follows.
- 16 In section 4(1) (court of summary jurisdiction in England has jurisdiction in proceedings for the recovery of sums under certain provisions against person residing in Scotland or Northern Ireland) for “A court of summary jurisdiction in England” substitute “ The family court ”.
- 17 (1) In section 15(2) and (3) (service of process: endorsement by, and declarations before, justices of the peace etc) for “justice of the peace” substitute “ judge of the family court ”.
- (2) In Schedule 2 (forms)—
- (a) in the form numbered 1 (endorsement of summons) for “justice of the peace” substitute “ judge of the family court ”, and
- (b) in the form numbered 2 (declaration as to service) for “Justice of the Peace” substitute “ judge of the family court ”.
- 18 (1) Section 17 (procedure for registration of maintenance orders) is amended as follows.
- (2) Omit subsection (1)(a) (authority to whom application is to be made for registration of maintenance order made by court of summary jurisdiction in England).
- (3) In subsection (3)(b) (court to whose officer certified copy of maintenance order is to be sent) for the words after “in any other case” substitute “—
- (i) where the defendant appears to be in England and Wales, the family court;
- (ii) where the defendant appears to be in Northern Ireland, a court of summary jurisdiction acting for the place in which the defendant appears to be;
- (iii) where the defendant appears to be in Scotland, the sheriff court within the jurisdiction of which the defendant appears to be.”
- (4) In subsection (6) (court officer may apply, on behalf of person entitled to maintenance payments made to or through the officer, for registration of order under which they are made) for “made by a court of summary jurisdiction in England or Northern Ireland” substitute “ made by the family court or a court of summary jurisdiction in Northern Ireland ”.
- 19 (1) Section 18 (enforcement of registered orders) is amended as follows.
- (2) In subsection (1A) (interest)—

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- (a) after “under this Part of this Act in” insert “ the family court or ”,
 - (b) omit “England or”,
 - (c) omit “Part I of the Maintenance Orders Act 1958 or”, and
 - (d) omit “section 2A of the said Act of 1958 or”.
- (3) Omit subsections (2) to (2ZB) (enforcement of registered orders in magistrates' courts).
- (4) In subsection (2A) (offence of not giving notice of change of address to proper officer) omit “England or”.
- (5) In subsection (2B) (meaning of “proper officer”) omit paragraph (a) (including the “and” at the end).
- 20 (1) Section 19 (functions of collecting officer etc) is amended as follows.
- (2) In subsection (1) (provisions in maintenance order about payment to court have no effect if order is registered)—
- (a) for “or”, in the first place, substitute “ by the family court or in ”, and
 - (b) after “through or to any” insert “ court or ”.
- (3) In subsection (2) (court in which maintenance order registered to order payment to be made through collecting officer) omit—
- (a) “England or” in both places, and
 - (b) “, as the case may be”.
- (4) Omit subsection (3)(a) (variation etc of orders made in England and Wales under subsection (2)).
- (5) In subsection (4) after “through or to any” insert “ court or ”.
- 21 In section 20(1)(a) (certificates as to arrears under registered maintenance orders)—
- (a) after “to or through” insert “ a court or ”, and
 - (b) after “signed by” insert “ an officer of that court or (as the case may be) ”.
- 22 (1) Section 22 (discharge and variation of maintenance orders registered in summary or sheriff courts) is amended as follows.
- (2) In subsection (1) (variation of maintenance order) for “a court of summary jurisdiction or” substitute “ the family court, a court of summary jurisdiction in Northern Ireland or a ”.
- (3) For subsections (1A) to (1E) (powers of magistrates' courts in England and Wales to vary registered orders) substitute—
- “(1A) The family court may exercise the same powers in relation to an order registered in the family court under this Part of this Act as are exercisable by the family court under section 1 of the Maintenance Enforcement Act 1991 in relation to a qualifying periodical maintenance order (within the meaning of that section) which has been made by the family court, including the power under subsection (7) of that section to revoke, suspend, revive or vary any means of payment order (within the meaning of that subsection) made by virtue of this subsection.”

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- (4) In subsection (4) (court in which order registered may vary it only under subsection (1)) for “a court of summary jurisdiction or” substitute “the family court, a court of summary jurisdiction in Northern Ireland or a ”.
- (5) In subsection (5) (evidence) for “a court of summary jurisdiction or” substitute “the family court, a court of summary jurisdiction in Northern Ireland or a ”.
- 23 (1) Section 24 (cancellation of registration) is amended as follows.
- (2) In subsection (2) (notice by appropriate authority where defendant ceases to reside in England and Wales, Northern Ireland or Scotland) for “a court of summary jurisdiction in England or Northern Ireland” substitute “ the family court, a court of summary jurisdiction in Northern Ireland ”.
- (3) In subsection (5A) (effect of cancellation of registration in a magistrates' court in England and Wales)—
- (a) in the words before paragraph (a) for “a magistrates” substitute “ the family ”,
 - (b) in paragraph (a) omit “section 18(2ZA) or” and “or (1E)”, and
 - (c) in paragraph (b)—
 - (i) for “the designated officer for a magistrates' court in England and Wales” substitute “ the family court ”, and
 - (ii) for “59(6) of the Magistrates' Courts Act 1980” substitute “ 1(5) of the Maintenance Enforcement Act 1991 ”.
- (4) In subsection (6) (orders under section 19(2)) omit “England or”.
- 24 In section 25(3) (rules as to procedure of courts of summary jurisdiction) for “a court of summary jurisdiction in England or Northern Ireland” substitute “ the family court or a court of summary jurisdiction in Northern Ireland ”.
- 25 In section 28(1) (interpretation) in the definition of “collecting officer” omit “in relation to a court of summary jurisdiction in England, means the designated officer for the court, and”.
- Matrimonial Causes (Property and Maintenance) Act 1958 (c. 35)*
- 26 (1) Section 7 of the Matrimonial Causes (Property and Maintenance) Act 1958 (which extends section 17 of the Married Women's Property Act 1882 to certain disputes relating to property in which a wife claims a beneficial interest) is amended as follows.
- (2) In subsection (1) (which refers to any right of a wife under section 17 of the 1882 Act to apply to a judge of the High Court or of a county court) for “a county court” substitute “ the family court ”.
- (3) In subsection (2) (extension of the judge's power to make orders under section 17 of the 1882 Act as extended by subsection (1)) for “a county court” substitute “ the family court ”.
- Law Reform (Miscellaneous Provisions) Act 1970 (c. 33)*
- 27 In section 2(2) of the Law Reform (Miscellaneous Provisions) Act 1970 (section 17 of the Married Women's Property Act 1882 and section 7 of the Matrimonial Causes (Property and Maintenance) Act 1958 apply to certain

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disputes between parties to a broken engagement) for “a county court” substitute “ the family court ”.

Matrimonial Proceedings and Property Act 1970 (c. 45)

- 28 (1) The Matrimonial Proceedings and Property Act 1970 is amended as follows.
- (2) In section 30(2) (order for maintenance of party to marriage made by magistrates' court to cease to have effect on remarriage of that party) for “a magistrates' court”, in both places, substitute “ the family court ”.
- (3) In section 39 (extension of section 17 of the Married Women's Property Act 1882 to certain cases where marriage dissolved or annulled) for “a county court” substitute “ the family court ”.

Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)

- 29 The Maintenance Orders (Reciprocal Enforcement) Act 1972 is amended as follows.
- 30 (1) Section 3 (magistrates' court may make provisional maintenance order against person residing in reciprocating country) is amended as follows.
- (2) In subsection (1) for “a magistrates' court” substitute “ the family court ”.
- (3) In subsection (4) (application not to be transferred etc)—
- (a) before paragraph (a) insert—
- “(za) a court to transfer proceedings from the family court to the High Court,” and
- (b) in paragraphs (a) and (b) after “magistrates' court” insert “ in Northern Ireland ”, and
- (c) in those paragraphs after “High Court” insert “ of Justice in Northern Ireland ”.
- (4) In subsection (6) (effect of order being confirmed) omit “magistrates”.
- (5) Omit subsection (7)(b) (Northern Ireland: application of subsection (4)).
- (6) In the title omit “magistrates”.
- 31 In section 4(6) (Scotland: application of section 3(5) and (6)) after “for references to” insert “ a court that are references to the family court or ”.
- 32 Omit section 5(3A) (modification of section 60 of Magistrates' Courts Act 1980 in relation to maintenance orders to which section 5 applies).
- 33 In section 7 (confirmation of order made in reciprocating country)—
- (a) in subsection (5A) (court to exercise one of its powers under subsection (5B) upon confirming order)—
- (i) for “a magistrates' court in England and Wales” substitute “ the family court ”, and
- (ii) for “shall” substitute “ may ”,
- (b) in subsection (5B) (available powers)—
- (i) in each of paragraphs (a) and (b) for the words from “the designated” to “Wales” substitute “ the court ”,

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	<ul style="list-style-type: none"> (ii) in paragraph (b) for “59(6) of the Magistrates' Courts Act 1980” substitute “ 1(5) of the Maintenance Enforcement Act 1991 ”, (c) in subsection (5C) (deciding on exercise of powers)— <ul style="list-style-type: none"> (i) for “which of the” substitute “ whether to exercise any of its ”, and (ii) omit “it is to exercise”, and (d) in subsection (5D) (power to require account to be opened) for “Subsection (4) of section 59 of the Magistrates' Courts Act 1980” substitute “ Subsection (6) of section 1 of the Maintenance Enforcement Act 1991 ”.
34	<p>In section 8 (enforcement of registered maintenance orders)—</p> <ul style="list-style-type: none"> (a) in subsection (3) (offence of not giving notice of change of address to appropriate officer)— <ul style="list-style-type: none"> (i) for “a registered order” substitute “ an order registered in a court in Northern Ireland ”, and (ii) for “appropriate officer of the registering” substitute “ clerk of that ”, (b) omit subsection (3A) (meaning of “appropriate officer”), (c) omit subsections (4) to (4B) (enforcement by magistrates' courts in England and Wales), and (d) in subsection (5) (magistrates' court to take prescribed steps) for “The magistrates' court” substitute “A magistrates' court in Northern Ireland”.
35	Omit section 9(1ZA) (modification of section 60 of Magistrates' Courts Act 1980 in relation to registered order).
36	<p>In section 10(3) (transfer to other magistrates' court)—</p> <ul style="list-style-type: none"> (a) after “magistrates' court”, in the first place, insert “ in Northern Ireland ”, and (b) for the words from “that part” to “court is” substitute “ Northern Ireland ”.
37	<p>(1) In section 14(3) (compelling attendance of witnesses etc)—</p> <ul style="list-style-type: none"> (a) for the words from “Section” to “1980” substitute “Articles 118(1), (3) and (4), 119 and 120 of the Magistrates' Courts (Northern Ireland) Order 1981”, and (b) after “a magistrates' court” insert “ in Northern Ireland ”. <p>(2) Omit section 14(6) (Northern Ireland: modifications).</p>
38	<p>In section 17 (proceedings in magistrates' courts)—</p> <ul style="list-style-type: none"> (a) in subsection (4) (courts in same area have same jurisdiction)— <ul style="list-style-type: none"> (i) after “magistrates' court”, in the first place, insert “ in Northern Ireland ”, (ii) omit the words from “acting”, in the first place, to “Northern Ireland,”, and (iii) for “district” substitute “ district ”, (b) in subsection (5A) (jurisdiction where respondent resides in reciprocating country) for “a magistrates' court in England and Wales”, in both places, and for “such a court”, substitute “ the family court ”, and

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- (c) in subsection (7) (proceedings in absence of respondent) for “a magistrates' court”, in both places, substitute “the family court in England and Wales or a magistrates' court in Northern Ireland”.
- 39 (1) Section 18 (magistrates' courts rules) is amended as follows.
- (2) Before subsection (1) insert—
- “(A1) Rules of court may make provision with respect to the matters that would be mentioned in any of paragraphs (b), (c), (e) and (f) of subsection (1) if references in those paragraphs to a magistrates' court, or to magistrates' courts, were references to the family court.”
- (3) In subsection (1) (provision which may be made in rules of court)—
- (a) for the words before paragraph (a) substitute “ The matters referred to in subsections (A1) and (2) are— ”, and
- (b) in paragraph (a) for “local justice area”, in both places, substitute “ petty sessions district ”.
- (4) In subsection (1A) (further provision about rules of court in relation to England and Wales) for “(1)” substitute “ (A1) ”.
- (5) For the title substitute “ Rules of court ”.
- 40 In section 21(1) in the definition of “the appropriate court”—
- (a) after “ “the appropriate court”” insert “—
- (a)”,
and
- (b) for “Wales or” substitute “Wales means the family court; and
- (b) in relation to a person residing or having assets”.
- 41 (1) Section 23 (orders registered in High Court under Maintenance Orders (Facilities for Enforcement) Act 1920) is amended as follows.
- (2) In subsection (1) (orders registered at time when 1920 Act ceases to apply)—
- (a) after “High Court”, in the first place, insert “ or the High Court of Justice in Northern Ireland ”,
- (b) for “the High Court”, in the second place, substitute “subsection (1A) applies in relation to the order.
- (1A) Where the order was at that time registered in the High Court, that court may, on an application by the payer or the payee under the order or of its own motion, transfer the order to the family court, with a view to the order being registered in the family court under this Part of this Act; and where the order was at that time registered in the High Court of Justice in Northern Ireland, that court”,
- (c) after “magistrates' court” insert “ in Northern Ireland ”, and
- (d) after “registered in that” insert “magistrates”.
- (3) Before subsection (2) insert—
- “(1B) Where the High Court transfers an order to the family court under this section it shall—
- (a) cause a certified copy of the order to be sent to an officer of the family court, and

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- (b) cancel the registration of the order in the High Court.”
- (4) In subsection (2) (certified copy to be sent to court which is to register order) after “High Court”, in the first place, insert “ of Justice in Northern Ireland ”.
- (5) In subsection (3) (officer to register order) omit “appropriate”.
- (6) In subsection (4)—
- (a) for “the magistrates” substitute “ a ”, and
 - (b) for “appropriate officer of the court” substitute “ officer registering it ”.
- (7) Omit subsection (5) (Northern Ireland: modification).
- (8) In subsection (6) (meaning of “appropriate officer”) for the words from “means—” to the end substitute “, in relation to a magistrates' court in Northern Ireland, means the clerk of the court.”
- 42 In section 26(6)(a) (appropriate officer) for the words from “the designated” to the end substitute “ an officer of the family court ”.
- 43 In section 27B (sending application to which section 27A applies to appropriate magistrates' court)—
- (a) in subsection (1) for the words from “designated” to the end substitute “ family court ”,
 - (b) in subsection (2) (attempted service of respondent)—
 - (i) for “Subject to subsection (4) below, if” substitute “ If ”,
 - (ii) for “a magistrates' court having jurisdiction to hear it” substitute “ the family court ”,
 - (iii) for “designated officer for the” substitute “ family ”, and
 - (iv) for “he” substitute “ the family court ”,
 - (c) omit subsections (4) and (5) (sending on of application to another magistrates' court), and
 - (d) in the title for “appropriate magistrates” substitute “ family ”.
- 44 In section 27C (applications to which section 27A applies: general)—
- (a) in subsection (1) for “a magistrates” substitute “ the family ”,
 - (b) omit subsection (2) (disapplication of section 59 of Magistrates' Courts Act 1980),
 - (c) in subsection (3) (court to exercise one of its powers under subsection (4) upon making order) for “shall” substitute “ may ”,
 - (d) in subsection (4) (available powers)—
 - (i) in each of paragraphs (a) and (b) for the words from “the designated” to “Wales” substitute “ the court ”, and
 - (ii) in paragraph (b) for “59(6) of the Magistrates' Courts Act 1980” substitute “ 1(5) of the Maintenance Enforcement Act 1991 ”,
 - (e) in subsection (5) (deciding on exercise of powers)—
 - (i) for “which of the” substitute “ whether to exercise any of its ”, and
 - (ii) omit “it is to exercise”,
 - (f) in subsection (6) (power to require account to be opened) for “Subsection (4) of section 59 of the Magistrates' Courts Act 1980”

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	substitute “ Subsection (6) of section 1 of the Maintenance Enforcement Act 1991 ”, and
	(g) in subsection (7) (registration)—
	(i) omit “designated officer for the”, and
	(ii) omit “in the court”.
45	In section 28 (applications by spouses under the Domestic Proceedings and Magistrates' Courts Act 1978)—
	(a) in subsection (1) (orders court may make)—
	(i) for “The magistrates' court” substitute “ On ”, and
	(ii) after “1978” insert”, the family court”, and
	(b) in subsection (2) (modifications of 1978 Act)—
	(i) in paragraph (a) for “to 27” substitute “ , 26 ”, and
	(ii) omit paragraph (b), but not the “and” following it.
46	In section 28A (applications by former spouses under the Domestic Proceedings and Magistrates' Courts Act 1978)—
	(a) in subsection (2) (jurisdiction of magistrates' court) for the words from the beginning to “it” substitute “ The family court shall have jurisdiction to hear the application ”,
	(b) in subsection (3) (court's powers) for “magistrates' court hearing the application” substitute “ family court ”, and
	(c) in subsection (6) (modifications of 1978 Act)—
	(i) in paragraph (e) for “and 25 to 28” substitute “ 25, 26 and 28 ”, and
	(ii) omit paragraph (f), but not the “and” following it.
47	Section 28B (certain orders under Schedule 11 to the Children Act 1989 do not apply) is repealed.
48	(1) Section 32 (transfer of orders) is amended as follows.
	(2) In subsection (2) (transfer to other magistrates' court)—
	(a) for “the appropriate officer”, in the first and second places, substitute “ the clerk ”,
	(b) after “magistrates' court”, in the first place, insert “ in Northern Ireland ”,
	(c) for the words from “that part” to “court is” substitute “ Northern Ireland ”, and
	(d) for “the appropriate officer”, in the third place, substitute “ that clerk ”.
	(3) Omit subsection (2A) (meaning of “appropriate officer”).
	(4) In subsection (8) in the definition of “the appropriate court”—
	(a) after “ “the appropriate court”” insert “—
	(a)”,
	and
	(b) for “Wales or” substitute “Wales, means the family court; and
	(b) in relation to a person residing”.
49	In section 33 (enforcement of orders)—
	(a) omit subsections (3) and (3A) (enforcement by magistrates' courts in England and Wales),

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- (b) in subsection (3B) (enforcement by courts of summary jurisdiction in Northern Ireland) after “jurisdiction”, in the first place, insert “ in Northern Ireland ”, and
- (c) in subsection (4) (magistrates' court to take prescribed steps) after “court” insert “ in Northern Ireland ”.
- 50 In section 34 (variation and revocation of orders)—
- (a) in subsection (1) (powers of registering court etc) omit “subsection (3A) below and”,
- (b) in subsection (3) (officer to whom application to be sent) for the words from “shall” to the end substitute “shall—
- (a) if the registering court is the family court, send the application together with any documents accompanying it to that court;
- (b) if the registering court is a magistrates' court in Northern Ireland, send the application together with any documents accompanying it to the clerk of that court.”, and
- (c) omit subsection (3A) (modification of section 60 of Magistrates' Courts Act 1980 in relation to registered orders).
- 51 (1) Section 34A (variation of orders by magistrates' courts in England and Wales) is amended as follows.
- (2) In subsection (1) (application of certain provisions)—
- (a) for “a magistrates' court in England and Wales” substitute “ the family court ”, and
- (b) for paragraph (a) substitute—
- “(a) section 1(3A) of the Maintenance Enforcement Act 1991.”.
- (3) In subsection (2) (court may exercise one of powers under subsection (3) upon varying order) for “a magistrates' court in England and Wales” substitute “ the family court ”.
- (4) In subsection (3) (available powers)—
- (a) in each of paragraphs (a) and (b) for the words from “the designated” to “Wales” substitute “ the court ”, and
- (b) in paragraph (b) for “59(6) of the Magistrates' Courts Act 1980” substitute “ 1(5) of the Maintenance Enforcement Act 1991 ”.
- (5) Omit subsections (4) to (8) (variation by justices' clerk).
- (6) In subsection (9) (deciding on exercise of powers)—
- (a) for “subsections (2) and (8)” substitute “ subsection (2) ”,
- (b) for “which of the” substitute “ whether to exercise any of its ”,
- (c) omit “it is to exercise”, and
- (d) after “debtor” insert “ or the creditor ”.
- (7) In subsection (10) (power to require account to be opened) for “Subsection (4) of section 59 of the Magistrates' Courts Act 1980” substitute “ Subsection (6) of section 1 of the Maintenance Enforcement Act 1991 ”.

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- (8) In subsection (11) (meaning of “creditor” and “debtor”) for “section 59 of the Magistrates' Courts Act 1980” substitute “ section 1 of the Maintenance Enforcement Act 1991 ”.
- (9) In the title for “magistrates' courts” substitute “ the family court ”.
- 52 In section 35 (further provision relating to variation etc of orders by magistrates' courts in England and Wales)—
- (a) in subsection (1) (powers exercisable notwithstanding that applicant resides outside England and Wales) for “a magistrates' court in England and Wales” substitute “ the family court ”,
 - (b) in subsection (2) (powers under section 34A not exercisable) omit “, or of the clerk of the court.”,
 - (c) in subsection (3) (proceedings in absence of respondent) for “a magistrates' court in England and Wales” substitute “ the family court ”, and
 - (d) in the title for “magistrates' courts” substitute “ the family court ”.
- 53 (1) Section 36 (admissibility of evidence given in convention country) is amended as follows.
- (2) Before subsection (1) insert—
- “(A1) A statement contained in a document mentioned in subsection (1) shall—
- (a) in any proceedings in the family court arising out of an application to which section 27A(1) of this Act applies or an application made by any person for the variation or revocation of a registered order, or
 - (b) in proceedings on appeal from proceedings within paragraph (a), be admissible as evidence of any fact stated to the same extent as oral evidence of that fact is admissible in those proceedings.”
- (3) In subsection (1) (statements made in convention country to be admissible)—
- (a) for “A statement contained in—” substitute “ The documents referred to in subsections (A1) and (1A) are— ”,
 - (b) omit the “or” following paragraph (a) and the “or” following paragraph (b),
 - (c) after paragraph (c) insert—
- “(1A) A statement contained in a document mentioned in subsection (1)”,
- (d) after “magistrates' court” insert “ in Northern Ireland ”, and
 - (e) omit “an application to which section 27A(1) of this Act applies.”
- 54 In section 38 (obtaining evidence at request of court in convention country)—
- (a) in subsection (4) (application of provisions of Magistrates' Courts Act 1980) for the words from “Section” to “1980” substitute “Articles 118(1), (3) and (4), 119 and 120 of the Magistrates' Courts (Northern Ireland) Order 1981”,
 - (b) in subsection (4) after “a magistrates' court” insert “ in Northern Ireland ”, and
 - (c) omit subsection (6) (Northern Ireland: modifications).
- 55 In section 38A(1) (rules of court) after “done by” insert “ the family court or ”.

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- 56 In section 42 (provisional order to cease to have effect on remarriage) in subsection (1) and in the title omit “magistrates”.
- 57 In section 47(3) (interpretation: jurisdiction of magistrates' courts) for the words from “construed—” to “in relation to”, in the second place, substitute “ construed in relation to ”.
- Matrimonial Causes Act 1973 (c. 18)*
- 58 The Matrimonial Causes Act 1973 is amended as follows.
- 59 In section 4(4)(a) (periods which may be treated for the purposes of section 1(2) (c) as periods during which the respondent has deserted the petitioner) for “or a county court” substitute “ , the family court or the county court ”.
- 60 In section 32(1) (arrears more than 12 months old not to be enforced without court's permission) for “any county court” substitute “ the family court ”.
- 61 (1) Section 33 (orders for repayment of sums paid under certain orders) is amended as follows.
- (2) In subsection (4) (application for repayment may be made in proceedings for variation, discharge or enforcement of order, or to county court) for “a county court”, in each place, substitute “ the family court ”.
- (3) Omit subsection (5) (no limits on jurisdiction of county court under subsection (4)).
- 62 (1) Section 35 (alterations of maintenance agreements where both parties are living) is amended as follows.
- (2) In subsection (1) (application for alteration may be made to the court or a magistrates' court) omit “or to a magistrates' court”.
- (3) In subsection (2) (which refers to the court to which an application for an alteration is made)—
- (a) in the words before paragraph (a) omit “to which the application is made”,
- (b) for “subsections (3),” substitute “subsections “, and
- (c) for “that court”, in both places, substitute “ the court ”.
- (4) Omit subsection (3) (limits on powers of magistrates' court to deal with applications for alterations).
- (5) In subsections (4) and (5) for “a court” substitute “ the court ”.
- 63 (1) Section 36 (alterations of maintenance agreements after death of one party) is amended as follows.
- (2) In subsection (1) (application for alteration may be made to High Court or county court) omit the words from “High” to “county”.
- (3) In subsection (2) (court's permission needed to make late application) omit the words from “High” to “county”.
- (4) Omit subsections (3) and (7) (powers of county court to deal with applications for alterations).
- (5) In subsections (4) and (5) for “a court” substitute “ the court ”.

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- 64 (1) Section 38 (orders for repayment of periodical payments mistakenly made) is amended as follows.
- (2) In subsection (2) (powers of the court when dealing with an application for repayment) after “On an application under this section the court” insert “ to which the application is made ”.
- (3) In subsection (3) (application for repayment may be made in enforcement proceedings, or to county court) for “a county court”, in each place, substitute “ the family court ”.
- (4) Omit subsection (4) (no limits on jurisdiction of county court under subsection (3)).
- (5) In subsection (6) (liability of court officers in respect of orders for periodical payments)—
- (a) in the words before paragraph (a) for “The designated officer for a magistrates' court to whom any payments under a payments order are required to be made,” substitute “ An officer of the family court, ”, and
- (b) in paragraph (a)—
- (i) for “the designated officer,” substitute “ an officer of the family court, ”, and
- (ii) for “in pursuance of the payments order” substitute “ , in pursuance of a payments order requiring payments to be made to the court or an officer of the court, ”.
- (6) In subsection (7) (meaning of “collecting officer”) for “the registrar of a county court or the designated officer of a magistrates' court” substitute “ or the officer of the family court, ”.
- 65 (1) In section 52(1) (interpretation of the Act) for the definition of “the court” substitute—
- ““the court” (except where the context otherwise requires) means the High Court or the family court;”.
- (2) The amendment made by sub-paragraph (1) does not apply for the purposes of interpreting references to “the court” in paragraph 14 of Schedule 1 to the Matrimonial Causes Act 1973.
- Domicile and Matrimonial Proceedings Act 1973 (c. 45)*
- 66 (1) Section 5 of the Domicile and Matrimonial Proceedings Act 1973 (jurisdiction of High Court and county court to entertain proceedings for divorce, judicial separation or nullity of marriage) is amended as follows.
- (2) In subsection (1A) (interpretation) in the definition of “the court” for the words after “High Court” substitute “ and the family court ”.
- (3) In the side-note for “county courts” substitute “ family court ”.
- Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)*
- 67 The Domestic Proceedings and Magistrates' Courts Act 1978 is amended as follows.

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- 68 In section 1 (grounds of application to magistrates' court for order for financial provision) for “a magistrates' court” substitute “ the family court ”.
- 69 In section 6(1) (application for order for payments agreed between parties to a marriage) for “a magistrates' court” substitute “ the family court ”.
- 70 In section 7(1) (powers of court where parties living apart by agreement) for “a magistrates' court” substitute “ the family court ”.
- 71 (1) Section 19 (interim maintenance orders) is amended as follows.
- (2) In subsection (1) (courts' powers)—
- (a) in paragraph (a)—
- (i) for “the magistrates' court” substitute “ the family court ”, and
- (ii) omit the words from “or on refusing” to the end; and
- (b) omit paragraphs (b) and (c) (High Court and county court powers).
- (3) In subsection (3) (date from which payment may be required to be made) omit the words after “section 2, 6 or 7 of this Act”.
- (4) In subsection (5)(c) (interim order ceases to have effect on final order of magistrates' court or dismissal of application) for “a magistrates' court” substitute “ the family court ”.
- (5) In subsection (6) (interim order may be continued in force by order of court) for the words from “the magistrates' court which made the order” to “reheard,” substitute “the family court”.
- (6) Omit subsection (9) (interim order of High Court or county court on ordering rehearing by magistrates' court to be treated, for certain purposes, as an order of that magistrates' court).
- 72 In section 20 (variation, revival and revocation of orders for periodical payments) in each of subsections (1) to (3) and (5) for “a magistrates' court” substitute “ the family court ”.
- 73 (1) Section 20ZA (variation of orders for periodical payments: further provision) is amended as follows.
- (2) In subsections (1) and (7) (making provision as to payment when exercising power to vary) for “paragraphs (a) to (d) of section 59(3) of the Magistrates' Courts Act 1980” substitute “ section 1(4) and (4A) of the Maintenance Enforcement Act 1991 ”.
- (3) Omit subsections (2) to (5) and (9) (power of justices' clerk to vary order).
- (4) In subsection (6) (power to require account to be opened)—
- (a) for “Subsection (4) of section 59 of the Magistrates' Courts Act 1980” substitute “ Subsection (6) of section 1 of the Maintenance Enforcement Act 1991 ”, and
- (b) for “subsections (1) and (5)” substitute “ subsection (1) ”.
- (5) Omit subsection (8) (duty to exercise powers in particular way).
- (6) In subsection (10) (powers under section only exercisable if payer resident in England and Wales)—
- (a) omit “, or of a justices' clerk,”, and

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	(b) for the words from “which” to the end substitute “ unless, at the time when the order was made, the person required to make the payments was ordinarily resident in England and Wales. ”
74	In section 20A(1) (application by child for revival of periodical payments order) — (a) in the words before paragraph (a), for “a magistrates' court” substitute “ the family court ”, and (b) in the words after paragraph (b) omit “which made the order”.
75	Omit section 22 (variation of instalments of lump sum).
76	Omit section 23(2) (certain powers of a magistrates' court do not apply to orders under Part 1).
77	In section 25(4) (magistrates' court's power to determine date on which order ceased to have effect because the parties were living together) for “a magistrates' court” substitute “ the family court ”.
78	Section 27 (refusal of order in case more suitable for High Court) is repealed.
79	(1) Section 28 (powers of High Court and county court relation to certain orders under Part 1) is amended as follows. (2) In subsection (1) (power of High Court or county court in matrimonial proceedings to direct that order of magistrates' court is to cease to have effect)— (a) for “making by a magistrates' court” substitute “ making by the family court ”, (b) for “a county court” substitute “ the family court ”, and (c) for “made by a magistrates' court” substitute “ under this Part ”. (3) In subsection (3)— (a) for “a county court” substitute “ the family court ”, (b) for “a magistrates' court” substitute “ the family court ”.
80	Section 29 (appeals) is repealed.
81	(1) Section 30 (provisions as to jurisdiction and procedure) is amended as follows. (2) Omit subsections (1) and (1A) (limits on jurisdiction of magistrates' courts to deal with applications under Part 1). (3) In subsection (5) (jurisdiction of magistrates' court under Part 1 exercisable notwithstanding that a party to proceedings is not domiciled in England and Wales) for “a magistrates' court” substitute “ the family court ”. (4) Omit subsection (6) (interpretation of subsections (1) and (1A)).
82	Section 31 (constitution of courts) is repealed.
83	(1) Section 32 (enforcement etc of orders for payment of money) is amended as follows. (2) Omit subsection (1) (order under Part 1 to be enforced as a magistrates' court maintenance order). (3) In subsection (2) (power to order payment to a person on another's behalf)— (a) for the words from the beginning to “a magistrates' court making” substitute “ The family court when making ”, and

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- (b) omit the words after “to that other person”.
- (4) In subsection (4) (arrears more than 12 months old not to be enforced without court's permission) for “High Court or any county” substitute “ family ”.
- 84 (1) Section 35 (orders for repayment in certain cases of sums paid after cessation of order by reason of remarriage or formation of civil partnership) is amended as follows.
- (2) In subsection (1) (circumstances in which court may exercise powers under subsection (2)) for “the court” substitute “ the family court ”.
- (3) In subsection (2) (power to order repayment or partial repayment, or to dismiss application) for “The court” substitute “ The family court ”.
- (4) In subsection (4) (application to be made in enforcement proceedings, or to county court)—
- (a) for “shall be made to a county court, except that such an application may” substitute “ may (but need not) ”,
- (b) omit “in the High Court or a county court”, and
- (c) omit the words after “of this Act”.
- (5) Omit subsection (6) (no limits on jurisdiction of county court under subsection (4)).
- (6) In subsection (7) (liability of court officers)—
- (a) in the words before paragraph (a)—
- (i) for “The designated officer for a magistrates' court to whom any payments under an order made under section 2(1)(a), 6 or 7 of this Act are required to be made,” substitute “ An officer of the family court, ”, and
- (ii) for “the first-mentioned order” substitute “ an order made under section 2(1)(a), 6 or 7 of this Act ”,
- (b) in paragraph (a)—
- (i) for “the designated officer,” substitute “ an officer of the family court, ”, and
- (ii) for “in pursuance of the first mentioned order” substitute “ , in pursuance of an order made under section 2(1)(a), 6 or 7 of this Act requiring payments to be made to the court or an officer of the court, ”, and
- (c) in the words after paragraph (b) for “first mentioned order”, in both places, substitute “ order made under section 2(1)(a), 6 or 7 of this Act ”.
- 85 In section 88 (interpretation)—
- (a) in subsection (1) (defined terms), omit the definitions of “family proceedings” and “magistrates' court maintenance order”, and
- (b) omit subsection (4) (powers of magistrates' courts acting in a local justice area).
- Civil Jurisdiction and Judgments Act 1982 (c. 27)*
- 86 (1) The Civil Jurisdiction and Judgments Act is amended as follows.
- (2) In the second sentence of section 5(1) (enforcement of maintenance orders under 1968 Convention) after “Article 32” insert “but, if the appropriate court is a

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- magistrates' court in England and Wales, the Lord Chancellor is to transmit the application to the family court”.
- (3) In section 5(2) (determination of transmitted application) for “officer of that court” substitute “officer—
- (a) of the family court if the application is transmitted to that court, or
 - (b) in any other case, of the court having jurisdiction in the matter”.
- (4) Omit section 5(5A) to (5C) (enforcement in magistrates' courts in England and Wales).
- (5) In section 5(7) omit “England and Wales or”.
- (6) In section 5(8) omit paragraph (a) (including the “and” at the end).
- (7) In the second sentence of section 5A(1) (enforcement of maintenance orders under the Lugano Convention of 2007) after “Article 39” insert “but, if the appropriate court is a magistrates' court in England and Wales, the Lord Chancellor is to transmit the application to the family court”.
- (8) In section 5A(2) (determination of transmitted application) for “officer of” substitute “officer—
- (a) of the family court if the application is transmitted to that court, or
 - (b) in any other case, of”.
- (9) Omit section 5A(5) (enforcement in magistrates' courts in England and Wales).
- (10) In section 5A(7) omit “England and Wales or”.
- (11) In section 5A(9) omit paragraph (a) (including the “and” at the end).
- (12) Omit sections 6(3)(a) and 6A(3)(a) (appeals in England and Wales).
- (13) In section 7(4) (interest on arrears)—
- (a) omit “England and Wales or”,
 - (b) omit “section 2A of the Maintenance Orders Act 1958 or”, and
 - (c) for “enable” substitute “ enables ”.
- (14) In section 15(3) (jurisdiction of magistrates' courts)—
- (a) after “particular magistrates' court” insert “ in Northern Ireland ”, and
 - (b) for “in the same local justice area (or, in Northern Ireland, for the same petty sessions district)” substitute “ for the same petty sessions district ”.
- (15) In section 36(1)(b) (registration of maintenance orders) for “county court order, a magistrates'” substitute “ family ”.
- (16) In section 48(3) (rules of court relating to maintenance orders)—
- (a) in the words before paragraph (a) for “magistrates' courts,” substitute “the family court, the power to make rules of court for magistrates' courts in Northern Ireland,”,
 - (b) in paragraphs (a) and (g) after “purposes of” insert “ the family court or ”, and
 - (c) in paragraphs (f) and (h) after “which” insert “ the family court or ”.
- (17) In section 50 (interpretation) in the definition of “court of law”—
- (a) after paragraph (a) insert—

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- “(aa) in England and Wales, the Court of Appeal, the High Court, the Crown Court, the family court, the county court and a magistrates' court,”, and
- (b) in paragraph (b) omit “England and Wales or”.

Matrimonial and Family Proceedings Act 1984 (c. 42)

- 87 The Matrimonial and Family Proceedings Act 1984 is amended as follows.
- 88 In section 27 (interpretation of Part 3: financial relief in England and Wales after overseas divorce etc) in the definition of “the court” for the words after “High Court or” substitute “ the family court ”.
- 89 In section 32 (meaning of “family business” etc) omit the definitions of “civil partnership cause” and “the 1973 Act”.
- 90 Sections 33 to 36D (jurisdiction of county court in matrimonial causes and civil partnership causes) are repealed.
- 91 In section 37 (directions as to distribution and transfer of family business and proceedings between the High Court and county court) for “county courts” substitute “ the family court ”.
- 92 (1) Section 38 (transfer of family proceedings from High Court to county court) is amended as follows.
- (2) In subsection (1) (High Court's power to transfer proceedings) for “a county court” substitute “ the family court. ”
- (3) In subsection (2) (proceedings which are transferable under the section)—
- (a) in the words before paragraph (a), for “to a county court” substitute “ to the family court ”,
- (b) in paragraph (a) (proceedings commenced in High Court that are within jurisdiction of county court) for the words after “jurisdiction of” substitute “ the family court ”, and
- (c) in paragraph (c) (certain proceedings transferred to the High Court) omit the words from “from” to “county court”.
- (4) Omit subsections (3) to (3B) (identifying county court to which transfer to be made).
- (5) In subsection (5) (transferee court has jurisdiction), in the words before paragraph (a), for the words after “to” substitute “ the family court under this section, the family court— ”.
- (6) In the heading omit “to county court”.
- 93 (1) Section 39 (transfer of family proceedings to High Court from county court) is amended as follows.
- (2) In subsection (1) (power to transfer) for “a county court, the county court may,” substitute “ the family court, the family court may, ”.
- (3) In subsection (2) (proceedings which are transferable under the section) for paragraphs (a) and (b) substitute—
- “(a) all family proceedings commenced in the family court which are within the jurisdiction of the High Court, and

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(b) all family proceedings transferred from the High Court under section 38 above.”

(4) In the heading omit “from county court”.

94 Section 42 (county court proceedings in principal registry of Family Division) is repealed.

Family Law Act 1986 (c. 55)

95 The Family Law Act 1986 is amended as follows.

96 In section 55(1) (application for declaration as to marital status may be made to High Court or county court) for “a county court” substitute “ the family court ”.

97 In section 55A(1) (application for declaration of parentage may be made to High Court, county court or magistrates' court) for “, a county court or a magistrates' court” substitute “ or the family court ”.

98 (1) Section 56 (declarations of legitimacy or legitimation) is amended as follows.

(2) In subsection (1) (application for declaration of legitimacy may be made to High Court or county court) for “a county court” substitute “ the family court ”.

(3) In subsection (2) (application for declaration of legitimation may be made to High Court or county court) for “a county court” substitute “ the family court ”.

99 In section 57(1) (application for declaration as to adoption effected overseas may be made to High Court or county court) for “a county court” substitute “ the family court ”.

100 Omit section 60(5) (appeals in relation to magistrates' courts declarations under section 55A).

Matrimonial Proceedings (Transfers) Act 1988 (c. 18)

101 In section 1(1) of the Matrimonial Proceedings (Transfers) Act 1988 (which modifies section 38 of the Matrimonial and Family Proceedings Act 1984 (“the 1984 Act”)), in the paragraph (d) to have effect as if inserted into section 38(2) of the 1984 Act, after “from” insert “ the family court or ”.

Children Act 1989 (c. 41)

102 The Children Act 1989 is amended as follows.

103 Omit section 11J(13) (section 11J is without prejudice to section 63(3) of the Magistrates' Courts Act 1980 as it applies in relation to contact orders).

104 In section 14(1) (enforcement of residence orders in magistrates' courts) omit “under section 63(3) of the Magistrates' Courts Act 1980”.

105 Omit section 15(2) (disapplication of powers of magistrates' courts in relation to maintenance orders).

106 In section 38B(4) (court's power to accept undertaking relating to interim care order is without prejudice to other powers of High Court and county court) for “county court” substitute “ family court ”.

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- 107 In section 44B(4) (court's power to accept undertaking relating to emergency protection order is without prejudice to other powers of High Court and county court) for “county court” substitute “ family court ”.
- 108 In section 83(5) (direction to obtain information for research purposes) for “the designated officer for each magistrates' court to which the direction is expressed to relate” substitute “ an officer of the family court ”.
- 109 (1) Section 92 (jurisdiction of courts) is amended as follows.
- (2) Omit subsections (1) to (5) (which relate to family proceedings in magistrates' courts).
- (3) Omit subsection (6) (which introduces Part 1 of Schedule 11).
- (4) In subsection (7) (meaning of “the court”) for “the High Court, a county court or a magistrates' court” substitute “ the High Court or the family court ”.
- (5) In subsection (8) (which qualifies subsection (7)) omit the words from “the provision” to “Schedule 11 and to”.
- (6) Omit subsections (9) to (10A) (Lord Chancellor's power by order to provide for principal registry of Family Division of High Court to be treated as a county court for specified purposes).
- 110 In section 93(2) omit paragraphs (d), (f), (g), (i) and (j) (rules of court: magistrates' courts).
- 111 Section 94 (appeals) is repealed.
- 112 Schedule 1 (financial provision for children) is amended as follows.
- 113 In paragraph 1(1) (financial provision for children: orders against parents)—
- (a) for “may—” substitute “ may make one or more of the orders mentioned in sub-paragraph (2). ”, and
- (b) omit paragraphs (a) and (b).
- 114 In paragraph 5 (provisions relating to lump sums), omit sub-paragraphs (2) and (4) (limits on amounts which may be ordered by magistrates' courts).
- 115 (1) Paragraph 6A (variation etc of orders for periodical payments) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) for “a magistrates” substitute “ the family ”, and
- (b) for “sub-paragraphs (7) and (8)” substitute “ sub-paragraph (7) ”.
- (3) In sub-paragraphs (1) and (7) (making provision as to payment when exercising power to vary) for “paragraphs (a) to (d) of section 59(3) of the Magistrates' Courts Act 1980” substitute “ section 1(4) and (4A) of the Maintenance Enforcement Act 1991 ”.
- (4) Omit sub-paragraphs (2) to (5) and (10) (power of justices' clerk to vary order).
- (5) In sub-paragraph (6) (power to require account to be opened)—
- (a) for “Subsection (4) of section 59 of the Magistrates' Courts Act 1980” substitute “ Subsection (6) of section 1 of the Maintenance Enforcement Act 1991 ”, and
- (b) for “sub-paragraphs (1) and (5)” substitute “ sub-paragraph (1) ”.

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	(6) Omit sub-paragraph (8) (duty to exercise powers in particular way).
	(7) In sub-paragraph (9) (powers under paragraph only exercisable if payer resident in England and Wales)—
	(a) omit “, or of a justices' clerk,” and
	(b) for the words from “which” to end substitute “ unless at the time when the order was made the person required to make the payments was ordinarily resident in England and Wales. ”
116	Omit paragraph 10(6) (limits on powers of magistrates' courts to deal with applications for alteration of maintenance agreements).
117	In paragraph 11 (alteration of maintenance agreement after death of one of the parties)—
	(a) in sub-paragraph (1) (application to be made to High Court or county court) for “a county court” substitute “ the family court ”,
	(b) in sub-paragraph (3) (power of High Court and county court to extend time limit for application) for “a county court” substitute “ the family court ”, and
	(c) omit sub-paragraph (5) (limits on jurisdiction of county court).
118	In paragraph 12 (enforcement of orders for maintenance)—
	(a) in sub-paragraph (1) (person obliged to make maintenance payments to give notice of change of address to person specified in magistrates' court order) for “a magistrates' court” substitute “ the family court ”, and
	(b) omit sub-paragraph (3) (enforcement of orders made by magistrates' courts).
119	In paragraph 13 (High Court or county court may order settlement of instrument by conveyancing counsel) for “a county court” substitute “ the family court ”.
120	Omit paragraph 24(1) of Schedule 2 (enforcement of contribution orders made by magistrates' courts).
121	Omit Part 1 of Schedule 11 (jurisdiction).
	<i>Child Support Act 1991 (c. 48)</i>
122	The Child Support Act 1991 is amended as follows.
123	In section 10(5) (magistrates' court rules: statements as to maintenance assessments)—
	(a) for “may be made under section 144 of the Magistrates' Courts Act 1980 (rules of procedure) requiring” substitute “ of court may require ”, and
	(b) for “a magistrates' court” substitute “ the family court ”.
124	In section 32L(10) (orders preventing avoidance: interpretation), in paragraph (a) of the definition of “the court”, after “High Court” insert “ or the family court ”.
125	In section 45(2)(a) (power of Lord Chancellor to provide for certain appeals to be made to a court: meaning of “court”) for the words after “England and Wales” substitute “ , the High Court or the family court; and ”.
126	In section 48(1) (rights of audience for authorised officer of Commission) after “before” insert “ the family court or ”.

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Criminal Justice Act 1991 (c. 53)

- 127 In section 60(3) of the Criminal Justice Act 1991 (applications under section 25 of Children Act 1989 in certain cases) for “92(2) of that Act or section 65 of the 1980” substitute “ 92(7) of that ”.

Social Security Administration Act 1992 (c. 5)

- 128 (1) In section 106 of the Social Security Administration Act 1992 (recovery of expenditure on benefit from person liable for maintenance)—
- (a) in subsections (1) and (2) for “a complaint” substitute “ an application ”,
 - (b) in subsection (1) (complaint by Secretary of State to magistrates' court) for “a magistrates' court” substitute “ the family court ”,
 - (c) in subsection (3) for “complaint” substitute “ application ”,
 - (d) omit subsection (5) (enforcement of orders made by magistrates' courts), and
 - (e) in subsection (6) (application to Scotland) for the words after “Scotland,” substitute “ for the references to the family court there shall be substituted references to the sheriff. ”
- (2) The amendments made by sub-paragraph (1) cease to have effect on the coming into force of the repeal of section 106 of the Social Security Administration Act 1992 by Schedule 7 to the Welfare Reform Act 2009.

Family Law Act 1996 (c. 27)

- 129 The Family Law Act 1996 is amended as follows.
- 130 In section 45(2)(c) (ex parte orders: prejudice resulting from delay in effecting service) for the words from “involved—” to “case,” substitute “ involved ”.
- 131 In section 46(5) (power to accept undertaking instead of making occupation or non-molestation order does not affect other powers of High Court and county court) for “the county court” substitute “ the family court ”.
- 132 In section 47 (arrest for breach of order)—
- (a) in subsection (11) (which introduces Schedule 5) for “a county court” substitute “ the family court ”, and
 - (b) in subsection (12) (requirements to prevent person granted bail, following alleged breach of order, from interfering with witnesses etc) omit “(whether in the High Court or a county court under Schedule 5 or in a magistrates' court under section 128 or 129 of the Magistrates' Courts Act 1980)”.
- 133 Section 50 (power of magistrates' court to suspend execution of a committal order) is repealed.
- 134 Section 51 (power of magistrates' court to order hospital admission or guardianship) is repealed.
- 135 (1) Section 57 (jurisdiction of courts under Part 4) is amended as follows.
- (2) In subsection (1) (default meaning of “the court”) for “the High Court, a county court or a magistrates' court” substitute “ the High Court or the family court ”.
 - (3) Omit subsections (2) to (12) (jurisdiction: Lord Chancellor's powers).

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- 136 Section 59 (jurisdiction of magistrates' courts under Part 4) is repealed.
- 137 Section 61 (appeals) is repealed.
- 138 In section 63(1) (interpretation of Part 4), in the definition of “the relevant judicial authority”, for paragraphs (b) and (c) substitute—
“(aa) where the order was made by the family court, a judge of that court.”
- 139 (1) Section 63M (jurisdiction of courts under Part 4A) is amended as follows.
(2) In subsection (1) (default meaning of “the court”) for “a county court” substitute “the family court ”.
(3) Omit subsections (2) to (4) (application of section 57(3) to (12) with modification).
- 140 Section 63N (power to extend jurisdiction to magistrates' courts) is repealed.
- 141 Section 63P (appeals: Part 4A) is repealed.
- 142 In section 63S (interpretation of Part 4A) in the definition of “the relevant judge”, in paragraph (b) for the words after “where the order was made by” substitute “the family court, a judge of that court. ”
- 143 In section 65 (rules, regulations and orders)—
(a) in subsection (3) omit “, 63N”, and
(b) in subsection (4) omit “or 63N”.
- 144 (1) Paragraph 1 of Schedule 5 (powers to remand: meaning of “the court”) is amended as follows.
(2) In the words before paragraph (a) for “a county court” substitute “the family court ”.
(3) In paragraph (b) for the words after “in relation to” substitute “the family court, a judge of that court. ”
- 145 In paragraph 1 of Schedule 7 (transfer of certain tenancies on divorce etc or on separation of cohabitants: interpretation) for the definition of “the court” substitute—
““the court” means the High Court or the family court.”.

Crime and Disorder Act 1998 (c. 37)

- 146 The Crime and Disorder Act 1998 is amended as follows.
- 147 (1) Section 11 (child safety orders) is amended as follows.
(2) In subsection (1) (application to magistrates' court for child safety order) for “a magistrates' court” substitute “the family court ”.
(3) In subsection (6) (proceedings for child safety order to be family proceedings for the purposes of certain enactments) omit “or section 65 of the Magistrates' Courts Act 1980 (“the 1980 Act”)”.
- 148 (1) Section 12 (child safety orders: supplemental) is amended as follows.
(2) In subsection (1) (information to be obtained by magistrates' court before making child safety order) for “a magistrates' court” substitute “the family court ”.

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- (3) In subsection (2) (explanation to be given by magistrates' court to parent or guardian) for “a magistrates' court” substitute “ the family court ”.
- (4) In subsection (6) (powers of magistrates' court where child has failed to comply with child safety order) omit “or another magistrates' court acting in the same local justice area”.

149 Omit section 13 (appeals to county court against child safety orders).

150 In section 13B(7) (parental compensation orders: offence) for “the 1980 Act” substitute “the Magistrates' Courts Act 1980 (“the 1980 Act”)”.

Adoption and Children Act 2002

151 The Adoption and Children Act 2002 is amended as follows.

152 In section 13 (information concerning adoption)—

(a) in subsection (2) (court officers who are to provide information) for paragraphs (a) and (b) substitute—

“(aa) the relevant officer of the family court, and”

(b) in subsection (3) (meaning of “relevant officer” in relation to county court and High Court) for “a county” substitute “ the family ”.

153 Omit section 55(2) (revocation of adoptions on legitimation: interpretation in relation to magistrates' courts).

154 In section 60 (disclosure of information to adopted adult)—

(a) in subsection (2)(a) (High Court power by order to prohibit disclosure) after “High Court” insert “ or family court ”,

(b) in subsection (3) (supplementary provision about orders under subsection (2)(a)) after “High Court” insert “ or family court ”.

155 In section 92(1) (steps which may not be taken except by an adoption agency or in pursuance of High Court order) after “High Court” insert “ or the family court ”.

156 In section 95(1)(d) (offences relating to payment for steps taken in contravention of section 92(1)) after “High Court” insert “ or family court ”.

157 In section 101(1) (proceedings in High Court or county court may be heard in private) for “a County Court” substitute “ the family court ”.

158 Omit section 141(5) (rules of procedure: magistrates' courts).

159 In section 144(1) (interpretation), for the definition of “court” substitute—

““court” means the High Court or the family court,”

Gender Recognition Act 2004 (c. 7)

160 In section 8 of the Gender Recognition Act 2004 (appeals against decision of Gender Recognition Panel etc) in subsections (1) and (5) after “High Court” insert “ , family court ”.

Civil Partnership Act 2004 (c. 33)

161 The Civil Partnership Act 2004 is amended as follows.

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- 162 For section 37(4)(b) (in Chapter 2 of Part 2 “the court” includes certain county courts) substitute—
“(b) the family court.”
- 163 In section 46(5)(a) (periods which may be treated for the purposes of section 44(5)(d) as periods during which respondent has deserted applicant) for “or a county court” substitute “, the family court or the county court ”.
- 164 In section 58 (application for declaration may be made to High Court or county court) for “a county court” substitute “ the family court ”.
- 165 (1) Section 66 (disputes between civil partners about property) is amended as follows.
(2) For subsection (1)(b) (application may be made to county court prescribed by rules of court) substitute—
“(b) the family court.”
(3) Omit subsection (3) (no limits on jurisdiction of county court under subsection (2)).
- 166 For section 220(b) (in sections 221 to 224 “the court” includes certain county courts) substitute—
“(b) the family court.”
- 167 (1) Part 2 of Schedule 1 (special provisions about civil partnerships which are prohibited unless paragraph 2(1) conditions are met) is amended as follows.
(2) In paragraph 6(2) (civil partnership schedule not to be issued if alleged that paragraph 2(1) conditions not met, unless High Court declaration obtained under paragraph 7) omit “High Court”.
(3) In paragraph 7 (application to High Court for declaration) after “High Court” insert “ or the family court ”.
- 168 (1) Paragraph 15 of Schedule 2 (civil partnership of persons aged 16 or 17: meaning of “the court” and provision about rules of court) is amended as follows.
(2) In sub-paragraph (1) (“the court” includes certain county courts and magistrates' courts)—
(a) after paragraph (a) insert “ or ”, and
(b) for paragraphs (b) and (c) substitute—
“(c) the family court.”
(3) In sub-paragraph (2) (rules of court)—
(a) omit paragraph (b), and
(b) in paragraph (c) for “a magistrates' court” substitute “ the family court ”.
- 169 Schedule 5 (financial relief in the High Court or a county court etc) is amended as follows.
- 170 In paragraph 63(2) (payment of certain arrears under certain orders unenforceable without leave of the court) for “any county court” substitute “ the family court ”.
- 171 (1) Paragraph 64 (orders for repayment in certain cases of sums paid under certain orders) is amended as follows.
(2) In sub-paragraph (7) (application may be made in certain proceedings, or to county court) for “a county court”, in each place, substitute “ the family court ”.

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	(3) Omit sub-paragraph (8) (no limits on jurisdiction of county court under sub-paragraph (7)).
172	(1) Paragraph 65 (orders for repayment in certain cases of sums paid after cessation of order by reason of formation of subsequent civil partnership or marriage) is amended as follows.
	(2) In sub-paragraph (6) (application may be made in certain proceedings, or to county court) for “a county court”, in each place, substitute “ the family court ”.
	(3) Omit sub-paragraph (7) (no limits on jurisdiction of county court under sub-paragraph (6)).
	(4) In sub-paragraph (8)(a) (liability of court officers in respect of orders for periodical payments)—
	(a) for “the designated officer for a magistrates' court to whom any payments under a payments order are required to be made” substitute “ an officer of the family court ”, and
	(b) for “in pursuance of the payments order” substitute “ , in pursuance of a payments order requiring payments to be made to the court or an officer of the court, ”.
	(5) In sub-paragraph (10) (interpretation) for paragraphs (b) and (c) substitute “or
	(aa) the officer of the family court,”.
173	In paragraph 69 (alteration of maintenance agreements where both parties are living)—
	(a) in sub-paragraph (1) (courts to which application for alteration may be made) omit “or, subject to sub-paragraph (6), to a magistrates court”, and
	(b) in sub-paragraph (6) (power to make order for alteration is subject to paragraphs 70 and 71) for “paragraphs 70 and” substitute “ paragraph ”.
174	Omit paragraph 70 (limits on powers of magistrates' court to deal with applications for alterations).
175	In paragraph 73 (alterations of maintenance agreements after death of one party) —
	(a) in sub-paragraph (2) (application for alteration may be made to High Court or county court) omit the words from “High” to “county”, and
	(b) in sub-paragraph (4) (court's permission needed to make late application) omit the words from “High” to “county”.
176	For paragraph 80(3)(b) (in Schedule 5 “the court” includes certain county courts) substitute—
	“(b) the family court.”
177	For the Schedule title substitute “ Financial relief: provision corresponding to provision made by Part 2 of the Matrimonial Causes Act 1973 ”.
178	Schedule 6 (financial relief in magistrates' courts etc) is amended as follows.
179	In paragraph 1(1) (grounds of application to magistrates' court for order for financial provision) for “a magistrates' court” substitute “ the family court ”.
180	Omit paragraph 8 (refusal of order in case more suitable for High Court).

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- 181 In paragraph 9(1) (application for order for payments agreed between parties to a civil partnership) for “a magistrates' court” substitute “ the family court ”.
- 182 In paragraph 15(1) (powers of court where parties living apart by agreement) for “a magistrates' court” substitute “ the family court ”.
- 183 (1) Paragraph 20 (circumstances in which interim orders may be made) is amended as follows.
- (2) In sub-paragraph (2) (circumstances in which magistrates' court may make order)—
- (a) for “A magistrates' court” substitute “ The family court ”, and
- (b) omit paragraph (b) (interim order may be made on refusal of order on grounds that case more suitable for High Court) and the “or” preceding it.
- (3) Omit sub-paragraph (3) (circumstances in which High Court may make interim order).
- 184 Omit paragraph 23 (interim orders: payments which can be treated as having been paid on account).
- 185 (1) Paragraph 24 (when interim order ceases to have effect) is amended as follows.
- (2) In sub-paragraph (1)(c) (interim order ceases to have effect on final order of magistrates' court or dismissal of application) for “a magistrates' court” substitute “ the family court ”.
- (3) In sub-paragraph (2) (interim order may be continued in force by order of court)—
- (a) in paragraph (a) for “the magistrates' court which made the order, or” substitute “ the family court, ”, and
- (b) omit paragraph (b).
- 186 Omit paragraph 25(1) (interim order of High Court on ordering rehearing by magistrates' court to be treated, for certain purposes, as an order of that magistrates' court).
- 187 In paragraph 29(6) (magistrates' court's power to determine date on which order ceased to have effect because the parties were living together) for “a magistrates' court” substitute “ the family court ”.
- 188 In paragraph 30 (variation, revocation, suspension and revival of orders for periodical payments) in each of sub-paragraphs (1) and (2) for “a magistrates' court” substitute “ the family court ”.
- 189 In paragraph 31 (power to order lump sum on variation) in each of sub-paragraphs (1) and (2) for “a magistrates' court” substitute “ the family court ”.
- 190 In paragraph 35(1) (powers exercisable on varying an order) for “59(3)(a) to (d) of the Magistrates' Courts Act 1980 (c. 43)” substitute “1(4) and (4A) of the Maintenance Enforcement Act 1991”.
- 191 Omit paragraph 36 (variation by justices' clerk).
- 192 In paragraph 37 (exercise of powers)—
- (a) in sub-paragraph (1) for “59(3)(a) to (d) of the 1980” substitute “ 1(4) and (4A) of the 1991 ”, and
- (b) omit sub-paragraph (2).
- 193 In paragraph 38 (further provision about exercise of powers)—
- (a) in sub-paragraph (1)—

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	<ul style="list-style-type: none"> (i) for “59(4) of the 1980” substitute “ 1(6) of the 1991 ”, (ii) for “paragraphs 35 and 36(4)” substitute “ paragraph 35 ”, and (iii) for “59” substitute “ 1 of the 1991 Act ”, and
	<ul style="list-style-type: none"> (b) in sub-paragraph (2)— <ul style="list-style-type: none"> (i) omit “, or of a justices' clerk,”, and (ii) for the words from “which” to the end substitute “ unless, at the time when the order was made, the person required to make the payments was ordinarily resident in England and Wales. ”
194	In paragraph 39 (who may make application) for “, 31 or 36” substitute “ or 31 ”.
195	In paragraph 40(1) (application by child for revival of periodical payments order) in the words before paragraph (a), for “a magistrates' court” substitute “ the family court ”.
196	Omit paragraphs 41 and 42 (variation by, and other powers of, a magistrates' court).
197	<ul style="list-style-type: none"> (1) Paragraph 44 (orders for repayment in certain cases of sums paid after cessation of order by reason of formation of subsequent civil partnership or marriage) is amended as follows. (2) In sub-paragraph (4) (court's power to order repayment or partial repayment, or to dismiss application) for “the court” substitute “ the family court ”. (3) In sub-paragraph (6) (application may be made in enforcement proceedings, or to county court)— <ul style="list-style-type: none"> (a) after “may” insert “ (but need not) ”, (b) omit “in the High Court or a county court”, and (c) omit the words after paragraph (a) (including the “but” at the end of that paragraph). (4) Omit sub-paragraph (7) (no limits on jurisdiction of county court under sub-paragraph (6)). (5) In sub-paragraph (8) (liability of court officers)— <ul style="list-style-type: none"> (a) in paragraph (a)— <ul style="list-style-type: none"> (i) for “the designated officer for a magistrates' court to whom any payments under an order made under paragraph 2(1)(a), or Part 2 or 3, are required to be made” substitute “ an officer of the family court ”, and (ii) for “in pursuance of the order” substitute “ , in pursuance of an order under paragraph 2(1)(a), or Part 2 or 3, requiring payments to be made to the court or an officer of the court, ”, and (b) in paragraph (b)— <ul style="list-style-type: none"> (i) for “the order” substitute “ an order ”, and (ii) for “after that date” substitute “ , after the date on which that order ceased to have effect because of the formation of a subsequent civil partnership or marriage by the person entitled to payments under it, ”.
198	In paragraph 46 (application of certain provisions of the Domestic Proceedings and Magistrates' Court Act 1978)—

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- (a) in paragraph (a) (powers of the High Court and a county court in relation to certain orders) for “a county court” substitute “ the family court ”, and
(b) omit paragraphs (b) and (c) (appeals and constitution of courts).
- 199 (1) Paragraph 47 (jurisdiction and procedure) is amended as follows.
- (2) Omit sub-paragraph (1) (limits on powers of magistrates' courts to deal with applications for orders under Schedule 6).
- (3) In sub-paragraph (1A) (jurisdiction of magistrates' courts where jurisdiction to be determined by reference to the Maintenance Regulation etc) for “a magistrates' court” substitute “ the family court ”.
- (4) In sub-paragraph (2) (jurisdiction of magistrates' court exercisable notwithstanding that a party is not domiciled in England and Wales) for “a magistrates' court” substitute “ the family court ”.
- 200 For the Schedule title substitute “Financial relief: provision corresponding to provision made by the Domestic Proceedings and Magistrates' Courts Act 1978”.
- 201 In Schedule 7, in the definition of “the court” in paragraph 19 (in Schedule 7 “the court” includes certain county courts) for the words after “High Court” substitute “ or the family court ”.
- Childcare Act 2006 (c. 21)*
- 202 The Childcare Act 2006 is amended as follows.
- 203 In section 72 (protection of children in an emergency)—
- (a) in subsection (1) (application to justice of the peace for emergency order) for “a justice of the peace” substitute “ the family court ”, and
(b) in subsection (2) (grounds for granting application for emergency order) for “the justice”, in both places, substitute “ the court ”.
- 204 In section 79 (power of constable to assist in exercise of powers of entry)—
- (a) omit subsection (4) (which applies Schedule 11 to the Children Act 1989 to proceedings under section 79), and
(b) in subsection (5) (meaning of “the court”) for the words after “High Court” substitute “ or the family court ”.
- 205 In section 98F (power of constable to assist in exercise of powers of entry)—
- (a) omit subsection (5) (which applies Schedule 11 to the Children Act 1989 to proceedings under section 98F), and
(b) for subsection (6) (meaning of “the court”) substitute—
- “(6) In this section “court” means the High Court or the family court.”
- Human Fertilisation and Embryology Act 2008 (c. 22)*
- 206 In section 54(9)(a) of the Human Fertilisation and Embryology Act 2008 (parental orders: application of the Children Act 1989) for the words after “England and Wales” substitute “—
- (i) the court” means the High Court or the family court, and

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(ii) proceedings on the application are to be “family proceedings” for the purposes of the Children Act 1989.”.

Children and Families (Wales) Measure 2010 (nawm 1)

- 207 The Children and Families (Wales) Measure 2010 is amended as follows.
- 208 In section 34 (protection of children in an emergency)—
- (a) in subsection (1) (application to justice of the peace for emergency order) for “a justice of the peace” substitute “ the family court ”, and
 - (b) In subsection (2) (grounds for granting application for emergency order) for “the justice”, in both places, substitute “ the court ”.
- 209 In section 43 (power of constable to assist in exercise of powers of entry)—
- (a) omit subsection (4) (which applies Schedule 11 to the Children Act 1989 to proceedings under section 43), and
 - (b) in subsection (5) (meaning of “the court”) for the words after “High Court” substitute “ or the family court ”.

PART 2

REPEALS AND REVOCATIONS IN CONSEQUENCE OF PART 1 OF THIS SCHEDULE

- 210 The provisions specified in the table are repealed or revoked to the extent shown.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Family Law Reform Act 1969 (c. 46)	Section 2(2).
Inheritance (Provision for Family and Dependants) Act 1975 (c. 63)	Section 26(1).
Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)	In Schedule 2, paragraph 9.
Magistrates' Courts Act 1980 (c. 43)	In Schedule 7, paragraphs 105, 109, 163 and 164.
Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))	In Schedule 6, paragraphs 21 and 25.
Matrimonial and Family Proceedings Act 1984 (c. 42)	In Schedule 1, paragraphs 16 and 26.
Family Law Act 1986 (c. 55)	In Schedule 1, paragraph 24.
Family Law Reform Act 1987 (c. 42)	In Schedule 2, paragraphs 13, 45, 50, 70 and 89(2).
Children Act 1989 (c. 41)	In Schedule 13, paragraph 42.

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Courts and Legal Services Act 1990 (c. 41)	Section 74(7). In Schedule 16, paragraph 23.
Maintenance Enforcement Act 1991 (c. 17)	In Schedule 1, paragraphs 3, 13, 14, 18 and 21. In Schedule 2, paragraphs 3 and 10.
Child Support Act 1991 (c. 48)	Section 45(3) to (5).
Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56)	In Schedule 1, paragraphs 2(7), 7, 9 and 15.
Child Support Act 1991 (Consequential Amendments) Order 1994 (S.I. 1994/731)	Article 4.
Access to Justice Act 1999 (c. 22)	In Schedule 13, paragraphs 73(1) to (3), 79 and 80.
Child Support, Pensions and Social Security Act 2000 (c. 19)	Section 83(4). In Schedule 8, paragraph 10.
Adoption and Children Act 2002 (c. 38)	Section 100. In Schedule 3, paragraph 75.
Courts Act 2003 (c. 39)	In Schedule 8, paragraphs 69, 85, 88 to 90, 92(2), 151 to 153, 154(a), 155(2)(a), 157, 158(a), 159 to 163, 169, 170, 193, 194, 195(2), 196(2), 268, 269, 336, 338 and 412.
Civil Partnership Act 2004 (c. 33)	In Schedule 27, paragraphs 91 to 94 and 96.
Constitutional Reform Act 2005 (c. 4)	In Schedule 4, paragraphs 171 to 174, 205, 206, 210, 253 and 254.
Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886)	In the Schedule, paragraph 57.
Civil Partnership (Family Proceedings and Housing Consequential Amendments) Order 2005 (S.I. 2005/3336)	Article 3.
Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No 2) Order 2006 (S.I. 2006/1016)	In Schedule 1, paragraphs 6 and 7.
Forced Marriage (Civil Protection) Act 2007 (c. 20)	In section 1, the sections 63N and 63P to be inserted into the Family Law Act 1996. In Schedule 2, paragraph 3(3).
Access to Justice Act 1999 (Destination of Appeals)	Article 3(2)(b) to (e) and (3). Articles 5 to 8.

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(Family Proceedings) Order Article 9(3).
 2009 (S.I. 2009/871)

Civil Jurisdiction and In Schedule 7, paragraph 8.
 Judgments (Maintenance)
 Regulations 2011 (S.I.
 2011/1484)

VALID FROM 01/06/2015

SCHEDULE 12

Section 18

GANG-RELATED INJUNCTIONS: FURTHER AMENDMENTS

1 Part 4 of the Policing and Crime Act 2009 (injunctions to prevent gang-related violence) is amended as follows.

2 After section 46A insert—

“Appeals

46B Appeals against decisions of youth courts

(1) An appeal lies to the Crown Court against a decision of a youth court made under this Part.

(2) On an appeal under this section the Crown Court may make—

- (a) whatever orders are necessary to give effect to its determination of the appeal;
- (b) whatever incidental or consequential orders appear to it to be just.

(3) An order of the Crown Court made on an appeal under this section (other than one directing that an application be re-heard by a youth court) is to be treated for the purposes of section 42 as an order of a youth court.”

3 In section 48 (rules of court in relation to injunctions under Part 4)—

- (a) in subsection (2) (rules of court may provide for appeal without notice) omit “of the High Court or county court”, and
- (b) in subsection (3) (decisions to which subsection (2) applies) for “applies to a decision” substitute “applies—
 - (a) to a decision under section 39(4)(a) that an application without notice be dismissed, and
 - (b) to a decision”.

4 In section 49(1) (interpretation of Part 4) after the definition of “court” insert—

““judge”, in relation to a youth court, means a person qualified to sit as a member of that court;”.

5 In paragraph 1(2) of Schedule 5 (courts' powers to remand person suspected of breaching injunction: meaning of “the court”)—

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	<ul style="list-style-type: none">(a) for “High Court or” substitute “ High Court, ”,(b) before “and includes” insert “ or a youth court ”,(c) omit the “and” following paragraph (a), and(d) at the end of paragraph (b) insert “, and (c) in relation to a youth court, a judge of that court.”
6	Schedule 5A (breach of injunction: powers of court in respect of under-18s) is amended as follows.
7	(1) Paragraph 1 (power to make supervision order or detention order) is amended as follows. (2) In sub-paragraph (1) (pre-conditions for making of supervision order or detention order)— <ul style="list-style-type: none">(a) in paragraph (a) for “is” substitute “ has been ”,(b) before the “and” after paragraph (a) insert—<ul style="list-style-type: none">“(aa) the person is still under the age of 18,”,(c) in paragraph (b) for “the court” substitute “ a youth court ”, and(d) in the words following paragraph (b) for “the court” substitute “ that court ”.
	(3) Omit sub-paragraph (3) (power to grant supervision order or detention order is in addition to any other power of the court in relation to breach of injunction).
	(4) In sub-paragraph (9) (interpretation of Schedule 5A) omit the definition of “appropriate court”.
8	In paragraph 4(11) (appropriate court may amend activity requirement in supervision order) for “the appropriate” substitute “ a youth ”.
9	In paragraph 5(5) (appropriate court may amend curfew requirement in supervision order) for “the appropriate” substitute “ a youth ”.
10	In paragraph 6(7) (appropriate court may amend electronic monitoring requirement in supervision order) for “the appropriate” substitute “ a youth ”.
11	In paragraph 8 (amendment of operative period of supervision order)— <ul style="list-style-type: none">(a) in sub-paragraph (1) (appropriate court may amend operative period) for “The appropriate” substitute “ A youth ”, and(b) in sub-paragraph (2) (court may make other amendments when amending operative period) for “The court may,” substitute “ A youth court may, ”.
12	In paragraph 9(1) (change of area of residence of person subject to supervision order) for “the appropriate” substitute “ a youth ”.
13	In paragraph 10(1) and (4) (application for revocation of supervision order to be made to appropriate court, and any further such application requires that court’s consent) for “the appropriate” substitute “ a youth ”.
14	In paragraph 12 (non-compliance with supervision order)— <ul style="list-style-type: none">(a) in sub-paragraph (2) (injunction applicant may apply to appropriate court on being informed of non-compliance) for “the appropriate” substitute “ a youth ”,(b) omit sub-paragraph (5) (no power to make further order if defaulter is aged 18 or over), and

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15	<p>(c) omit sub-paragraph (6) (powers to revoke supervision order etc are in addition to any other powers of court in relation to breach of supervision order).</p> <p>In paragraph 15(1) and (4) (application for revocation of detention order to be made to appropriate court, and any further such application requires that court's consent) for “the appropriate” substitute “ a youth ”.</p>
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SCHEDULE 13

Section 20

JUDICIAL APPOINTMENTS

VALID FROM 01/10/2013

PART 1

JUDGES OF THE SUPREME COURT: NUMBER AND SELECTION

Introductory

1	<p>The Constitutional Reform Act 2005 is amended as follows.</p> <p><i>Number of judges to become maximum full-time equivalent number</i></p>
2	<p>(1) Section 23 (establishment of the Supreme Court) is amended as follows.</p> <p>(2) In subsection (2) (Supreme Court consists of 12 judges)—</p> <p style="padding-left: 20px;">(a) for “12 judges appointed” substitute “ the persons appointed as its judges ”, and</p> <p style="padding-left: 20px;">(b) after “by letters patent” insert “ , but no appointment may cause the full-time equivalent number of judges of the Court at any time to be more than 12 ”.</p> <p>(3) In subsection (3) (power to increase number of members of the Court) before “number” insert “ maximum full-time equivalent ”.</p> <p>(4) In subsection (7) (Court is duly constituted despite vacancy in membership or presiding offices) omit “among the judges of the Court or”.</p> <p>(5) After that subsection insert—</p> <p style="padding-left: 40px;">“(8) For the purposes of this section, the full-time equivalent number of judges of the Court is to be calculated by taking the number of full-time judges and adding, for each judge who is not a full-time judge, such fraction as is reasonable.”</p>
3	<p>(1) Section 26 (selection of members of the Supreme Court) is amended as follows.</p> <p>(2) In subsection (5) (Lord Chancellor to convene selection commission to fill any vacancy among the members, or in the presiding offices, of the Court) for “one of</p>

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the offices mentioned in subsection (1),” substitute “ the office of President of the Court or in the office of Deputy President of the Court, ”.

(3) After subsection (5) insert—

“(5A) If—

- (a) the full-time equivalent number of judges of the Court is less than the maximum specified in section 23(2), or it appears to the Lord Chancellor that the full-time equivalent number of judges of the Court will soon be less than that maximum, and
 - (b) the Lord Chancellor, or the senior judge of the Court, after consulting the other considers it desirable that a recommendation be made for an appointment to the office of judge of the Court,
- the Lord Chancellor must convene a selection commission for the selection of a person to be recommended.

(5B) In subsection (5A)(b) “the senior judge of the Court” means—

- (a) the President of the Court, or
- (b) if there is no President, the Deputy President, or
- (c) if there is no President and no Deputy President, the senior ordinary judge.”

Selection of persons to be recommended for appointment to the Court

4 (1) In section 27 (selection process) after subsection (1) insert—

“(1A) The commission must have an odd number of members not less than five.

(1B) The members of the commission must include—

- (a) at least one who is non-legally-qualified,
- (b) at least one judge of the Court,
- (c) at least one member of the Judicial Appointments Commission,
- (d) at least one member of the Judicial Appointments Board for Scotland, and
- (e) at least one member of the Northern Ireland Judicial Appointments Commission,

and more than one of the requirements may be met by the same person's membership of the commission.

(1C) If the commission is convened for the selection of a person to be recommended for appointment as President of the Court—

- (a) its members may not include the President of the Court, and
- (b) it is to be chaired by one of its non-legally-qualified members.

(1D) If the commission is convened for the selection of a person to be recommended for appointment as Deputy President of the Court, its members may not include the Deputy President of the Court.”

(2) At the end of that section insert—

“(11) For the purposes of this section a person is non-legally-qualified if the person—

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- (a) does not hold, and has never held, any of the offices listed in Schedule 1 to the House of Commons Disqualification Act 1975 (judicial offices disqualifying for membership of the House of Commons), and
- (b) is not practising or employed as a lawyer, and never has practised or been employed as a lawyer.”

5 After section 27 insert—

“27A Regulations about selection process

- (1) The Lord Chancellor must by regulations made with the agreement of the senior judge of the Supreme Court—
 - (a) make further provision about membership of selection commissions convened under section 26,
 - (b) make further provision about the process that is to be applied in any case where a selection commission is required to be convened under section 26, and
 - (c) secure that, in every such case, there will come a point in the process when a selection has to be accepted, either unconditionally or subject only to matters such as the selected person's willingness and availability, by or on behalf of the Lord Chancellor.
- (2) The regulations may in particular—
 - (a) provide for process additional to the selection process applied by a selection commission under section 27(1), including post-acceptance process;
 - (b) make provision as to things that are, or as to things that are not, to be done by a selection commission—
 - (i) as part of the selection process applied by it under section 27(1), or
 - (ii) in determining what that process is to be;
 - (c) provide for the Lord Chancellor to be entitled to require a selection commission to reconsider a selection under section 27(1) or any subsequent selection;
 - (d) provide for the Lord Chancellor to be entitled to reject a selection under section 27(1) or any subsequent selection;
 - (e) give other functions to the Lord Chancellor;
 - (f) provide for particular action to be taken by a selection commission after it has complied with section 27;
 - (g) provide for the dissolution of a selection commission;
 - (h) provide for section 16(2)(a) or (b) not to apply in relation to functions of the Lord Chief Justice—
 - (i) as a member of a selection commission (including functions of chairing a selection commission), or
 - (ii) in relation to the nomination or appointment of members of a selection commission;
 - (i) provide for a person to cease to be a member of a selection commission where a requirement about the commission's

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members ceases to be met by the person's membership of the commission;

- (j) provide for a person to become a member of a selection commission already convened where another person ceases to be a member of the commission or where a requirement about the commission's members ceases to be met by another person's membership of the commission;
 - (k) provide for payment to a member of a selection commission of amounts by way of allowances or expenses;
 - (l) make provision as to what amounts to practice or employment as a lawyer for the purposes of section 27(11)(b).
- (3) Before making regulations under this section the Lord Chancellor must consult—
- (a) the First Minister in Scotland,
 - (b) the Northern Ireland Judicial Appointments Commission,
 - (c) the First Minister for Wales,
 - (d) the Lord President of the Court of Session,
 - (e) the Lord Chief Justice of Northern Ireland, and
 - (f) the Lord Chief Justice of England and Wales.
- (4) Regulations under this section—
- (a) may make different provision for different purposes;
 - (b) may make transitory, transitional or saving provision.
- (5) In this section “the senior judge”, in relation to the Court, has the meaning given by section 26(5B).”

Lord Chancellor's guidance about selection process: procedure

6 After that section 27A insert—

“27B Selection guidance: supplementary

- (1) Before issuing any selection guidance the Lord Chancellor must—
 - (a) consult the senior judge of the Supreme Court;
 - (b) after doing so, lay a draft of the proposed guidance before each House of Parliament.
- (2) If the draft is approved by a resolution of each House of Parliament within the 40-day period the Lord Chancellor must issue the guidance in the form of the draft.
- (3) In any other case the Lord Chancellor must take no further steps in relation to the proposed guidance.
- (4) Subsection (3) does not prevent a new draft of the proposed guidance from being laid before each House of Parliament after consultation with the senior judge of the Court.
- (5) Selection guidance comes into force on such date as the Lord Chancellor may appoint by order.

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(6) Where selection guidance is in force, the Lord Chancellor may revoke the guidance only by—

- (a) new selection guidance issued in accordance with the previous provisions of this section, or
- (b) an order made after consulting the senior judge of the Court.

(7) In this section—

“40-day period” in relation to the draft of any proposed selection guidance means—

- (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later day, and
- (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,

no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days;

“the senior judge”, in relation to the Court, has the meaning given by section 26(5B);

“selection guidance” means guidance mentioned in section 27(9).”

Consequential amendments, repeals and revocations

7 (1) Omit—

- (a) section 27(2) and (3) and Parts 1 and 2 of Schedule 8 (selection commissions), and
- (b) sections 28 to 31 and 60(5) (detailed provision about selection process).

(2) In section 26(3)(a) (person whose name is notified under section 29 must be recommended for appointment) for “whose name is notified to him under section 29” substitute “ who is selected as a result of the convening of a selection commission under this section ”.

(3) For section 26(4) (person recommended for appointment as President or Deputy President must also be recommended for appointment as a judge if not already a judge of the Court) substitute—

“(4) Where a person who is not a judge of the Court is recommended for appointment as President or Deputy President, the recommendation must also recommend the person for appointment as a judge.”

(4) For section 26(7) (cases where duty to convene a selection commission is suspended) substitute—

“(7) Subsections (5) and (5A) are subject to Schedule 8 (cases where duty to convene a selection commission are suspended).

(7A) For the purposes of this section and Schedule 8, a person is selected as a result of the convening of a selection commission if the person's selection is the final outcome of—

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- (a) the selection process mentioned in section 27(1) being applied by the commission, and
 - (b) any process provided for by regulations under section 27A being applied in the particular case.”
- (5) In section 26(8) (application of sections 27 to 31) for “Sections 27 to 31 apply” substitute “ Section 27 applies ”.
- (6) In section 27(1)(a) (selection commission to determine selection process to be applied) after “applied” insert “ by it ”.
- (7) In section 27(4) (section 27(5) to (10) apply to selections under section 27 or 31) for “section 31” substitute “ regulations under section 27A ”.
- (8) In section 139(2)(a) (if confidential information is obtained for purposes of sections 26 to 31 it is not to be disclosed without lawful authority) for “to 31” substitute “ and 27 and regulations under section 27A ”.
- (9) In section 144(5) (subordinate legislation which may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament) before paragraph (a) insert—
“(za) regulations under section 27A;”
- (10) In section 144(6) (certain orders are not subject to parliamentary procedure)) after “an order under section” insert “ 27B(5), ”.
- (11) In paragraph 13(2) of Schedule 8 (end of suspension of duty to convene selection commission for office of Deputy President) for “the Lord Chancellor notifies a selection made by” substitute “ a person has been selected as a result of the convening of ”.
- (12) In paragraph 14(2) of that Schedule (end of suspension of duty to convene selection commission for office of judge) for “the Lord Chancellor notifies a selection made by” substitute “ a person has been selected as a result of the convening of ”.
- 8 In the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388) in Schedule 1 omit paragraph 110(a) and (b).

VALID FROM 15/07/2013

PART 2

DIVERSITY

Diversity considerations where candidates for judicial office are of equal merit

- 9 In section 27 of the Constitutional Reform Act 2005 (selection for appointment to Supreme Court to be on merit etc) after subsection (5) insert—
“(5A) Where two persons are of equal merit—
(a) section 159 of the Equality Act 2010 (positive action: recruitment etc) does not apply in relation to choosing between them, but

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- (b) Part 5 of that Act (public appointments etc) does not prevent the commission from preferring one of them over the other for the purpose of increasing diversity within the group of persons who are the judges of the Court.”
- 10 (1) Section 63 of the Constitutional Reform Act 2005 (judicial appointments to be solely on merit) is amended as follows.
- (2) In subsection (1) (selections to which subsections (2) and (3) apply) for “and (3)” substitute “ to (4) ”.
- (3) After subsection (3) insert—
- “(4) Neither “solely” in subsection (2), nor Part 5 of the Equality Act 2010 (public appointments etc), prevents the selecting body, where two persons are of equal merit, from preferring one of them over the other for the purpose of increasing diversity within—
- (a) the group of persons who hold offices for which there is selection under this Part, or
- (b) a sub-group of that group.”
- Encouraging diversity*
- 11 In Part 6 of the Constitutional Reform Act 2005 (other provisions relating to the judiciary) after section 137 insert—
- “137A Encouragement of diversity**
- Each of the Lord Chancellor and the Lord Chief Justice of England and Wales must take such steps as that office-holder considers appropriate for the purpose of encouraging judicial diversity.”
- Maximum numbers of judges to be by reference to full-time equivalent numbers*
- 12 The Senior Courts Act 1981 is amended as follows.
- 13 (1) Section 2 (the Court of Appeal) is amended as follows.
- (2) In subsection (1) (composition of the Court of Appeal) for “of ex-officio judges and not more than 38 ordinary judges” substitute “of—
- (a) ex-officio judges, and
- (b) ordinary judges, of whom the maximum full-time equivalent number is 38”.
- (3) In subsection (4) (power to increase maximum number of ordinary judges) for “maximum number” substitute “ maximum full-time equivalent number ”.
- (4) After subsection (6) insert—
- “(7) For the purposes of this section the full-time equivalent number of ordinary judges is to be calculated by taking the number of full-time ordinary judges and adding, for each ordinary judge who is not a full-time ordinary judge, such fraction as is reasonable.”
- 14 (1) Section 4 (the High Court) is amended as follows.

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- (2) In subsection (1) (High Court to consist of ex-officio judges and not more than 108 puisne judges) for paragraph (e) substitute—
“(e) the puisne judges of that court, of whom the maximum full-time equivalent number is 108.”
- (3) In subsection (4) (power to increase maximum number of puisne judges) for “maximum number” substitute “ maximum full-time equivalent number ”.
- (4) After subsection (6) insert—
“(7) For the purposes of this section the full-time equivalent number of puisne judges is to be calculated by taking the number of full-time puisne judges and adding, for each puisne judge who is not a full-time puisne judge, such fraction as is reasonable.”
- 15 In section 10(2) (power to appoint judges is subject to maximum numbers in sections 2(1) and 4(1)) before “numbers” insert “ full-time equivalent ”.

VALID FROM 04/09/2013

PART 3

JUDICIAL APPOINTMENTS COMMISSION

Introductory

- 16 Part 1 of Schedule 12 to the Constitutional Reform Act 2005 (the members of the Judicial Appointments Commission) is amended as follows.

Composition of the Judicial Appointments Commission

- 17 In paragraph 1 (Commission consists of lay chairman and 14 other Commissioners) for paragraph (b) substitute—
“(b) such number of other Commissioners as the Lord Chancellor may specify by regulations made with the agreement of the Lord Chief Justice.”
- 18 Omit paragraphs 2(2) to (5) and 4 to 6 (Commissioners other than the lay chairman are to be drawn in specified proportions from among judicial office holders, practising lawyers and lay persons).
- 19 After paragraph 3 (civil servants may not be appointed as Commissioners) insert—
“3A The number of Commissioners who are holders of judicial office must be less than the number of Commissioners (including the chairman) who are not holders of judicial office.
3B (1) The Lord Chancellor may, by regulations made with the agreement of the Lord Chief Justice, make provision about the composition of the Commission.

Status: Point in time view as at 25/04/2013. This version of this Act contains provisions that are not valid for this point in time.

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- (2) The power to make regulations under this paragraph is to be exercised so as to ensure that the Commission's members include—
- (a) holders of judicial office,
 - (b) persons practising or employed as lawyers, and
 - (c) lay members.

- (3) Regulations under this paragraph may (in particular)—
- (a) make provision about the number, maximum number or minimum number of Commissioners of a particular description;
 - (b) make provision about eligibility for appointment as a Commissioner, eligibility for appointment as the chairman or eligibility for appointment as a Commissioner of a particular description.”

- 3C The Lord Chancellor may by regulations made with the agreement of the Lord Chief Justice—
- (a) define “lay member”, in relation to the Commission, for the purposes of this Part of this Act;
 - (b) define “holder of judicial office” for the purposes of paragraphs 3A, 3B(2)(a), 11 and 20(5).”

Selection of Commissioners

20 For paragraphs 7 to 10 (selection of Commissioners) substitute—

“6A (1) The Lord Chancellor may, by regulations made with the agreement of the Lord Chief Justice, make provision for or in connection with the selection or nomination of persons to be recommended for appointment under paragraph 1.

- (2) Regulations under this paragraph may (in particular)—
- (a) provide for selection or nomination to be by a person, or body, specified in or appointed under the regulations;
 - (b) make provision about selection procedure, including—
 - (i) provision for a selector to determine the selector's own procedure or for selection procedure to be otherwise determined under the regulations;
 - (ii) provision as to matters to which a selector is to, or may or may not, have regard;
 - (iii) provision requiring that selection is carried out with a view to ensuring that there is a Commissioner with special knowledge of a particular geographical area or of a particular matter;
 - (c) make provision for the payment to selectors of remuneration, fees or expenses.

6B The powers to make regulations under this Part of this Schedule are to be exercised with a view to ensuring, so far as may be practicable, that the Commissioners who are lay members include at any time at least one person who appears to have special knowledge of Wales.”

21 (1) Paragraph 11 (vice-chairman) is amended as follows.

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(2) In sub-paragraph (1) (most senior judicial member is vice-chairman) for “Commissioner who is the most senior of the persons appointed as judicial members” substitute “ most senior of the holders of judicial office who are Commissioners ”.

(3) In sub-paragraph (2) (meaning of seniority for the purposes of sub-paragraph (1)) for the words after “sub-paragraph (1)” substitute “ seniority is to be determined in accordance with regulations made by the Lord Chancellor with the agreement of the Lord Chief Justice. ”

(4) In sub-paragraph (3) (exercise by vice-chairman of functions of chairman) for the words from “other” to the end substitute “other than—

- (a) any functions as a member of a commission convened under section 26(5) or (5A) or of a panel appointed under section 70(1), 75B(1) or 79(1) (including functions of chairing such a commission or panel), and
- (b) any functions specified in regulations made by the Lord Chancellor with the agreement of the Lord Chief Justice.”

Commissioners' terms of office

22 For paragraph 13 (maximum term of office for a Commissioner) substitute—

“13 (1) The Lord Chancellor may, by regulations made with the agreement of the Lord Chief Justice, make provision about the periods for which a Commissioner may be appointed or hold office.

(2) Regulations under this paragraph may (in particular) make provision about—

- (a) the number of times a person may be appointed as a Commissioner;
- (b) the length of any particular appointment;
- (c) the total length of a person's appointments or the total period for which a person may hold office as a Commissioner.”

23 For sub-paragraphs (1) and (2) of paragraph 14 (person ceases to be a Commissioner on ceasing, for certain reasons, to be eligible for appointment) substitute—

“(1) The Lord Chancellor may by regulations made with the agreement of the Lord Chief Justice—

- (a) provide for a Commissioner to cease to be a Commissioner on ceasing, or on ceasing for a particular reason, to be eligible for appointment as a Commissioner;
- (b) provide for a Commissioner other than the chairman to cease to be a Commissioner on ceasing, or on ceasing for a particular reason, to be eligible for appointment as a Commissioner of a particular description;
- (c) provide for the chairman—
 - (i) to cease to be the chairman without ceasing to be a Commissioner, or
 - (ii) to cease to be the chairman and cease to be a Commissioner,

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on ceasing, or on ceasing for a particular reason, to be eligible for appointment as the chairman;

- (d) confer power to disapply or suspend the operation of provision under paragraph (a), (b) or (c) in individual cases.”

Supplementary amendments

24 After paragraph 17 insert—

“Regulations

17A Regulations under this Part of this Schedule may—

- (a) make different provision for different purposes;
 (b) include transitional or transitory provision or savings.”

25 In Part 2 of Schedule 12 to the Constitutional Reform Act 2005 (Judicial Appointments Commission) in paragraph 20(5) (committee to which Commission delegates a selection function must include at least one judicial member and one lay member) for “judicial member and” substitute “ who is a holder of judicial office and at least ”.

26 In section 122 of that Act (interpretation of Part 4) for the definition of “lay member” substitute—

““lay member”, in relation to the Commission, has such meaning as may be given by regulations under paragraph 3C(a) of Schedule 12;”.

27 In section 144(5)(e) of that Act (orders under paragraph 5 of Schedule 12 are subject to affirmative parliamentary procedure) for “an order under paragraph 5” substitute “ regulations under Part 1 ”.

Consequential repeal of other legislation

28 In Schedule 8 to the Tribunals, Courts and Enforcement Act 2007 omit paragraph 65 (which amended paragraph 2 of Schedule 12 to the Constitutional Reform Act 2005).

VALID FROM 01/10/2013

PART 4

JUDICIAL APPOINTMENTS: SELECTION, AND TRANSFER OF POWERS OF LORD CHANCELLOR

Appointments by Her Majesty on Lord Chancellor's recommendation but where selection is to be reported to Lord Chief Justice or Senior President of Tribunals

29 (1) Schedule 14 to the Constitutional Reform Act 2005 (Judicial Appointments Commission: relevant offices and enactments) is amended as follows.

(2) The table in Part 1 (appointments by Her Majesty on the Lord Chancellor's recommendation) becomes Table 1 of that Part called “ Appointments where the Commission reports to the Lord Chancellor ”.

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- (3) Move the entries for the following offices from Table 1 of Part 1 to form Table 2 of that Part called “Appointments where the Commission reports to the Lord Chief Justice” (and with the same column headings)—
- Circuit judge
 - Recorder
 - Master, Queen's Bench Division
 - Queen's Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals
 - Admiralty Registrar
 - Master, Chancery Division
 - Registrar in Bankruptcy of the High Court
 - Taxing Master of the Senior Courts
 - District judge of the principal registry of the Family Division
 - Senior Master of the Queen's Bench Division
 - Chief Chancery Master
 - Chief Taxing Master
 - Chief Bankruptcy Registrar
 - Senior District Judge of the Family Division
 - District judge
 - District Judge (Magistrates' Courts) appointed under section 22(1) of the Courts Act 2003
 - Senior District Judge (Chief Magistrate) designated under section 23 of that Act
 - Deputy Senior District Judge (Chief Magistrate) designated under that section
- (4) In Table 1 of Part 1 omit the entries for the following former offices—
- Senior District Judge (Chief Magistrate) designated under subsection (2) of section 10A of the Justices of the Peace Act 1997
 - Deputy Senior District Judge (Chief Magistrate) designated under that subsection
- (5) Move the entry for the following office from Table 1 of Part 1 to form Table 3 of that Part called “Appointments where the Commission reports to the Senior President of Tribunals” (and with the same column headings)—
- Judge of the Upper Tribunal by appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007
- 30 (1) Schedule 3 to the Tribunals, Courts and Enforcement Act 2007 (judges and other members of the Upper Tribunal) is amended as follows.
- (2) In paragraph 1(2)(d) (eligibility for appointment as judge based on experience gained in law) for “Lord Chancellor's opinion” substitute “opinion of the Senior President of Tribunals”.
- (3) In paragraph 1(3) (meaning of “gain experience in law”) for “Lord Chancellor” substitute “Senior President of Tribunals”.

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Recommended appointments: further provisions

- 31 In section 16 of the Courts Act 1971 (appointment of Circuit judges) omit subsection (4) (health).
- 32 (1) Section 21 of the Courts Act 1971 (appointment of Recorders) is amended as follows.
- (2) In subsection (5) (neither initial term nor extension under subsection (4) may extend appointment beyond judicial retirement age) for “(4)” substitute “ (4A) ”.
- (3) After subsection (7) insert—
- “(8) Subject to the preceding provisions of this section, a person appointed under this section is to hold and vacate office as a Recorder in accordance with the terms of the person's appointment, and those terms (including the terms specified under subsection (3)) are (subject to subsection (4)) to be such as the Lord Chancellor may determine.
- (9) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under subsection (4) or (4C).”
- (4) In list A in paragraph 4 of Schedule 7 to the Constitutional Reform Act 2005 (protected functions of Lord Chancellor) in the entries for the Courts Act 1971 for “Section 21(2), (4) and (7)” substitute “ Section 21 ”.
- 33 In section 89(4) of the Senior Courts Act 1981 (additional offices and duties of Senior Master appointed under subsection (3)(a)) for “under subsection (3)(a)” substitute “ of the Queen's Bench Division ”.

Deputy Circuit judges to be appointed by Lord Chief Justice

- 34 (1) Section 24 of the Courts Act 1971 (deputy Circuit judges and assistant Recorders) is amended as follows.
- (2) In subsection (1) (appointment to facilitate disposal of certain business) for “a county court” substitute “ county court or any other court or tribunal to which a person appointed under this subsection may be deployed ”.
- (3) In subsection (1)(a) (Lord Chancellor's power to appoint deputy circuit judges) for “Lord Chancellor may, with the concurrence of the Lord Chief Justice,” substitute “ Lord Chief Justice may, with the concurrence of the Lord Chancellor, ”.
- (4) In subsection (1A) (appointment as deputy Circuit judge not to be such as to continue beyond person's 75th birthday) after “such as to” insert “ , or be extended under subsection (5B) below so as to, ”.
- (5) After subsection (5) (remuneration) insert—
- “(5A) A person may be removed from office as a deputy Circuit judge—
- (a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and
- (b) only on—
- (i) the ground of inability or misbehaviour, or
- (ii) a ground specified in the person's terms of appointment.

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(5B) Subject to subsections (1A) and (5C), the Lord Chancellor must extend the period of a person's appointment as a deputy Circuit judge (including a period already extended under this subsection) before its expiry; and for this purpose a person appointed to be a deputy Circuit judge on certain occasions is to be treated as having been appointed for a period that expires when the occasions end.

(5C) Extension under subsection (5B)—

- (a) requires the person's agreement,
- (b) is to be for such period as the Lord Chancellor thinks fit, and
- (c) may be refused on—
 - (i) the ground of inability or misbehaviour, or
 - (ii) a ground specified in the person's terms of appointment, but only with any agreement of the Lord Chief Justice, or a nominee of the Lord Chief Justice, that may be required by those terms.

(5D) Subject to the preceding provisions of this section, a person appointed under this section is to hold and vacate office as a deputy Circuit judge in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.”

(6) In subsection (6) (Lord Chief Justice's power to delegate under section 24(1)(a))—

- (a) for “judicial office holder (as defined in section 109(4))” substitute “ senior judge (as defined in section 109(5))”, and
- (b) after “subsection (1)(a)” insert “ or (5A)(a) ”.

(7) In Schedule 4 to the Constitutional Reform Act 2005 omit paragraph 71(2)(c) (superseded amendment of section 24(1)(a) of the Courts Act 1971).

Deputy and temporary Masters etc to be appointed by Lord Chief Justice

35 (1) Section 91 of the Senior Courts Act 1981 (deputy and temporary Masters, Registrars etc of the High Court) is amended as follows.

(2) In subsection (1) (Lord Chancellor's power of appointment)—

- (a) for “the Lord Chancellor”, in the first place, substitute “ the Lord Chief Justice ”, and
- (b) after “to facilitate the disposal of business in the Senior Courts” insert “ or any other court or tribunal to which a person appointed under this subsection may be deployed ”.

(3) For subsection (1ZA) (if person to be appointed is a current or former holder of certain judicial offices, Lord Chief Justice must concur) substitute—

“(1ZA) The Lord Chief Justice may not appoint a holder of relevant office under subsection (1) without the concurrence of the Lord Chancellor.”

(4) After subsection (6) (remuneration) insert—

- “(6A) A person appointed under subsection (1) may be removed from office—
 - (a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and

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(b) only on—

- (i) the ground of inability or misbehaviour, or
- (ii) a ground specified in the person's terms of appointment.

(6B) Subject to subsection (6C), the period of a person's appointment under subsection (1) (including a period already extended under this subsection) must be extended by the Lord Chancellor before its expiry; and for this purpose a person appointed under subsection (1) to act under this section on certain occasions is to be treated as having been appointed for a period that expires when the occasions end.

(6C) Extension under subsection (6B)—

- (a) requires the person's agreement,
- (b) is to be for such period as the Lord Chancellor thinks fit, and
- (c) may be refused on—
 - (i) the ground of inability or misbehaviour, or
 - (ii) a ground specified in the person's terms of appointment,
 but only with any agreement of the Lord Chief Justice, or a nominee of the Lord Chief Justice, that may be required by those terms.

(6D) Subject to the preceding provisions of this section (but subject in the first place to the Judicial Pensions and Retirement Act 1993), a person appointed under subsection (1) is to hold and vacate office in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.”

(5) In subsection (7) (delegation of functions by Lord Chief Justice)—

- (a) for “judicial office holder (as defined in section 109(4))” substitute “ senior judge (as defined in section 109(5))”, and
- (b) for “subsection (1ZA)” substitute “ subsection (1) or (6A)(a) ”.

(6) In list A in paragraph 4 of Schedule 7 to the Constitutional Reform Act 2005 (protected functions of Lord Chancellor) in the entries for the Senior Courts Act 1981 for “Section 91(1), (1A) and (6)” substitute “ Section 91 ”.

(7) In consequence of the previous provisions of this paragraph, in the Tribunals, Courts and Enforcement Act 2007 omit sections 57(2)(a) and (5) and 144(5).

Deputy district judges to be appointed by Lord Chief Justice

36 (1) Section 102 of the Senior Courts Act 1981 (deputy district judges for the High Court) is amended as follows.

(2) In subsection (1) (Lord Chancellor's power of appointment)—

- (a) for “Lord Chancellor” substitute “ Lord Chief Justice ”, and
- (b) after “to facilitate the disposal of business in the High Court” insert “ or any other court or tribunal to which a person appointed under this subsection may be deployed ”.

(3) In subsection (1B) (Lord Chief Justice's concurrence needed in certain cases) for “Lord Chancellor may not appoint a person under subsection (1) without the concurrence of the Lord Chief Justice” substitute “ Lord Chief Justice may

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not appoint a person under subsection (1) without the concurrence of the Lord Chancellor”.

(4) After subsection (5) (remuneration) insert—

“(5ZA) A person appointed under this section may be removed from office as a deputy district judge—

(a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and

(b) only on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment.

(5ZB) Subject to subsection (5ZC), the term of a person's appointment under this section (including a term already extended under this subsection) must be extended by the Lord Chancellor before its expiry.

(5ZC) Extension under subsection (5ZB)—

(a) requires the person's agreement,

(b) is to be for such term as the Lord Chancellor thinks fit, and

(c) may be refused on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment,

but only with any agreement of the Lord Chief Justice, or a nominee of the Lord Chief Justice, that may be required by those terms.

(5ZD) Subject to the preceding provisions of this section (but subject in the first place to the Judicial Pensions and Retirement Act 1993), a person appointed under this section is to hold and vacate office as a deputy district judge in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.

(5ZE) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise the Lord Chief Justice's functions under subsection (1) or (5ZA)(a).”

(5) In subsection (5A) (delegation of Lord Chief Justice's functions) omit “(1B) or”.

(6) In list A in paragraph 4 of Schedule 7 to the Constitutional Reform Act 2005 (protected functions of Lord Chancellor) in the entries for the Senior Courts Act 1981 for “Section 102(1)” substitute “ Section 102 ”.

37 (1) Section 8 of the County Courts Act 1984 (deputy district judges for the county court) is amended as follows.

(2) In subsection (1) (Lord Chancellor's power of appointment) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

(3) In subsection (1ZB) (Lord Chief Justice's concurrence needed in certain cases) for “Lord Chancellor may not appoint a person under subsection (1) without the concurrence of the Lord Chief Justice” substitute “ Lord Chief Justice may not appoint a person under subsection (1) without the concurrence of the Lord Chancellor ”.

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- (4) In subsection (1A) (ages beyond which appointments may not extend) in each of paragraphs (a) and (b) after “shall not be such as to” insert “, or be extended under subsection (3B) so as to, ”.
- (5) After subsection (3) (remuneration) insert—
- “(3A) A person appointed under this section may be removed from office as a deputy district judge—
- (a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and
- (b) only on—
- (i) the ground of inability or misbehaviour, or
- (ii) a ground specified in the person's terms of appointment.
- (3B) Subject to subsections (1A) and (3C), the term of a person's appointment under this section (including a term already extended under this subsection) must be extended by the Lord Chancellor before its expiry.
- (3C) Extension under subsection (3B)—
- (a) requires the person's agreement,
- (b) is to be for such term as the Lord Chancellor thinks fit, and
- (c) may be refused on—
- (i) the ground of inability or misbehaviour, or
- (ii) a ground specified in the person's terms of appointment,
- but only with any agreement of the Lord Chief Justice, or a nominee of the Lord Chief Justice, that may be required by those terms.
- (3D) Subject to the preceding provisions of this section, a person appointed under this section is to hold and vacate office as a deputy district judge in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.
- (3E) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise the Lord Chief Justice's functions under subsection (1) or (3A)(a).”
- (6) In subsection (4) (delegation of Lord Chief Justice's functions) omit “(1ZB) or”.
- (7) In list A in paragraph 4 of Schedule 7 to the Constitutional Reform Act 2005 (protected functions of Lord Chancellor) in the entries for the County Courts Act 1984 for “Section 8(1) and (3)” substitute “ Section 8 ”.

Deputy District Judges (Magistrates' Courts) to be appointed by Lord Chief Justice

- 38 (1) Section 24 of the Courts Act 2003 (Deputy District Judges (Magistrates' Courts)) is amended as follows.
- (2) In subsection (1) (Lord Chancellor's power of appointment) for “Lord Chancellor”, in the first place, substitute “ Lord Chief Justice ”.
- (3) For subsection (4) (removal from office to be by Lord Chancellor with concurrence of Lord Chief Justice but only on ground of incapacity or misbehaviour) substitute—

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“(4) A person may be removed from office as a Deputy District Judge (Magistrates' Courts)—

- (a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and
- (b) only on—
 - (i) the ground of inability or misbehaviour, or
 - (ii) a ground specified in the person's terms of appointment.

(4A) Subject to subsection (4B), the period of a person's appointment under this section (including a period already extended under this subsection) must be extended by the Lord Chancellor before its expiry.

(4B) Extension under subsection (4A)—

- (a) requires the person's agreement,
- (b) is to be for such period as the Lord Chancellor considers appropriate, and
- (c) may be refused on—
 - (i) the ground of inability or misbehaviour, or
 - (ii) a ground specified in the person's terms of appointment, but only with any agreement of the Lord Chief Justice, or a nominee of the Lord Chief Justice, that may be required by those terms.

(4C) Subject to the preceding provisions of this section (but subject in the first place to the Judicial Pensions and Retirement Act 1993), a person appointed under this section is to hold and vacate office as a Deputy District Judge (Magistrates' Courts) in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.

(4D) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise the Lord Chief Justice's functions under subsection (1) or (4)(a).”

(4) In list A in paragraph 4 of Schedule 7 to the Constitutional Reform Act 2005 (protected functions of Lord Chancellor) in the entries for the Courts Act 2003 at the appropriate place insert “ Section 24 ”.

Lay justices to be appointed by Lord Chief Justice

39 (1) Section 10 of the Courts Act 2003 (justices of the peace who are not District Judges (Magistrates' Courts)) is amended as follows.

(2) In subsection (1) (Lord Chancellor's power of appointment) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

(3) After that subsection insert—

“(1A) Subject to the following provisions of this section and to sections 11 to 15, a person appointed under subsection (1) is to hold and vacate office as a justice of the peace in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.”

(4) After subsection (2) insert—

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“(2ZA) The Lord Chief Justice must ensure that arrangements for the exercise, so far as affecting any local justice area, of the function under subsection (1) include arrangements for consulting persons appearing to the Lord Chief Justice to have special knowledge of matters relevant to the exercise of that function in relation to that area.”

(5) In subsection (2A) (Lord Chancellor to ensure local consultation takes place in relation to the exercise of functions under subsections (1) and (2)) for “subsections (1) and” substitute “ subsection ”.

(6) After subsection (6) insert—

“(6A) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under subsection (1).”

(7) In subsection (7) (delegation of Lord Chief Justice's functions) after “subsection (2)” insert “, (2ZA) ”.

Transfer of appointment powers to Lord Chief Justice: further provisions

40 (1) Section 94A of the Constitutional Reform Act 2005 (certain appointments by Lord Chancellor not subject to section 85 but require concurrence of Lord Chief Justice) is amended as follows.

(2) For subsection (1)(b) (concurrence requirement) substitute—

“(b) the person who has the power to make the appointment, whether the Lord Chancellor or the Lord Chief Justice, may not make the appointment without the concurrence of the other of them.”

(3) In subsection (3) (Lord Chief Justice may delegate function under subsection (1) (b)) after “function” insert “ of concurring ”.

41 (1) Schedule 14 to that Act (Judicial Appointments Commission: relevant offices and enactments) is amended as follows.

(2) For the title of Part 2 substitute “COURT-RELATED APPOINTMENTS”.

(3) The table in Part 2 (appointments by the Lord Chancellor) becomes Table 1 of that Part called “ Appointments by the Lord Chancellor ”.

(4) Move the entries for the following offices from Table 1 of Part 2 to form Table 2 of that Part called “Appointments by the Lord Chief Justice” (and with the same column headings)—

Person appointed by the Lord Chancellor as a deputy for a holder of, or as a temporary additional officer in, an office listed in column 1 of Part 2 of Schedule 2 to the Senior Courts Act 1981

Deputy district judge appointed under section 102(1) of that Act

Deputy district judge appointed under section 8(1) of the County Courts Act 1984

Justice of the Peace appointed under section 10(1) of the Courts Act 2003 (justices of the peace other than District Judges (Magistrates' Courts))

Deputy District Judge (Magistrates' Courts) appointed under section 24(1) of the Courts Act 2003

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- (5) In Table 2 of Part 2, in the first of the entries moved by this paragraph to form that table, omit “by the Lord Chancellor”.
- (6) In Table 1 of Part 2 omit the entry for the following former office—
- Justice of the Peace appointed under section 5 of the Justices of the Peace Act 1997
- Senior President of Tribunals to make certain appointments to First-tier and Upper Tribunals*
- 42 The Tribunals, Courts and Enforcement Act 2007 is amended as follows.
- 43 In section 7(7) (Lord Chancellor's power to appoint Chamber Presidents for the First-tier Tribunal or the Upper Tribunal) for “Lord Chancellor” substitute “Senior President of Tribunals”.
- 44 (1) In section 8 (power of Senior President of Tribunals to delegate) after subsection (1) insert—
- “(1A) A function under paragraph 1(1) or 2(1) of Schedule 2 may be delegated under subsection (1) only to a Chamber President of a chamber of the Upper Tribunal.”
- (2) In section 8(2) (functions which the Senior President of Tribunals may not delegate) for “under section 7(9)” substitute “under any of the following—
- section 7(7);
- section 7(9);
- paragraph 2(1) of Schedule 3;
- paragraph 7(1) of Schedule 3;
- paragraph 2 of Schedule 4;
- paragraph 5(1) and (3) of Schedule 4;
- paragraph 5(5) to (8) of Schedule 4;
- paragraph 5A(2)(a) of Schedule 4;
- paragraph 5A(3)(a) of Schedule 4.”
- (3) In section 46 (delegation of functions by Lord Chief Justice etc) after subsection (6) insert—
- “(7) In Schedules 2 to 4 “senior judge” means—
- (a) the Lord Chief Justice of England and Wales,
- (b) the Lord President of the Court of Session,
- (c) the Lord Chief Justice of Northern Ireland, or
- (d) the Senior President of Tribunals.”
- 45 (1) Schedule 2 (judges and other members of the First-tier Tribunal) is amended as follows.
- (2) In paragraphs 1(1) and 2(1) (Lord Chancellor's power to appoint) for “Lord Chancellor” substitute “Senior President of Tribunals”.

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- (3) In paragraph 1(2)(d) (eligibility for appointment as judge based on experience gained in law) for “Lord Chancellor’s opinion” substitute “opinion of the Senior President of Tribunals”.
- (4) In paragraph 1(3) (meaning of “gain experience in law”) for “Lord Chancellor” substitute “Senior President of Tribunals”.
- (5) In paragraph 4 (terms of appointment) after sub-paragraph (2) (salaried appointee may be removed from office only by Lord Chancellor and only on ground of inability or misbehaviour) insert—
- “(2A) If the terms of the person’s appointment provide that the person is appointed on a fee-paid basis, the person may be removed from office—
- (a) only by the Lord Chancellor (and in accordance with paragraph 3), and
- (b) only on—
- (i) the ground of inability or misbehaviour, or
- (ii) a ground specified in the person’s terms of appointment.
- (2B) If the period (or extended period) for which the person is appointed ends before—
- (a) the day on which the person attains the age of 70, or
- (b) if different, the day that for the purposes of section 26 of the Judicial Pensions and Retirement Act 1993 is the compulsory retirement date for the office concerned in the person’s case,
- then, subject to sub-paragraph (2C), the Lord Chancellor must extend the period of the person’s appointment (including a period already extended under this sub-paragraph) before it ends.
- (2C) Extension under sub-paragraph (2B)—
- (a) requires the person’s agreement,
- (b) is to be for such period as the Lord Chancellor considers appropriate, and
- (c) may be refused on—
- (i) the ground of inability or misbehaviour, or
- (ii) a ground specified in the person’s terms of appointment, but only with any agreement of a senior judge (see section 46(7)), or a nominee of a senior judge, that may be required by those terms.”
- (6) In paragraph 4(3) (subject to sub-paragraph (2), person to hold and vacate office in accordance with terms of appointment)—
- (a) for “sub-paragraph (2) (and)” substitute “the preceding provisions of this paragraph (but subject in the first place”, and
- (b) after “appointment” insert “, which are to be such as the Lord Chancellor may determine”.
- 46 (1) Schedule 3 (judges and other members of the Upper Tribunal) is amended as follows.
- (2) In paragraph 2(1) (Lord Chancellor’s power to appoint other members of the Upper Tribunal) for “Lord Chancellor” substitute “Senior President of Tribunals”.

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(3) In paragraph 3(1) (removal from office) before the “or” at the end of paragraph (b) insert—

“(ba) a person who is a deputy judge of the Upper Tribunal (whether by appointment under paragraph 7(1) or as a result of provision under section 31(2)),”.

(4) In paragraph 4 (terms of appointment) after sub-paragraph (2) (salaried appointee may be removed from office only by Lord Chancellor and only on ground of inability or misbehaviour) insert—

“(2A) If the terms of the person's appointment provide that the person is appointed on a fee-paid basis, the person may be removed from office—

(a) only by the Lord Chancellor (and in accordance with paragraph 3), and

(b) only on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment.

(2B) If the period (or extended period) for which the person is appointed ends before—

(a) the day on which the person attains the age of 70, or

(b) if different, the day that for the purposes of section 26 of the Judicial Pensions and Retirement Act 1993 is the compulsory retirement date for the office concerned in the person's case,

then, subject to sub-paragraph (2C), the Lord Chancellor must extend the period of the person's appointment (including a period already extended under this sub-paragraph) before it ends.

(2C) Extension under sub-paragraph (2B)—

(a) requires the person's agreement,

(b) is to be for such period as the Lord Chancellor considers appropriate, and

(c) may be refused on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment,

but only with any agreement of a senior judge (see section 46(7)), or a nominee of a senior judge, that may be required by those terms.”

(5) In paragraph 4(3) (subject to sub-paragraph (2), person to hold and vacate office in accordance with terms of appointment)—

(a) for “sub-paragraph (2) (and” substitute “ the preceding provisions of this paragraph (but subject in the first place ”, and

(b) after “appointment” insert “ , which are to be such as the Lord Chancellor may determine ”.

(6) In paragraph 7(1) (Lord Chancellor may appoint deputy judge of the Upper Tribunal for such period as the Lord Chancellor considers appropriate) for “Lord Chancellor”, in the first place, substitute “ Senior President of Tribunals ”.

(7) In paragraph 7(3) (persons to whom paragraph 7(4) and (5) apply) for “Sub-paragraphs (4) and (5)” substitute “ The following provisions of this paragraph ”.

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- (8) For paragraph 7(4) (person to hold and vacate office in accordance with terms of appointment) substitute—
- “(3A) The person may be removed from office—
- (a) only by the Lord Chancellor (and in accordance with paragraph 3), and
- (b) only on—
- (i) the ground of inability or misbehaviour, or
- (ii) a ground specified in the person's terms of appointment.
- (3B) If the period (or extended period) for which the person is appointed ends before—
- (a) the day on which the person attains the age of 70, or
- (b) if different, the day that for the purposes of section 26 of the Judicial Pensions and Retirement Act 1993 is the compulsory retirement date for the office concerned in the person's case,
- then, subject to sub-paragraph (3C), the Lord Chancellor must extend the period of the person's appointment (including a period already extended under this sub-paragraph) before it ends.
- (3C) Extension under sub-paragraph (3B)—
- (a) requires the person's agreement,
- (b) is to be for such period as the Lord Chancellor considers appropriate, and
- (c) may be refused on—
- (i) the ground of inability or misbehaviour, or
- (ii) a ground specified in the person's terms of appointment,
- but only with any agreement of a senior judge (see section 46(7)), or a nominee of a senior judge, that may be required by those terms.
- (4) Subject to the previous provisions of this paragraph (but subject in the first place to the Judicial Pensions and Retirement Act 1993), a person is to hold and vacate office as a deputy judge of the Upper Tribunal in accordance with the person's terms of appointment, which are to be such as the Lord Chancellor may determine.”
- 47 (1) Schedule 4 (chambers, and chamber presidents, for the First-tier Tribunal or the Upper Tribunal) is amended as follows.
- (2) In the italic headings before each of paragraphs 1 and 2 for “by Lord Chancellor” substitute “ under section 7(7) ”.
- (3) In paragraph 2(1) (duty to consult before appointing senior court judge as chamber president) for “Lord Chancellor must consult the Senior President of Tribunals before the Lord Chancellor” substitute “ Senior President of Tribunals must consult the Lord Chancellor before the Senior President of Tribunals ”.
- (4) In paragraph 2(2) to (4) (which relate to the power under section 7(7)) for “Lord Chancellor”, in each place, substitute “ Senior President of Tribunals ”.
- (5) In paragraph 2 after sub-paragraph (4) insert—

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- “(4A) The Senior President of Tribunals may make a request under sub-paragraph (2), (3) or (4) only with the Lord Chancellor's concurrence.”
- (6) In paragraph 2(5) (judge nominated must be appointed as Chamber President) for “Lord Chancellor” substitute “ Senior President of Tribunals ”.
- (7) In paragraph 3(1) (Chamber President to hold and vacate office in accordance with terms of appointment)—
- (a) for “(subject” substitute “ but subject to paragraph 5A (and subject in the first place ”, and
- (b) at the end insert “ , and those terms are to be such as the Lord Chancellor may determine. ”
- (8) In paragraph 5(1) (Lord Chancellor's power to appoint Deputy Chamber Presidents for the First-tier or Upper Tribunal) for “Lord Chancellor” substitute “ Senior President of Tribunals ”.
- (9) In paragraph 5(3) and (5) to (7) (which relate to the power under paragraph 5(1)) for “Lord Chancellor”, in each place, substitute “ Senior President of Tribunals ”.
- (10) In paragraph 5(3)(a) (duty to consult Senior President of Tribunals) for “Senior President of Tribunals” substitute “ Lord Chancellor ”.
- (11) In paragraph 5 after sub-paragraph (7) insert—
- “(7A) The Senior President of Tribunals may make a request under sub-paragraph (5), (6) or (7) only with the Lord Chancellor's concurrence.”
- (12) In paragraph 5(8) (judge nominated must be appointed as Deputy Chamber President) for “Lord Chancellor” substitute “ Senior President of Tribunals ”.
- (13) In paragraph 5(9) (Deputy Chamber President to hold and vacate office in accordance with terms of appointment)—
- (a) for “(subject” substitute “ but subject to paragraph 5A (and subject in the first place ”, and
- (b) at the end insert “ , and those terms are to be such as the Lord Chancellor may determine. ”
- (14) After paragraph 5 insert—

*“Chamber Presidents and Deputies: removal
from office and extension of appointment*

- 5A (1) This paragraph applies to a person—
- (a) appointed under section 7(6) or (7) as a Chamber President, or
- (b) appointed under paragraph 5(1) or (2) as a Deputy Chamber President of a chamber.
- (2) If the terms of the person's appointment provide that the person is appointed otherwise than on a fee-paid basis, the person may be removed from office—
- (a) only by the Lord Chancellor with the concurrence of the Senior President of Tribunals, and
- (b) only on the ground of inability or misbehaviour.

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- (3) If the terms of the person's appointment provide that the person is appointed on a fee-paid basis, the person may be removed from office—
- (a) only by the Lord Chancellor with the concurrence of the Senior President of Tribunals, and
 - (b) only on—
 - (i) the ground of inability or misbehaviour, or
 - (ii) a ground specified in the person's terms of appointment.
- (4) If the period (or extended period) for which the person is appointed ends before—
- (a) the day on which the person attains the age of 70, or
 - (b) if different, the day that for the purposes of section 26 of the Judicial Pensions and Retirement Act 1993 is the compulsory retirement date for the office concerned in the person's case,
- then, subject to sub-paragraph (5), the Lord Chancellor must extend the period of the person's appointment (including a period already extended under this sub-paragraph) before it ends.
- (5) Extension under sub-paragraph (4)—
- (a) requires the person's agreement,
 - (b) is to be for such period as the Lord Chancellor considers appropriate, and
 - (c) may be refused on—
 - (i) the ground of inability or misbehaviour, or
 - (ii) a ground specified in the person's terms of appointment, but only with any agreement of a senior judge (see section 46(7)), or a nominee of a senior judge, that may be required by those terms.”
- 48 (1) Section 94B of the Constitutional Reform Act 2005 (certain appointments by Lord Chancellor not subject to section 85 but require concurrence of Senior President of Tribunals) is amended as follows.
- (2) For subsection (1)(b) (concurrence requirement) substitute—
- “(b) the person who has the power to make the appointment, whether the Lord Chancellor or the Senior President of Tribunals, may not make the appointment without the concurrence of the other of them.”
- (3) In subsection (2) (Lord Chancellor must also consult Lord Chief Justice in certain cases) for “Lord Chancellor” substitute “Senior President of Tribunals”.
- (4) After subsection (5) insert—
- “(6) Section 8(1) of the Tribunals, Courts and Enforcement Act 2007 (power of Senior President of Tribunals to delegate functions) does not apply to—
- (a) the Senior President of Tribunals' function of concurring under subsection (1)(b), or
 - (b) the Senior President of Tribunals' function under subsection (2).”
- 49 (1) Schedule 14 to that Act (Judicial Appointments Commission: relevant offices and enactments) is amended as follows.

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- (2) For the title of Part 3 substitute “TRIBUNAL-RELATED AND OTHER APPOINTMENTS”.
- (3) The table in Part 3 (appointments by the Lord Chancellor) becomes Table 1 of that Part called “ Appointments by the Lord Chancellor ”.
- (4) Move the entries for the following offices from Table 1 of Part 3 to form Table 2 of that Part called “Appointments by the Senior President of Tribunals” (and with the same column headings)—
 - Chamber President of a chamber of the First-tier Tribunal, or of a chamber of the Upper Tribunal, by appointment under section 7(7) of the Tribunals, Courts and Enforcement Act 2007, but not where appointed in accordance with paragraph 2(2) to (5) of Schedule 4 to that Act
 - Judge of the First-tier Tribunal by appointment under paragraph 1(1) of Schedule 2 to that Act
 - Other member of the First-tier Tribunal by appointment under paragraph 2(1) of that Schedule
 - Other member of the Upper Tribunal by appointment under paragraph 2(1) of Schedule 3 to that Act
 - Deputy judge of the Upper Tribunal by appointment under paragraph 7(1) of that Schedule
 - Deputy Chamber President of a chamber of the First-tier Tribunal, or of a chamber of the Upper Tribunal, but not where appointed in accordance with paragraph 5(5) to (8) of Schedule 4 to that Act
- (5) In the entry in Part 3 for Deputy Chief Coroner appointed under paragraph 2(5) of Schedule 8 to the Coroners and Justice Act 2009, for “2(5)” substitute “2(6)”.
- (6) In paragraph 51 of Schedule 21 to the Coroners and Justice Act 2009 (which inserts entries at the end of Part 3 of Schedule 14 to the 2005 Act)—
 - (a) after “at the end of” insert “ Table 1 of ”, and
 - (b) for “2(5)” substitute “ 2(6) ”.(Accordingly, the power to commence that paragraph 51 becomes a power to commence it as amended by this sub-paragraph.)

Appointments by Lord Chief Justice or Senior President of Tribunals: equalities provisions

- 50 (1) Section 50 of the Equality Act 2010 (public offices: appointments, etc) is amended as follows.
- (2) In subsection (2) (meaning of “public office”) after paragraph (c) insert—
 - “(d) an office or post, appointment to which is made by the Lord Chief Justice or the Senior President of Tribunals.”
 - (3) In each of subsections (3) to (6), (9) and (11)(b) (offices within subsection (2)(a) or (b)) for “or (b)” substitute “, (b) or (d) ”.
- 51 (1) Section 51 of the Equality Act 2010 (public offices: recommendations for appointments, etc) is amended as follows.
- (2) In subsections (1) to (4) (which apply to an office within section 50(2)(a) or (b)) for “or (b)” substitute “, (b) or (d) ”.
 - (3) In subsection (5) (interpretation) after “50(2)(a)” insert “ or (d) ”.

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Certain deployments to the High Court to be made from pool of selected judges

52 In section 9 of the Senior Courts Act 1981 (which includes provision for requesting certain judges to act as judges of other courts) after subsection (2C) insert—

“(2CA) In the case of a request to a person within entry 5 or 6 in column 1 of the Table to act as a judge of the High Court, the appropriate authority may make the request only if the person is a member of the pool for requests under subsection (1) to persons within that entry.”

Main change in selection process

53 (1) The Constitutional Reform Act 2005 is amended as follows.

(2) Omit—

- (a) sections 71 to 75 (selection for appointment of Lord Chief Justice or Head of Division),
- (b) sections 75C to 75G (selection for appointment of Senior President of Tribunals),
- (c) sections 80 to 84 (selection for appointment of ordinary judge of the Court of Appeal),
- (d) sections 89 to 93 (selection for appointment of puisne judge of the High Court or to an office listed in Schedule 14), and
- (e) section 96 (effect of acceptance of selection).

(3) Before section 95 (but after the italic heading preceding that section) insert—

Selection process

“94Q(1) The Lord Chancellor must by regulations made with the agreement of the Lord Chief Justice—

- (a) make further provision about the process to be applied in a case where the Commission receives a request under section 87;
- (b) make further provision about—
 - (i) membership of selection panels appointed under section 70, 75B or 79, and
 - (ii) the process that is to be applied in a case where a selection panel is required to be appointed under section 70, 75B or 79;
- (c) secure, subject to section 95 and any provision within subsection (2)(d) that is included in the regulations, that in every case referred to paragraph (a) or (b)(ii) there will come a point in the process when a selection has to be accepted, either unconditionally or subject only to matters such as the selected person's willingness and availability, by or on behalf of the appropriate authority.

(2) The regulations may in particular—

- (a) provide for process additional to the selection process applied under section 70(2), 75B(2), 79(2) or 88(1), including post-acceptance process;

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- (b) make provision as to things that are, or as to things that are not, to be done—
 - (i) as part of the selection process applied under section 70(2), 75B(2), 79(2) or 88(1), or
 - (ii) in determining what that process is to be;
- (c) provide for selection on a request under section 87 to be from among persons identified under section 94 in response to advance notice of the request;
- (d) provide for section 88(1)(c) not to apply where, or to the extent that, the Commission decides that the selection process applied under section 88(1) has not identified candidates of sufficient merit for it to comply with section 88(1)(c);
- (e) give functions to the Lord Chancellor, including—
 - (i) power to require a selection panel to reconsider a selection under section 70(2), 75B(2) or 79(2) or any subsequent selection,
 - (ii) power to reject a selection under section 70(2) or any subsequent selection,
 - (iii) power to reject a selection under section 75B(2) or 79(2) or any subsequent selection,
 - (iv) power to reject, or require the reconsideration of, initial or subsequent selections made on a request under section 87, and
 - (v) power to require the reconsideration of a decision mentioned in paragraph (d);
- (f) give functions to the Lord Chief Justice in connection with selection for an office listed in Table 2 of Part 1 or 2 of Schedule 14 or in connection with selection for membership of a pool for requests under section 9(1) of the Senior Courts Act 1981, including—
 - (i) power to reject, or require the reconsideration of, initial or subsequent selections made on a request under section 87, and
 - (ii) power to require the reconsideration of a decision mentioned in paragraph (d);
- (g) give functions to the Senior President of Tribunals in connection with selection for an office listed in Table 3 of Part 1, or Table 2 of Part 3, of Schedule 14, including—
 - (i) power to reject, or require the reconsideration of, initial or subsequent selections made on a request under section 87, and
 - (ii) power to require the reconsideration of a decision mentioned in paragraph (d);
- (h) make provision for or in connection with duties mentioned in section 51 of the Equality Act 2010 being duties of the Lord Chief Justice, or Senior President of Tribunals, in relation to an office within Table 2 or 3 of Part 1 of Schedule 14;
- (i) provide for particular action to be taken by the Commission or a selection panel after the panel has complied with section 70, 75B or 79;

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- (j) provide for particular action to be taken by the Commission after a selection has been made on a request under section 87;
 - (k) provide for the dissolution of a selection panel appointed under section 70, 75B or 79;
 - (l) provide for section 16(2)(a) or (b) not to apply in relation to functions of the Lord Chief Justice—
 - (i) as a member of such a panel (including functions of chairing such a panel), or
 - (ii) in relation to the nomination or appointment of members of such a panel;
 - (m) provide for a person to cease to be a member of such a panel where the person's membership of the panel ceases to contribute to meeting a requirement about the panel's members;
 - (n) provide for a person to become a member of such a panel where another person ceases to be a member of the panel or where another person's membership of the panel ceases to contribute to meeting a requirement about the panel's members;
 - (o) make provision for or in connection with assessments, whether pre-acceptance or post-acceptance, of the health of persons selected;
 - (p) provide for the Lord Chief Justice to nominate a judicial office holder (as defined in section 109(4)) to exercise functions given to the Lord Chief Justice by the regulations (including functions, such as functions as a consultee, given otherwise than in reliance on paragraph (f));
 - (q) make provision prohibiting or restricting delegation by the Senior President of Tribunals of functions given to the Senior President of Tribunals by the regulations (including functions, such as functions as a consultee, given otherwise than in reliance on paragraph (g));
 - (r) make provision as to the meaning of “non-legally-qualified” and “judicial member” in sections 70, 75B and 79.
- (3) Regulations under this section—
- (a) may make different provision for different purposes;
 - (b) may make transitory, transitional or saving provision.
- (4) In subsection (1)(c) “the appropriate authority” means—
- (a) the Lord Chancellor where the selection—
 - (i) is on a request under section 69 or 78,
 - (ii) relates to the office of Senior President of Tribunals or puisne judge of the High Court, or
 - (iii) relates to an office listed in Table 1 of Part 1, 2 or 3 of Schedule 14;
 - (b) the Lord Chief Justice where the selection relates to an office listed in Table 2 of Part 1 or 2 of that Schedule;
 - (c) the Senior President of Tribunals where the selection relates to an office listed in Table 3 of Part 1, or Table 2 of Part 3, of that Schedule.
- (5) This section is subject to section 95.”

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Other changes in relation to selection process and complaints

- 54 The Constitutional Reform Act 2005 is amended as follows.
- 55 In section 66(1)(a) (Lord Chancellor to consult Lord Chief Justice before issuing guidance about selection procedures) for “consult” substitute “ obtain the agreement of ”.
- 56 In section 67 (sections 68 to 75 apply in relation to appointment of Lord Chief Justice or Head of Division)—
- (a) in subsection (1) for “75” substitute “ 70 ”, and
 - (b) in subsection (2) for “96” substitute “ 94C and regulations made under it ”.
- 57 In section 69 (sections 70 to 75 apply where request made under section 69)—
- (a) in subsection (4) for “Sections 70 to 75 apply” substitute “ Section 70 applies ”, and
 - (b) in subsection (5) for “Those sections are” substitute “ That section is ”.
- 58 (1) Section 70 (process for selecting person to be recommended for appointment as Lord Chief Justice or Head of Division) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) The panel must have an odd number of members not less than five.
 - (1B) The members of the panel must include—
 - (a) at least two who are non-legally-qualified,
 - (b) at least two judicial members, and
 - (c) at least two members of the Commission,and contributions to meeting more than one of the requirements may be made by the same person's membership of the panel.
 - (1C) The members of the panel may not include the current holder of the office for which a selection is to be made.
 - (1D) If the panel is convened for the selection of a person to be recommended for appointment as Lord Chief Justice, it is to be chaired by one of its non-legally-qualified members.”
- (3) In subsection (2)(a) (panel to determine selection process to be applied) after “applied” insert “ by it ”.
- (4) Omit subsection (2A) (steps that are to be part of selection process).
- (5) In subsection (4) (subsection (3) applies to selection under section 70 or 75) for “section 75” substitute “ regulations under section 94C ”.
- (6) Omit subsection (5) (if practicable, panel to consult current holder of office).
- 59 In section 75A (sections 75B to 75G apply where request made under paragraph 2(5) of Schedule 1 to the Tribunals, Courts and Enforcement Act 2007)—
- (a) in subsection (1) for “Sections 75B to 75G apply” substitute “ Section 75B applies ”, and
 - (b) in subsection (2) for “Those sections are” substitute “ That section is ”.
- 60 (1) Section 75B (process for selecting person to be recommended for appointment as Senior President of Tribunals) is amended as follows.

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- (2) After subsection (1) insert—
- “(1A) The panel must have an odd number of members not less than five.
- (1B) The members of the panel must include—
- (a) at least two who are non-legally-qualified,
- (b) at least two judicial members, and
- (c) at least two members of the Commission,
- and contributions to meeting more than one of the requirements may be made by the same person's membership of the panel.
- (1C) The members of the panel may not include the Senior President of Tribunals.”
- (3) In subsection (2)(a) (panel to determine selection process to be applied) after “applied” insert “ by it ”.
- (4) In subsection (5) (subsection (4) applies to selection under section 75B or 75G) for “section 75G” substitute “ regulations under section 94C ”.
- 61 In section 76 (sections 77 to 84 apply in relation to appointment of ordinary judges of the Court of Appeal)—
- (a) in subsection (1) for “84” substitute “ 79 ”, and
- (b) in subsection (2) for “96” substitute “ 94C and regulations made under it ”.
- 62 In section 78 (sections 79 to 84 apply where request made under section 78)—
- (a) in subsection (4) for “Sections 79 to 84 apply” substitute “ Section 79 applies ”, and
- (b) in subsection (5) for “Those sections are” substitute “ That section is ”.
- 63 (1) Section 79 (process for selecting person to be recommended for appointment as ordinary judge of Court of Appeal) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) The panel must have an odd number of members not less than five.
- (1B) The members of the panel must include—
- (a) at least two who are non-legally-qualified,
- (b) at least two judicial members, and
- (c) at least two members of the Commission,
- and contributions to meeting more than one of the requirements may be made by the same person's membership of the panel.”
- (3) In subsection (2)(a) (panel to determine selection process to be applied) after “applied” insert “ by it ”.
- (4) In subsection (4) (subsection (3) applies to selection under section 79 or 84) for “section 84” substitute “ regulations under section 94C ”.
- 64 (1) Section 85 (sections 86 to 93 apply in relation to appointment of puisne judges of the High Court or to offices listed in Schedule 14) is amended as follows.
- (2) In subsection (1)—

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- (a) for “93” substitute “ 88 ”,
- (b) in paragraph (c) before “Part 2 or 3” insert “ Table 1 of ”, and
- (c) after paragraph (c) insert—
 - “(d) an appointment to an office listed in Table 2 of Part 2 of that Schedule in exercise of the Lord Chief Justice's function under the enactment listed opposite that office;
 - (e) an appointment to an office listed in Table 2 of Part 3 of that Schedule in exercise of the function of the Senior President of Tribunals under the enactment listed opposite that office.”
- (3) In subsection (2) for “96” substitute “ 94C and regulations made under it ”.
- (4) After subsection (4) insert—
 - “(5) The Lord Chancellor may by order provide that this section does not apply to appointments to an office listed in Schedule 14 that is specified in the order.
 - (6) An office may not be specified in an order under subsection (5) if—
 - (a) the provisions governing appointment to the office provide that a person is eligible for appointment only where the person satisfies the single condition specified in the provisions, and
 - (b) that condition is one of the conditions listed in subsection (8).
 - (7) An office may not be specified in an order under subsection (5) if—
 - (a) the provisions governing appointment to the office provide that a person is eligible for appointment only where the person satisfies one or some other particular number or all, or at least one or at least some other particular number, of several conditions specified in the provisions, and
 - (b) at least one of the conditions specified in the provisions is listed in subsection (8).
 - (8) The conditions are—
 - (a) that the person satisfies the judicial-appointment eligibility condition on an N-year basis (where N is a particular number);
 - (b) that the person is a solicitor in Scotland of at least a particular number of years' standing;
 - (c) that the person is an advocate in Scotland of at least a particular number of years' standing;
 - (d) that the person is a solicitor in Northern Ireland of at least a particular number of years' standing;
 - (e) that the person is a barrister in Northern Ireland of at least a particular number of years' standing.
 - (9) Before making an order under subsection (5) the Lord Chancellor must consult the Lord Chief Justice, the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland.
 - (10) An order under subsection (5)—
 - (a) may make different provision for different purposes;

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- (b) may make consequential, transitory, transitional or saving provision.”
- 65 (1) Section 86 (duty to fill vacancies) is amended as follows.
- (2) After subsection (1) (duty to make a recommendation to fill vacancy for a puisne judge of the High Court or in an office listed in Part 1 of Schedule 14) insert—
- “(1A) The Lord Chancellor must, as soon as is reasonably practicable after being informed by the Lord Chief Justice that a selection under this Chapter for a recommendation for an appointment to an office listed in Table 2 of Part 1 of that Schedule has been accepted unconditionally or subject to conditions that have since been met, make a recommendation of the selected person for an appointment to that office.
- (1B) The Lord Chancellor must, as soon as is reasonably practicable after being informed by the Senior President of Tribunals that a selection under this Chapter for a recommendation for an appointment to an office listed in Table 3 of Part 1 of that Schedule has been accepted unconditionally or subject to conditions that have since been met, make a recommendation of the selected person for an appointment to that office.”
- (3) In subsection (2) (Lord Chancellor must fill vacancy in office listed in Part 2 or 3 of Schedule 14) after “listed in” insert “ Table 1 of ”.
- (4) After that subsection insert—
- “(2A) The Lord Chief Justice must make an appointment to fill any vacancy in an office listed in Table 2 of Part 2 of that Schedule.
- (2B) The Senior President of Tribunals must make an appointment to fill any vacancy in an office listed in Table 2 of Part 3 of that Schedule.”
- (5) After subsection (3) insert—
- “(4) Subsections (2A) and (2B) do not apply to a vacancy while the Lord Chancellor agrees that it may remain unfilled.”
- 66 (1) Section 87 (request for selection of person to fill vacancy for High Court judge or in an office listed in Schedule 14) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) The Lord Chancellor may request the Commission to select a person for membership of a pool for requests under section 9(1) of the Senior Courts Act 1981, and a person may become a member of such a pool only by selection on a request under this subsection.”
- (3) In subsection (4) (sections 88 to 93 apply where request made under section 87) for “Sections 88 to 93 apply” substitute “ Section 88 applies ”.
- (4) In subsection (5) for “Those sections are” substitute “ That section is ”.
- 67 In section 88 (selection process: puisne judges of High Court and other office holders)—
- (a) omit subsection (2) (insufficient candidates of merit),
- (b) omit subsection (3) (required elements of selection process),

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- 68
- (c) in subsection (4) (duty to arrange selection of one person for each recommendation or appointment to which a request relates) for “or appointment” substitute “, appointment or pool membership”, and
 - (d) in subsection (5) (subsection (4) applies to selection under section 88, 92 or 93) for “section 92 or 93” substitute “ regulations under section 94C”.
- For section 94 (Commission's duty to identify persons suitable for selection on a future request) substitute—

“94 Power to require persons to be identified for future requests

- (1) If the Lord Chancellor gives the Commission notice of a request which the Lord Chancellor expects to make under section 87, the Commission must seek to identify persons it considers would be suitable for selection on the request.
 - (2) The Lord Chancellor may, by regulations made with the agreement of the Lord Chief Justice, make provision about how the Commission is to comply with a duty imposed on it by subsection (1).
 - (3) The regulations may in particular—
 - (a) make provision as to things that are, or as to things that are not, to be done—
 - (i) in complying with such a duty, or
 - (ii) in determining how to comply with such a duty;
 - (b) provide for the making of reports.
 - (4) Regulations under this section—
 - (a) may make different provision for different purposes;
 - (b) may make consequential, supplementary, transitory, transitional or saving provision.”
- 69
- (1) Section 95 (Lord Chancellor's power to withdraw or modify a request) is amended as follows.
 - (2) In subsection (2) before paragraph (a) insert—

“(za) the Lord Chancellor may withdraw or modify a request in consequence of a vacancy, or perceived need for an additional office-holder, having been filled or partly filled by change in the amount of time required to be devoted to the duties of office by an existing holder of the office concerned;”.
 - (3) In that subsection after paragraph (b) insert—

“(ba) so far as a request relates to any pool membership, the Lord Chancellor may withdraw or modify it after consulting the Lord Chief Justice;”.
 - (4) In subsection (2)(c) (withdrawal of request where selection process unsatisfactory) —
 - (a) for “he”, in both places, substitute “ the Lord Chancellor ”, and
 - (b) for “or appointments” substitute “, appointments or pool memberships”.
 - (5) In subsection (3) (selection already accepted may not be changed in consequence of modification or part-withdrawal of request) after “accepted” insert “

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unconditionally or subject only to matters such as the selected person's willingness and availability”.

- (6) In subsection (4) (request may not be withdrawn on ground of unsatisfactory process after exercise of power to accept, reject or require reconsideration of selection) for the words after “if” substitute “a selection made pursuant to the request—
- (a) has been accepted unconditionally or subject only to matters such as the selected person's willingness and availability, or
 - (b) in exercise of power conferred by regulations under section 94C, has been rejected or required to be reconsidered.”
- 70 (1) Section 97 (consultation under certain provisions to be with head of the judiciary in Scotland or Northern Ireland instead of with Lord Chief Justice of England and Wales) is amended as follows.
- (2) In subsection (1) (list of provisions requiring consultation)—
 - (a) omit paragraphs (b), (c) and (e), and
 - (b) in paragraph (d) for “95(2)(a), (b)” substitute “ 95(2)(b) ”.
 - (3) In subsection (4) (modification where requirement is to obtain concurrence rather than to consult) after “section 94A(1)” insert “ or 95(2)(a) ”.
- 71 (1) In section 99 (judicial appointments: complaints) after subsection (3) insert—
- “(3A) An LCJ complaint is a complaint by a qualifying complainant of maladministration by the Lord Chief Justice or the Lord Chief Justice's nominee, or anyone acting on behalf of either of them, in connection with—
- (a) selection under this Part for an office listed in Table 2 of Part 1 or 2 of Schedule 14,
 - (b) appointment to an office listed in Table 2 of Part 2 of that Schedule, or
 - (c) selection under this Part for membership of a pool for requests under section 9(1) of the Senior Courts Act 1981,
- or of maladministration by the Lord Chief Justice or the Master of the Rolls or the Lord Chief Justice's nominee, or anyone acting on behalf of any of them, in connection with the making of requests under section 9(1) of that Act.
- (3B) An SPT complaint is a complaint by a qualifying complainant of maladministration by the Senior President of Tribunals or a person to whom the Senior President has delegated functions, or anyone acting on behalf of either of them, in connection with—
- (a) selection under this Part for an office listed in Table 3 of Part 1 of Schedule 14 or in Table 2 of Part 3 of that Schedule, or
 - (b) appointment to an office listed in Table 2 of Part 3 of that Schedule.”
- 72 In section 100 (duty to make arrangements to investigate complaints) after subsection (2) insert—
- “(2A) The Lord Chief Justice must make arrangements for investigating any LCJ complaint made to the Lord Chief Justice.

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- (2B) The Senior President of Tribunals must make arrangements for investigating any SPT complaint made to the Senior President of Tribunals.”
- 73 (1) Section 101 (complaints to the Judicial Conduct and Appointments Ombudsman) is amended as follows.
- (2) In subsections (1)(a) and (4)(a) (investigation of complaints previously made to Judicial Appointments Commission or Lord Chancellor) for “or the Lord Chancellor” substitute “, the Lord Chancellor, the Lord Chief Justice or the Senior President of Tribunals ”.
- (3) In subsection (1)(b) for “Commission's or Lord Chancellor's decision” substitute “ decision of the Commission, the Lord Chancellor, the Lord Chief Justice or the Senior President of Tribunals ”.
- 74 In section 102 (Ombudsman's reports and recommendations)—
- (a) in subsection (2)(c) (recommended action) for “or the Lord Chancellor” substitute “, the Lord Chancellor, the Lord Chief Justice or the Senior President of Tribunals ”, and
- (b) in subsection (4) (compensation not to be recommended for failure to be appointed to an office) after “office” insert “, or selected for membership of a pool, ”.
- 75 (1) Section 103 (Ombudsman's reports) is amended as follows.
- (2) For subsection (2) (drafts of reports) substitute—
- “(2) The Ombudsman must submit a draft of the report to the Lord Chancellor and to—
- (a) the Commission if the complaint was a Commission complaint;
- (b) the Lord Chief Justice if the complaint was an LCJ complaint;
- (c) the Senior President of Tribunals if the complaint was an SPT complaint.”
- (3) In subsection (3) (duty to have regard to comments on draft) for “or the Commission” substitute “ the Commission, the Lord Chief Justice or the Senior President of Tribunals ”.
- (4) After subsection (5) insert—
- “(5A) If the complaint was an LCJ complaint the Ombudsman must send the report in duplicate to the Lord Chancellor and the Lord Chief Justice.
- (5B) If the complaint was an SPT complaint the Ombudsman must send the report in duplicate to the Lord Chancellor and the Senior President of Tribunals.”
- 76 (1) Section 104 (referrals to Judicial Conduct and Appointments Ombudsman of matters relating to Judicial Appointments Commission) is amended as follows.
- (2) In subsection (1) (duty to investigate matter referred by Lord Chancellor) after “Lord Chancellor” insert “, the Lord Chief Justice or the Senior President of Tribunals ”.
- (3) In subsection (3) (report on referred matter) after “Lord Chancellor” insert “, the Lord Chief Justice and the Senior President of Tribunals ”.

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77	In section 105 (provision of information to Ombudsman) after “The Commission” insert “, the Lord Chief Justice, the Senior President of Tribunals”.
78	In section 144(5) (orders and regulations subject to affirmative procedure) after paragraph (a) insert— “(aa) an order under section 85(5); (ab) regulations under section 94 or 94C;”.
79	In paragraph 2 of Schedule 7 (functions of Lord Chancellor under the Act are protected from transfer to other Ministers etc) after “under this Act” insert “, including any function under provision inserted into this Act by— (a) the Crime and Courts Act 2013, or (b) any earlier or later enactment”.
80	In Schedule 12 (the Judicial Appointments Commission) in paragraphs 20(6) and 27(3) (selection panels under section 70 or 79) after “70” insert “, 75B”.
	<i>Changes in relation to selection process: consequential repeals</i>
81	Omit Part 5 of this Schedule (amendments which come into force on the passing of this Act, but which are superseded on amendments made by this Part of this Schedule being brought into force).

PART 5

SELECTION OF LORD CHIEF JUSTICE AND HEADS OF DIVISION: TRANSITORY PROVISION

- 82 (1) The Constitutional Reform Act 2005 is amended as follows.
- (2) In section 70 (selection process for appointment of Lord Chief Justice or Head of Division) after subsection (2) insert—
- “(2A) In determining the selection process to be applied, the panel must ensure that the process—
- (a) includes consultation of the Lord Chancellor, and
 - (b) if the request relates to a recommendation for an appointment to the office of Lord Chief Justice, also includes consultation of the First Minister for Wales.”
- (3) For section 71 of the Constitutional Reform Act 2005 (selection panel for appointment of Lord Chief Justice or Head of Division) substitute—

“71 Selection panel for appointment of Lord Chief Justice

- (1) This section applies where the request relates to a recommendation for an appointment to the office of Lord Chief Justice.
- (2) The selection panel must consist of five members.
- (3) The first member is the chairman of the Commission, unless there is no chairman of the Commission or the chairman of the Commission is incapacitated.

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- (4) If there is no chairman of the Commission or the chairman of the Commission is incapacitated, the first member is a lay member of the Commission selected by the lay members of the Commission other than the chairman.
- (5) The second member is the most senior England and Wales Supreme Court judge who is neither disqualified nor incapacitated, or that judge's nominee.
- (6) The third member is a lay member of the Commission designated by the first member.
- (7) The fourth member is a member of the Commission designated by the first member.
- (8) The fifth member is a person designated by the Lord Chief Justice, unless subsection (10) applies.
- (9) Subsection (10) applies if—
 - (a) there is no Lord Chief Justice, or
 - (b) the Lord Chief Justice is incapacitated.
- (10) In those cases the most senior England and Wales Supreme Court judge who is neither disqualified nor incapacitated must, after consulting the first member, designate a person as the fifth member.
- (11) Only the following may be a nominee under subsection (5) or designated under subsection (8) or (10)—
 - (a) an England and Wales Supreme Court judge,
 - (b) a Head of Division, or
 - (c) an ordinary judge of the Court of Appeal in England and Wales.
- (12) A person may not be a nominee under subsection (5), or be designated under this section, if the person is disqualified.
- (13) Before designating a person under subsection (7) as the fourth member, the first member must, if practicable, consult the Lord Chief Justice.
- (14) The first member is the chairman of the panel.
- (15) A person is disqualified for the purposes of this section if—
 - (a) the person is the Lord Chief Justice,
 - (b) the office of Lord Chief Justice is vacant and the person is the immediate previous holder of that office, or
 - (c) the person is willing to be considered for selection.

71A Selection panel for appointment of Head of Division

- (1) This section applies where the request relates to a recommendation for an appointment to one of the following offices—
 - (a) Master of the Rolls;
 - (b) President of the Queen's Bench Division;
 - (c) President of the Family Division;
 - (d) Chancellor of the High Court.

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- (2) The selection panel must consist of five members.
- (3) The first member is the Lord Chief Justice or the Lord Chief Justice's nominee, unless subsection (9) applies.
- (4) Unless subsection (9) applies, the second member is the most senior England and Wales Supreme Court judge who is neither disqualified nor incapacitated, or that judge's nominee.
- (5) The third member is the chairman of the Commission or the chairman's nominee, unless subsection (11) applies.
- (6) The fourth member is a lay member of the Commission designated by the third member.
- (7) The fifth member is a person designated by the first member after consulting the third member.
- (8) Subsection (9) applies if—
 - (a) there is no Lord Chief Justice,
 - (b) the Lord Chief Justice is disqualified, or
 - (c) the Lord Chief Justice is incapacitated.
- (9) In those cases—
 - (a) the most senior England and Wales Supreme Court judge who is neither disqualified nor incapacitated, or that judge's nominee, is the first member, and
 - (b) the second member is a person designated by the first member.
- (10) Subsection (11) applies if—
 - (a) there is no chairman of the Commission, or
 - (b) the chairman of the Commission is incapacitated.
- (11) In those cases the third member of the Commission is a lay member of the Commission selected by the lay members of the Commission other than the chairman.
- (12) Only the following may be a nominee under subsection (3), (4) or (9)(a) or designated under subsection (9)(b)—
 - (a) an England and Wales Supreme Court judge,
 - (b) a Head of Division, or
 - (c) an ordinary judge of the Court of Appeal in England and Wales.
- (13) Only a lay member of the Commission may be a nominee under subsection (5).
- (14) Only the following may be designated under subsection (7)—
 - (a) an England and Wales Supreme Court judge,
 - (b) a senior judge (as defined by section 109(5)),
 - (c) the holder of an office listed in Schedule 14, or
 - (d) a member of the Commission.
- (15) A person may not be a nominee under this section, or be designated under this section, if the person is disqualified.

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- (16) The first member is the chairman of the panel.
- (17) A person is disqualified for the purposes of this section if—
 - (a) the person is the current holder of the office for which a selection is to be made, or
 - (b) the person is willing to be considered for selection.

71B Sections 71 and 71A: diversity and interpretation

- (1) Subsection (2) applies where a person chooses a person to be a member of a selection panel under section 71 or 71A (whether as a nominee, as a designated member or otherwise).
- (2) The person making the choice must, in doing so, have regard (alongside all other relevant considerations) to the fact that it is desirable that the members of the panel should include—
 - (a) both women and men, and
 - (b) members drawn from a range of different racial groups;and in this subsection “racial group” has the same meaning as in section 9 of the Equality Act 2010.
- (3) Section 16 does not apply to functions of the Lord Chief Justice under section 71 or 71A; and references in sections 71 and 71A to a person being incapacitated are to the person being incapacitated in the opinion of the Lord Chancellor.
- (4) Seniority amongst the judges of the Supreme Court who are England and Wales Supreme Court judges is to be determined for the purposes of sections 71 and 71A as follows—
 - (a) the President of the Supreme Court, if an England and Wales Supreme Court judge, is senior to all other England and Wales Supreme Court judges;
 - (b) the Deputy President of the Supreme Court, if an England and Wales Supreme Court judge, is senior to all ordinary England and Wales Supreme Court judges;
 - (c) one ordinary England and Wales Supreme Court judge is senior to another if that first judge has served longer as a judge of the Supreme Court (whether over one or more periods and whether or not including one or more previous periods as President or Deputy President of the Court).
- (5) In subsection (4) “ordinary England and Wales Supreme Court judge” means an England and Wales Supreme Court judge who is neither the President of the Court nor the Deputy President.
- (6) Service as a Lord of Appeal in Ordinary counts as service as a judge of the Supreme Court for the purposes of subsection (4)(c).
- (7) In sections 71 and 71A and this section “England and Wales Supreme Court judge” means a judge of the Supreme Court who has held high judicial office in England and Wales before appointment to the Court.”

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- (4) In paragraph 11(3) of Schedule 12 (functions of the chairman of the Judicial Appointments Commission which, in the chairman's absence, are not exercisable by the vice-chairman) after paragraph (b) insert—
 “(ba) section 71A;”.
- (5) An amendment made by this paragraph does not have effect in relation to a request under section 69 of the Constitutional Reform Act 2005 received by the Judicial Appointments Commission before the amendment comes into force.

VALID FROM 15/07/2013

PART 6

APPOINTMENT OF JUDGE TO EXERCISE FUNCTIONS OF A HEAD OF DIVISION IN CASE OF INCAPACITY OR A VACANCY ETC

83 Where a Head of Division is incapable of exercising relevant functions, or the office of a Head of Division is vacant, the Lord Chief Justice may, with the concurrence of the Lord Chancellor, appoint a judge of the Senior Courts to exercise relevant functions of the Head of Division.

84 An appointment under paragraph 83—
 (a) must be in writing,
 (b) must specify the functions that may be exercised by the appointed judge, and
 (c) must set out the duration of the appointment.

85 In paragraph 83—
 “Head of Division” means—
 (a) the Master of the Rolls,
 (b) the President of the Queen's Bench Division,
 (c) the President of the Family Division, or
 (d) the Chancellor of the High Court;
 “the Lord Chief Justice” means the Lord Chief Justice of England and Wales;
 “the Senior Courts” means the Senior Courts of England and Wales.

86 In this Part of this Schedule “relevant functions” means functions under any of the following—
 section 5 of the Public Notaries Act 1843 (functions of Chancellor of the High Court in relation to refusal of master of the faculties to grant a faculty to practise as a public notary);
 section 8(5) of the Public Records Act 1958 (President of the Family Division to be consulted in relation to transfer of certain records);
 section 5(2) or (3) of the Senior Courts Act 1981 (concurrence of Heads of Division with transfer of judges between Divisions of High Court etc);
 section 7(1) of the Senior Courts Act 1981 (power of Lord Chancellor, Lord Chief Justice and Heads of Division, acting collectively, to recommend alteration of Divisions of High Court etc);

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section 11(9) of the Senior Courts Act 1981 (concurrence of particular Heads of Division etc with Lord Chancellor's declaration of a vacancy in the office of a judge of the Senior Courts who is permanently incapacitated and unable to resign);

section 54 of the Senior Courts Act 1981 (functions of Master of the Rolls in relation to composition of courts of civil division of Court of Appeal);

section 57 of the Senior Courts Act 1981 (determination by Master of the Rolls with concurrence of Lord Chancellor of sittings of civil division of Court of Appeal during vacation);

section 61(5) of the Senior Courts Act 1981 (concurrence of Heads of Division concerned with assignment of business of one Division of High Court to another Division of High Court);

section 63(3) of the Senior Courts Act 1981 (concurrence of Head of Division concerned with direction that business is to cease to be assigned to specially nominated judge of High Court);

section 71(4)(a) of the Senior Courts Act 1981 (determination by Heads of Division with concurrence of Lord Chancellor of sittings of Divisions of High Court during vacation);

section 109(2) or 110 of the Senior Courts Act 1981 (President of the Family Division may make certain arrangements in relation to documents relating to probate etc);

section 111 of the Senior Courts Act 1981 (President of the Family Division may give directions as to form and content of records of grants made in the Principal Registry or a district probate registry);

section 126 of the Senior Courts Act 1981 (President of the Family Division may, with concurrence of Lord Chancellor, make regulations imposing conditions on deposit of wills);

section 133 of the Senior Courts Act 1981 (functions of Master of the Rolls in relation to enrolment and engrossment of instruments);

section 25(3)(a) of the Administration of Justice Act 1982 (President of the Family Division may, with concurrence of Lord Chancellor, make regulations as to deposit and registration of wills);

section 257(3) of the Inheritance Tax Act 1984 (President of the Family Division may make certain arrangements in relation to delivery of accounts for the purposes of that Act);

section 37 of the Matrimonial and Family Proceedings Act 1984 (President of the Family Division may, with concurrence of Lord Chancellor, give directions with respect to distribution and transfer between High Court and family court of family business and family proceedings);

section 1(9) of the Courts and Legal Services Act 1990 (Heads of Division etc to be consulted in relation to changes to allocation of business of High Court and county court);

section 58A(5)(a), 58AA(6)(a) or 58B(7)(a) of the Courts and Legal Services Act 1990 (Heads of Division etc to be consulted in relation to certain matters relating to agreements for funding of legal services);

section 56(4) of the Access to Justice Act 1999 (Heads of Division etc to be consulted in relation to changes to destination of appeals);

section 57 of the Access to Justice Act 1999 (Master of the Rolls or President of the Family Division etc may assign appeals to the Court of Appeal);

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section 2(7) of the Courts Act 2003 (Heads of Division etc to be consulted in relation to authorisation of contracting-out of administrative work of courts);
 section 64(4) of the Courts Act 2003 (Heads of Division to be consulted in relation to change of judicial title);

section 66(4)(b) of the Courts Act 2003 (President of the Family Division may nominate Circuit judges etc to sit as members of family proceedings courts);

section 77(3) of the Courts Act 2003 (President of the Family Division etc to be consulted in relation to certain appointments to Family Procedure Rule Committee);

section 78(2) of the Courts Act 2003 (President of the Family Division to be consulted in relation to certain changes to Family Procedure Rule Committee);

section 92(5) of the Courts Act 2003 (Heads of Division etc to be consulted in relation to fees of Senior Courts, family court, county court and magistrates' courts);

paragraph 12(4) of Schedule 7 to the Courts Act 2003 (Heads of Division etc to be consulted in relation to regulations about enforcement officers);

section 52(4) of the Constitutional Reform Act 2005 (Heads of Division etc to be consulted in relation to Supreme Court fees);

section 183(7)(b) of the Legal Services Act 2007 (consent of Master of the Rolls etc in relation to fees for administration of an oath or taking of an affidavit);

paragraph 1(10) of Schedule 3 to the Legal Services Act 2007 (concurrence of President of the Family Division etc with meaning of “reserved family proceedings” prescribed for the purposes of that paragraph).

87 The Lord Chancellor may by order amend the list in paragraph 86 so as to—

- (a) add an entry,
- (b) remove an entry, or
- (c) vary an entry.

88 After section 10(6) of the Senior Courts Act 1981 (where there is a vacancy in one or more of the offices of the Heads of Division, a newly-appointed Lord Chief Justice is to take the required oaths in the presence of the holders of such of the offices as are not vacant) insert—

“(6A) Where the holder of an office mentioned in subsection (5) is incapable of exercising the functions of the office, the office is to be treated as vacant for the purposes of subsection (6).”

VALID FROM 15/07/2013

PART 7

ABOLITION OF OFFICE OF ASSISTANT RECORDER

89 (1) In section 24 of the Courts Act 1971 (deputy Circuit judges and assistant Recorders) in subsection (1) omit paragraph (b) (power to appoint assistant Recorders).

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(2) In consequence of that repeal—

- (a) in subsection (1A) of that section (duration of appointments)—
 - (i) omit “in the case of appointment as a deputy Circuit judge,” and
 - (ii) omit the words after “seventy-five”,
- (b) in subsection (2) of that section—
 - (i) omit “or assistant Recorder”, and
 - (ii) omit “or a Recorder, as the case may be”,
- (c) in subsection (3) of that section omit the words after “pensions of such judges”,
- (d) in subsection (5) of that section omit “and assistant Recorders”,
- (e) in the title of that section omit “and assistant Recorders”,
- (f) in Schedule 5 to the Judicial Pensions and Retirement Act 1993 omit the entry for Assistant Recorder,
- (g) in Schedule 7 to the Judicial Pensions and Retirement Act 1993 omit paragraph 5(5)(ii),
- (h) in section 9(4) of the Senior Courts Act 1981 omit “and assistant Recorders”,
- (i) in section 64(2) of the Courts Act 2003 omit the entry for Assistant Recorder,
- (j) in Schedule 4 to the Constitutional Reform Act 2005 omit paragraph 71(2)(d),
- (k) in Part 2 of Schedule 14 to that Act omit the entry for Assistant Recorder, and
- (l) in Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 omit paragraph 9(4).

VALID FROM 01/10/2013

SCHEDULE 14

Section 21

DEPLOYMENT OF THE JUDICIARY

PART 1

DEPLOYMENT UNDER SECTION 9 OF THE SENIOR COURTS ACT 1981

Requests for assistance under section 9(1) of the Senior Courts Act 1981

- 1
- (1) Section 9 of the Senior Courts Act 1981 (which includes provision for certain judges to act as judges of other courts) is amended as follows.
 - (2) In the table in subsection (1) (judges deployable to certain courts) in column 2 of each of entries 2 and 4 (person who has been a judge of the Court of Appeal, or has been a puisne judge of the High Court, may be asked to act as a judge of the

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Court of Appeal, High Court or Crown Court) before “and the Crown Court” insert “, the family court, the county court”.

(3) In that table after entry 4 insert—

“4A. The Senior President of Tribunals. The Court of Appeal and the High Court.”

(4) In that table, in column 1 of entry 6 (Recorders) after “Recorder” insert “ or a person within subsection (1ZB) ”.

(5) After subsection (1) insert—

“(1ZA) The Senior President of Tribunals is to be treated as not being within any entry in column 1 of the Table other than entry 4A.

(1ZB) A person is within this subsection if the person—

- (a) is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal,
- (b) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007,
- (c) is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act),
- (d) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act), or
- (e) is the President of Employment Tribunals (England and Wales) or the President of Employment Tribunals (Scotland).”

(6) In subsection (2B) (requests under certain entries in table in subsection (1) to be made only after consulting Lord Chancellor) after “3,” insert “ 4A, ”.

(7) In subsection (2D) (requests to Circuit judge or Recorder to act in High Court require concurrence of Judicial Appointments Commission)—

- (a) omit “or Recorder”, and
- (b) for “High Court” substitute “ Court of Appeal ”.

(8) For subsection (3) (certain requests under subsection (1) must be complied with) substitute—

“(3) The person to whom a request is made under subsection (1) must comply with the request, but this does not apply to—

- (a) a request made to a person who has been a judge of the Court of Appeal,
- (b) a request made to a person who has been a puisne judge of the High Court and is not a judge of the Court of Appeal, or
- (c) a request made to the Senior President of Tribunals if the holder of that office is a judge of the Court of Session or of the High Court, or Court of Appeal, in Northern Ireland.”

(9) In subsection (6A) (Circuit judge or Recorder not to act by virtue of subsection (5) as single judge in Court of Appeal for certain purposes) for “or Recorder” substitute “, Recorder or person within subsection (1ZB) ”.

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“94AA Appointments not subject to section 85: High Court deputy judge

- (1) Where this section applies to an appointment, section 85 does not apply.
- (2) This section applies to the appointment of a person as a deputy judge of the High Court if it appears to the Lord Chief Justice, after consulting the Lord Chancellor, that—
 - (a) there is an urgent need to take steps in order to facilitate the disposal of particular business in the High Court or Crown Court,
 - (b) it is expedient as a temporary measure to make the appointment in order to facilitate the disposal of the business, and
 - (c) there are no other reasonable steps that it is practicable to take within the time available in order to facilitate the disposal of the business.
- (3) An appointment to which this section applies is to be made—
 - (a) so as not to extend beyond the day on which the particular business concerned is concluded, or
 - (b) so as not to extend beyond the later of—
 - (i) the day on which the business is concluded, or
 - (ii) the day expected when the appointment is made to be the day on which the business is concluded.”
- (4) In section 85(2A)(d) and (4) of the 2005 Act after “94A” insert “, 94AA ”.

PART 2

DEPLOYMENT OF JUDGES TO THE MAGISTRATES' COURTS

- 4 (1) Section 66 of the Courts Act 2003 (judges who have powers of justice of the peace who is a District Judge (Magistrates' Courts)) is amended as follows.
- (2) In subsection (2) after paragraph (a) insert—
 - “(aa) Master of the Rolls;
 - (ab) ordinary judge of the Court of Appeal;
 - (ac) Senior President of Tribunals;”.
- (3) In subsection (2) after paragraph (e) insert—
 - “(f) Chamber President, or Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal;
 - (g) judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007;
 - (h) transferred-in judge of the Upper Tribunal (see section 31(2) of that Act);
 - (i) deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act);
 - (j) office listed—

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- (i) in the first column of the table in section 89(3C) of the Senior Courts Act 1981 (senior High Court Masters etc),
or
- (ii) in column 1 of Part 2 of Schedule 2 to that Act (High Court Masters etc);
- (k) district judge (which, by virtue of section 8(1C) of the County Courts Act 1984, here includes deputy district judge appointed under section 8 of that Act);
- (l) deputy district judge appointed under section 102 of the Senior Courts Act 1981;
- (m) judge of the First-tier Tribunal by virtue of appointment under paragraph 1(1) of Schedule 2 to the Tribunals, Courts and Enforcement Act 2007;
- (n) transferred-in judge of the First-tier Tribunal (see section 31(2) of that Act);
- (o) member of a panel of Employment Judges established for England and Wales or for Scotland.”

(4) After subsection (6) insert—

“(7) This section does not give a person any powers that a District Judge (Magistrates' Courts) may have to act in a court or tribunal that is not a magistrates' court.”

PART 3

DEPLOYMENT OF JUDGES TO THE COURT OF PROTECTION

- 5 (1) Section 46 of the Mental Capacity Act 2005 (judges of the Court of Protection) is amended as follows.
- (2) In subsection (2) (persons who may be nominated as court's judges) omit the “or” at the end of paragraph (d) and, after paragraph (e), insert “,
- (f) a District Judge (Magistrates' Courts),
 - (g) a judge of the First-tier Tribunal, or of the Upper Tribunal, by virtue of appointment under paragraph 1(1) of Schedule 2 or 3 to the Tribunals, Courts and Enforcement Act 2007,
 - (h) a transferred-in judge of the First-tier Tribunal or of the Upper Tribunal (see section 31(2) of that Act),
 - (i) a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act),
 - (j) the Chamber President, or Deputy Chamber President, of a chamber of the First-tier Tribunal or of a chamber of the Upper Tribunal,
 - (k) the Judge Advocate General,
 - (l) a Recorder,
 - (m) the holder of an office listed in the first column of the table in section 89(3C) of the Senior Courts Act 1981 (senior High Court Masters etc),
 - (n) a holder of an office listed in column 1 of Part 2 of Schedule 2 to that Act (High Court Masters etc),

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- (o) a deputy district judge appointed under section 102 of that Act or under section 8 of the County Courts Act 1984,
- (p) a member of a panel of Employment Judges established for England and Wales or for Scotland,
- (q) a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General),
- (r) a deputy judge of the High Court,
- (s) the Senior President of Tribunals,
- (t) an ordinary judge of the Court of Appeal (including the vice-president, if any, of either division of that court),
- (u) the President of the Queen's Bench Division,
- (v) the Master of the Rolls, or
- (w) the Lord Chief Justice.”

(3) In subsection (2)(b) for “Vice-Chancellor” substitute “Chancellor of the High Court”.

(4) In subsection (4) (a judge nominated under subsection (2)(d) or (e) must be appointed senior judge of the court) for “or (e)” substitute “to (q)”.

(5) In section 4(5)(f) of the Human Rights Act 1998 (things done by certain judges in Court of Protection) for “Vice-Chancellor” substitute “Chancellor of the High Court”.

PART 4

DEPLOYMENT OF JUDGES TO THE FIRST-TIER TRIBUNAL AND THE UPPER TRIBUNAL

6 The Tribunals, Courts and Enforcement Act 2007 is amended as follows.

7 In section 4(1) (judges of the First-tier Tribunal) after paragraph (c) insert—
 “(ca) is within section 6A,”.

8 (1) Section 6(1) (certain judges who are also judges of the First-tier Tribunal and the Upper Tribunal) is amended as follows.

(2) Before paragraph (a) insert—

- “(za) is the Lord Chief Justice of England and Wales,
- (zb) is the Master of the Rolls,
- (zc) is the President of the Queen's Bench Division of the High Court in England and Wales,
- (zd) is the President of the Family Division of the High Court in England and Wales,
- (ze) is the Chancellor of the High Court in England and Wales,”.

(3) After paragraph (d) insert—

- “(da) is a deputy judge of the High Court in England and Wales,
- (db) is the Judge Advocate General,”.

9 After section 6 insert—

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“6A Certain judges who are also judges of the First-tier Tribunal

A person is within this section (and so, by virtue of section 4(1)(ca), is a judge of the First-tier Tribunal) if the person—

- (a) is a deputy Circuit judge,
- (b) is a Recorder,
- (c) is a person who holds an office listed—
 - (i) in the first column of the table in section 89(3C) of the Senior Courts Act 1981 (senior High Court Masters etc), or
 - (ii) in column 1 of Part 2 of Schedule 2 to that Act (High Court Masters etc),
- (d) is a deputy district judge appointed under section 102 of that Act or section 8 of the County Courts Act 1984,
- (e) is a Deputy District Judge (Magistrates' Courts), or
- (f) is a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General).”

- 10 (1) In paragraph 6(3)(a) of each of Schedules 2 and 3 (requests to certain judges to act as judges of First-tier Tribunal or Upper Tribunal may be made only with the concurrence of the Lord Chief Justice) omit the “or” at the end of sub-paragraph (iv) and, after sub-paragraph (v), insert “,

- (vi) the Master of the Rolls,
- (vii) the President of the Queen's Bench Division of the High Court of England and Wales,
- (viii) the President of the Family Division of that court,
- (ix) the Chancellor of that court,
- (x) a deputy judge of that court, or
- (xi) the Judge Advocate General;”.

- (2) In paragraph 6 of Schedule 2 (judges by request of First-tier Tribunal) after sub-paragraph (3) insert—

“(3A) A request made under sub-paragraph (2) to a person who is a judge of the First-tier Tribunal by virtue of section 4(1)(ca) may be made only with the concurrence of the Lord Chief Justice of England and Wales.”

PART 5

DEPLOYMENT OF JUDGES TO THE EMPLOYMENT APPEAL TRIBUNAL

- 11 (1) Section 22 of the Employment Tribunals Act 1996 (membership of Employment Appeal Tribunal) is amended as follows.

- (2) In subsection (1)(a) (judges drawn from the judges of the High Court, or Court of Appeal, in England and Wales) after “Court of Appeal” insert “ and the judges within subsection (2A) ”.

- (3) After subsection (2) insert—

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“(2A) A person is a judge within this subsection if the person—

- (a) is the Senior President of Tribunals,
- (b) is a deputy judge of the High Court,
- (c) is the Judge Advocate General,
- (d) is a Circuit judge,
- (e) is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal,
- (f) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007,
- (g) is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act),
- (h) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act),
- (i) is a district judge, which here does not include a deputy district judge, or
- (j) is a District Judge (Magistrates' Courts), which here does not include a Deputy District Judge (Magistrates' Courts).”

- (4) In subsection (4) (judge's consent required to nomination to Appeal Tribunal) after “Appeal Tribunal” insert “ under subsection (1)(b) ”.

PART 6

DEPLOYMENT OF JUDGES TO THE EMPLOYMENT TRIBUNALS

- 12 (1) Section 5D of the Employment Tribunals Act 1996 (judicial assistance) is amended as follows.
- (2) In subsection (2)(d)(ii) (appropriate consent required) after “(see subsection (3))” insert “ except where the relevant judge is the Lord Chief Justice of England and Wales ”.
- (3) In subsection (3)(a) (consent required for deployment of judges of courts in England and Wales)—
- (a) in sub-paragraph (i) at the beginning insert “ the Master of the Rolls or ”,
 - (b) after sub-paragraph (i) insert—
 “(ia) within subsection (4)(b)(ia),”, and
 - (c) omit the “or” after sub-paragraph (iv), and after sub-paragraph (v) insert “, or
 (vi) within subsection (4)(b)(x) to (xvi);”.
- (4) In subsection (4)(a) (relevant tribunal judges) omit the “or” at the end of sub-paragraph (v), and after paragraph (vi) insert “, or
 (vii) is the Senior President of Tribunals;”.
- (5) In subsection (4)(b) (relevant judges) in sub-paragraph (i) after “is” insert “ the Lord Chief Justice of England and Wales, the Master of the Rolls or ”.
- (6) In subsection (4)(b) after sub-paragraph (i) insert—

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“(ia) is the President of the Queen's Bench Division or Family Division, or the Chancellor, of the High Court in England and Wales.”.

(7) In subsection (4)(b) omit the “or” at the end of sub-paragraph (viii), and after sub-paragraph (ix) insert—

“(x) is a deputy judge of the High Court in England and Wales,

(xi) is a Recorder,

(xii) is a Deputy District Judge (Magistrates' Courts),

(xiii) is a deputy district judge appointed under section 8 of the County Courts Act 1984 or section 102 of the Senior Courts Act 1981,

(xiv) holds an office listed in the first column of the table in section 89(3C) of the Senior Courts Act 1981 (senior High Court Masters etc),

(xv) holds an office listed in column 1 of Part 2 of Schedule 2 to that Act (High Court Masters etc), or

(xvi) is the Judge Advocate General or a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General).”

PART 7

AMENDMENTS FOLLOWING RENAMING OF CHAIRMEN OF EMPLOYMENT TRIBUNALS

13 (1) In the following provisions for “chairmen”, or for “chairmen of employment tribunals”, substitute “ Employment Judges ”

Constitutional Reform Act 2005: section 3(7B)(d) and (e),

Courts Act 1971: Part 1A of Schedule 2,

Courts and Legal Services Act 1990: Schedule 11,

Employment Tribunals Act 1996: sections 3A, 5A, 5B(4), 5D(2)(e) and 7B(6),

Judicial Pensions Act 1981: section 12(1)(c),

Judicial Pensions and Retirement Act 1993: section 26(12A)(i), and

Tribunals, Courts and Enforcement Act 2007: sections 4(1)(e) and (3)(d) and 47(5)(c)(iii), paragraph 12(1)(c) of Schedule 1 and paragraph 7(1)(a) of Schedule 2.

(2) In the following provisions for “chairman of employment tribunals” substitute “ Employment Judge ”

Constitutional Reform Act 2005: Part 3 of Schedule 14, in both places,

Tribunals, Courts and Enforcement Act 2007: paragraph 6(1)(e) and (4)(b) of Schedule 7, and

Judicial Pensions and Retirement Act 1993: Schedules 1 and 5.

(3) In sections 10(4) and 30(2B)(b) of the Employment Tribunals Act 1996 for “Chairman” substitute “ Employment Judge ”.

(4) In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 for “or member of a panel of persons appointed to act as chairmen or other members of employment tribunals” substitute “ Employment Judge, or member of a panel of members of employment tribunals that is not a panel of Employment Judges ”.

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- (5) In paragraph 5(2)(g) and (5)(vii) of Schedule 7 to the Judicial Pensions and Retirement Act 1993 before “chairman” insert “ Employment Judge, before 3 November 2008 called ”.

VALID FROM 03/11/2015

SCHEDULE 15

Section 41

EXCLUSIONS FROM DEFINITION OF “RELEVANT PUBLISHER”

Broadcasters

- 1 The British Broadcasting Corporation.
- 2 Sianel Pedwar Cymru.
- 3 The holder of a licence under the Broadcasting Act 1990 or 1996 who publishes news-related material in connection with the broadcasting activities authorised under the licence.

Special interest titles

- 4 A person who publishes a title that—
- (a) relates to a particular pastime, hobby, trade, business, industry or profession, and
- (b) only contains news-related material on an incidental basis that is relevant to the main content of the title.

Scientific or academic journals

- 5 A person who publishes a scientific or academic journal that only contains news-related material on an incidental basis that is relevant to the scientific or academic content.

Public bodies and charities

- 6 (1) A public body or charity that publishes news-related material in connection with the carrying out of its functions.
- (2) “Public body” means a person or body whose functions are of a public nature.

Company news publications etc

- 7 A person who publishes a newsletter, circular or other document which—
- (a) relates to a business carried on by the person, and
- (b) only contains news-related material on an incidental basis that is relevant to the person's business.

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Micro-businesses

- 8
- (1) A person who, in carrying on a micro-business, publishes news-related material where either condition A or condition B is met.
 - (2) Condition A is that the news-related material is contained in a multi-author blog.
 - (3) Condition B is that the news-related material is published on an incidental basis that is relevant to the main activities of the business.
 - (4) “Micro-business” means a business which—
 - (a) has fewer than 10 employees, and
 - (b) has an annual turnover not exceeding £2,000,000.
 - (5) The number of employees is to be calculated as follows—
 - (a) find the total number of hours per week for which all the employees of the business are contracted to work;
 - (b) divide that number by 37.5.
 - (6) “Employee” has the same meaning as in the Employment Rights Act 1996 (see section 230 of that Act).
 - (7) “Multi-author blog” means a blog that contains contributions from different authors.

Book publishers

- 9
- (1) A person who is the publisher of a book.
 - (2) “Book” does not include any title published on a periodic basis with substantially different content.

VALID FROM 11/12/2013

SCHEDULE 16

Section 44

DEALING NON-CUSTODIALLY WITH OFFENDERS

.....

VALID FROM 24/02/2014

SCHEDULE 17

Section 45

DEFERRED PROSECUTION AGREEMENTS

.....

Status: Point in time view as at 25/04/2013. This version of this Act contains provisions that are not valid for this point in time.

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SCHEDULE 18

Section 48

PROCEEDS OF CRIME: CIVIL RECOVERY OF THE PROCEEDS ETC OF UNLAWFUL CONDUCT

VALID FROM 01/06/2015

PART 1

ENFORCEMENT OF INTERIM ORDERS IN THE UNITED KINGDOM

- 1 Section 18 of the Civil Jurisdiction and Judgments Act 1982 (enforcement of UK judgments in other parts of UK) is amended as follows.

Extent Information

- E22** [Sch. 18 para. 1](#): "the relevant civil recovery provisions" as specified in [Sch. 25 para. 1](#), and to the extent there specified, do not extend to Northern Ireland, see [Sch. 25 para. 2](#)

- 2 In subsection (5)(d) (provisional measures), at the end insert “ or an interim order made in connection with the civil recovery of proceeds of unlawful conduct ”.

Extent Information

- E23** [Sch. 18 para. 2](#): "the relevant civil recovery provisions" as specified in [Sch. 25 para. 1](#), and to the extent there specified, do not extend to Northern Ireland, see [Sch. 25 para. 2](#)

- 3 After subsection (6) insert—

“(6A) In subsection (5)(d), “an interim order made in connection with the civil recovery of proceeds of unlawful conduct” means any of the following made under Chapter 2 of Part 5 of the Proceeds of Crime Act 2002—

- (a) a property freezing order or prohibitory property order;
- (b) an order under section 245E or 245F of that Act (order relating to receivers in connection with property freezing order);
- (c) an interim receiving order or interim administration order.”

Extent Information

- E24** [Sch. 18 para. 3](#): "the relevant civil recovery provisions" as specified in [Sch. 25 para. 1](#), and to the extent there specified, do not extend to Northern Ireland, see [Sch. 25 para. 2](#)

PART 2

PROPERTY OR EVIDENCE OUTSIDE THE UNITED KINGDOM

- 4 Part 5 of the Proceeds of Crime Act 2002 (civil recovery of the proceeds etc of unlawful conduct) is amended as follows.

Status: Point in time view as at 25/04/2013. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: Crime and Courts Act 2013 is up to date with all changes known to be in force on or before 24 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Extent Information

E25 [Sch. 18 para. 4](#): "the relevant civil recovery provisions" as specified in [Sch. 25 para. 1](#), and to the extent there specified, do not extend to Northern Ireland, see [Sch. 25 para. 2](#)

- 5 In section 280 (applying realised proceeds), in subsection (1), for “This section applies to” substitute “ Subsection (2) applies to sums which are in the hands of the trustee for civil recovery if they are ”.

Extent Information

E26 [Sch. 18 para. 5](#): "the relevant civil recovery provisions" as specified in [Sch. 25 para. 1](#), and to the extent there specified, do not extend to Northern Ireland, see [Sch. 25 para. 2](#)

- 6 After section 282A insert—

“Enforcement outside the United Kingdom

282B Enforcement abroad before recovery order: enforcement authority

- (1) This section applies if—
- (a) the property freezing conditions are met in relation to property,
 - (b) the property is not property to which a recovery order applies, and
 - (c) an enforcement authority in relation to England and Wales or Scotland believes that the property is in a country outside the United Kingdom (the receiving country).
- (2) The property freezing conditions are—
- (a) in England and Wales, the conditions in section 245A(5) and (6), and
 - (b) in Scotland, the conditions in section 255A(5) and (6),
- and, for the purposes of this subsection, the references in those provisions to property to which the application for the order relates are to be read as references to the property mentioned in subsection (1)(a).
- (3) The enforcement authority may send a request for assistance in relation to the property to the Secretary of State with a view to it being forwarded under this section.
- (4) The Secretary of State may forward the request for assistance to the government of the receiving country.
- (5) A request for assistance under this section is a request to the government of the receiving country—
- (a) to secure that any person is prohibited from dealing with the property;
 - (b) for assistance in connection with the management of the property, including with securing its detention, custody or preservation.

282C Enforcement abroad before recovery order: receiver or administrator

- (1) This section applies if—

Status: Point in time view as at 25/04/2013. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: Crime and Courts Act 2013 is up to date with all changes known to be in force on or before 24 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) a property freezing order made by the High Court in England and Wales has effect in relation to property, and
 - (b) the receiver appointed under section 245E in respect of the property believes that it is in a country outside the United Kingdom (the receiving country).
- (2) This section also applies if—
- (a) an interim receiving order made by the High Court in England and Wales or an interim administration order has effect in relation to property, and
 - (b) the interim receiver or interim administrator believes that the property is in a country outside the United Kingdom (the receiving country).
- (3) The receiver or administrator may send a request for assistance in relation to the property to the Secretary of State with a view to it being forwarded under this section.
- (4) The Secretary of State must forward the request for assistance to the government of the receiving country.
- (5) A request for assistance under this section is a request to the government of the receiving country—
- (a) to secure that any person is prohibited from dealing with the property;
 - (b) for assistance in connection with the management of the property, including with securing its detention, custody or preservation.

282D Evidence overseas: interim receiver or interim administrator

- (1) This section applies if—
- (a) an interim receiving order made by the High Court in England and Wales or an interim administration order has effect in relation to property, and
 - (b) the order requires the interim receiver or interim administrator to take steps to establish a matter described in section 247(2)(a) or (b) or 257(2)(a) or (b).
- (2) The interim receiver or interim administrator may request assistance under this section if the interim receiver or interim administrator thinks that there is relevant evidence in a country outside the United Kingdom.
- (3) A judge of the High Court in England and Wales may request assistance under this section if—
- (a) an application is made by the interim receiver or by a person subject to investigation by the interim receiver, and
 - (b) the judge thinks that there is relevant evidence in a country outside the United Kingdom.
- (4) A judge of the Court of Session may request assistance under this section if—
- (a) an application is made by the interim administrator or by a person subject to investigation by the interim administrator, and

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- (b) the judge thinks that there is relevant evidence in a country outside the United Kingdom.
- (5) The assistance that may be requested under this section is assistance in obtaining outside the United Kingdom relevant evidence specified in the request.
- (6) Relevant evidence is—
 - (a) in relation to an application or request made for the purposes of an investigation by an interim receiver, evidence as to a matter described in section 247(2)(a) or (b);
 - (b) in relation to an application or request made for the purposes of an investigation by an interim administrator, evidence as to a matter described in section 257(2)(a) or (b).
- (7) A request for assistance under this section may be sent—
 - (a) to a court or tribunal which is specified in the request and which exercises jurisdiction in the place where the evidence is to be obtained,
 - (b) to the government of the country concerned, or
 - (c) to an authority recognised by the government of the country concerned as the appropriate authority for receiving requests for assistance of that kind.
- (8) Alternatively, a request for assistance under this section may be sent to the Secretary of State with a view to it being forwarded to a court, tribunal, government or authority mentioned in subsection (7).
- (9) The Secretary of State must forward the request for assistance to the court, tribunal, government or authority.
- (10) In a case of urgency, a request for assistance under this section may be sent to—
 - (a) the International Criminal Police Organisation, or
 - (b) any person competent to receive it under any provisions adopted under the EU Treaties,
 for forwarding to the court, tribunal, government or authority mentioned in subsection (7).
- (11) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to requests for assistance made by a judge under this section.
- (12) “Evidence” includes documents, information in any other form and material.

282E Evidence overseas: restrictions on use

- (1) This section applies to evidence obtained by means of a request for assistance under section 282D.
- (2) The evidence must not be used for any purpose other than—
 - (a) for the purposes of carrying out the functions of the interim receiver or interim administrator, or

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- (b) for the purposes of proceedings under this Chapter of this Part in respect of property described in subsection (3) or any proceedings arising out of such proceedings.
- (3) That property is—
 - (a) the property that is the subject of the interim receiving order or interim administration order, or
 - (b) other property that is recoverable property in respect of the same unlawful conduct.
- (4) Subsection (2) does not apply if the court, tribunal, government or authority to whom the request for assistance was sent consents to the use.
- (5) In Scotland, the evidence may be received in evidence without being sworn to by anyone, so far as that may be done without unfairness to any party.

282F Enforcement abroad: after recovery order

- (1) This section applies if—
 - (a) a recovery order made by the High Court in England and Wales or the Court of Session has effect in relation to property, and
 - (b) the enforcement authority or the trustee for civil recovery believes that the property is in a country outside the United Kingdom (the receiving country).
- (2) The enforcement authority or trustee for civil recovery may send a request for assistance in relation to the property to the Secretary of State with a view to it being forwarded under this section.
- (3) The Secretary of State may forward a request for assistance from the enforcement authority to the government of the receiving country.
- (4) The Secretary of State must forward a request for assistance from the trustee for civil recovery to the government of the receiving country.
- (5) A request for assistance is a request to the government of the receiving country for assistance in connection with the management and disposal of the property and includes a request—
 - (a) to secure the detention, custody or preservation of the property;
 - (b) in the case of money, to secure that it is applied in accordance with the law of the receiving country;
 - (c) in the case of property other than money, to secure that the property is realised and the proceeds are applied in accordance with the law of the receiving country.
- (6) A certificate purporting to be issued by or on behalf of the government of the receiving country is admissible as evidence of the facts it states if it states—
 - (a) that property has been realised in pursuance of a request under this section,
 - (b) the date of realisation, and
 - (c) the proceeds of realisation.”

Status: Point in time view as at 25/04/2013. This version of this Act contains provisions that are not valid for this point in time.

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Extent Information

E27 [Sch. 18 para. 6](#): "the relevant civil recovery provisions" as specified in Sch. 25 para. 1, and to the extent there specified, do not extend to Northern Ireland, see [Sch. 25 para. 2](#)

VALID FROM 22/11/2014

SCHEDULE 19

Section 49

PROCEEDS OF CRIME: INVESTIGATIONS

VALID FROM 29/07/2013

SCHEDULE 20

Section 50

EXTRADITION

VALID FROM 25/06/2013

SCHEDULE 21

Section 55

POWERS OF IMMIGRATION OFFICERS: FURTHER PROVISION

VALID FROM 02/03/2015

SCHEDULE 22

Section 56

DRUGS AND DRIVING: MINOR AND CONSEQUENTIAL AMENDMENTS

Status: Point in time view as at 25/04/2013. This version of this Act contains provisions that are not valid for this point in time.

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PROSPECTIVE

SCHEDULE 23

Section 58

SUPER-AFFIRMATIVE PROCEDURE

Prior consultation

- 1 If the Secretary of State is proposing to make an order under section 2, the Secretary of State must consult those persons whom the Secretary of State considers would be affected by the proposed order.

Draft order

- 2 (1) If, after such a consultation, the Secretary of State considers it appropriate to proceed with the making of the order, the Secretary of State must lay before Parliament—
- (a) a draft order, and
 - (b) a document which explains the order.
- (2) The Secretary of State may not act under this paragraph before the end of the period of twelve weeks beginning with the day on which the consultation began.

Draft order approved

- 3 (1) The Secretary of State may make an order in the terms of the draft order laid under paragraph 2 if, after the expiry of the 40-day period, the draft order is approved by a resolution of each House of Parliament.
- (2) But the procedure in paragraph 4 is to apply to the draft order instead of the procedure in this paragraph if—
- (a) either House of Parliament so resolves within the 30-day period, or
 - (b) a committee of either House charged with reporting on the draft order so recommends within the 30-day period and the House to which the recommendation is made does not by resolution reject the recommendation within that period.

Scrutiny extended

- 4 (1) The Secretary of State must have regard to—
- (a) any representations,
 - (b) any resolution of either House of Parliament, and
 - (c) any recommendations of a committee of either House of Parliament charged with reporting on the draft order,
- made during the 60-day period with regard to the draft order.
- (2) If after the expiry of the 60-day period the draft order is approved by a resolution of each House of Parliament, the Secretary of State may make an order in the terms of the draft order.

Status: Point in time view as at 25/04/2013. This version of this Act contains provisions that are not valid for this point in time.

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- (3) If after the expiry of the 60-day period the Secretary of State wishes to proceed with the draft order but with material changes, the Secretary of State may lay before Parliament—
 - (a) a revised draft order, and
 - (b) a statement giving a summary of the changes proposed.
- (4) If the revised draft order is approved by a resolution of each House of Parliament, the Secretary of State may make an order in the terms of the revised draft order.

Interpretation

- 5 (1) For the purposes of this paragraph an order is made in the terms of a draft order or revised draft order if it contains no material changes to its provisions.
- (2) In this Schedule, references to the “30-day”, “40-day” and “60-day” periods in relation to any draft order are to the periods of 30, 40 and 60 days beginning with the day on which the draft order was laid before Parliament.
- (3) For that purpose no account is to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than four days.

SCHEDULE 24

Section 61(18)

THE NCA: NORTHERN IRELAND

Provisions that do not extend to Northern Ireland

- 1 (1) The relevant NCA provisions do not extend to Northern Ireland.
- (2) The Secretary of State may, by order, provide that any other provision of Part 1 of this Act is not to extend to Northern Ireland.
- (3) This paragraph is subject to paragraph 2.

Power to provide for provisions to extend to Northern Ireland

- 2 The Secretary of State may, by order, provide for any of the following to extend to Northern Ireland—
 - (a) any relevant NCA provision;
 - (b) any provision in respect of which an order has been made under paragraph 1(2).

Provisions extended to Northern Ireland: consequential provision

- 3 The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate in consequence of, or in connection with, a provision of this Act extending to Northern Ireland by virtue of an order under paragraph 2.

Status: Point in time view as at 25/04/2013. This version of this Act contains provisions that are not valid for this point in time.

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Provisions not extending to Northern Ireland: consequential provision

- 4 The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate in consequence of, or in connection with, a provision of this Act not extending to Northern Ireland by virtue of—
- (a) paragraph 1(1), or
 - (b) an order under paragraph 1(2).

NCA functions in Northern Ireland

- 5 The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate for modifying the ways in which—
- (a) NCA functions are exercised in Northern Ireland, or
 - (b) the exercise of NCA functions in Northern Ireland is planned or supervised.

Consent of Northern Ireland Assembly to transferred provision

- 6 (1) The Secretary of State may not make an order under this Schedule which makes transferred provision unless the Northern Ireland Assembly consents to the making of that provision.
- (2) In this paragraph “transferred provision” means provision which, if it were contained in an Act of the Northern Ireland Assembly—
- (a) would be within the legislative competence of the Assembly, and
 - (b) would deal with a transferred matter without being ancillary to other provision (whether in the Act or previously enacted) which deals with an excepted matter or reserved matter.

Orders under this Schedule: particular provision

- 7 (1) The provision that may be made by an order under paragraph 2, 3, 4 or 5 (whether by virtue of that paragraph or section 58(12)) includes—
- (a) provision conferring, removing or otherwise modifying a function (whether or not exercisable in, or in relation to, Northern Ireland);
 - (b) provision amending, repealing, revoking or otherwise modifying any enactment (including an enactment contained in, or amended by, this Act).
- (2) The making of an order under any provision of this Schedule does not prevent—
- (a) a further order from being made under that provision, or
 - (b) an order from being made under any other provision of this Schedule.
- (3) An order under paragraph 2 or 3 may modify or reverse the effects of an order made under paragraph 4.
- (4) Sub-paragraphs (1) to (3) do not limit the powers conferred by paragraphs 2, 3, 4 and 5.
- (5) In this paragraph “function” includes—
- (a) an NCA function, and
 - (b) a function of the Secretary of State.

Status: Point in time view as at 25/04/2013. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: Crime and Courts Act 2013 is up to date with all changes known to be in force on or before 24 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Interpretation

- 8 Expressions used in this Schedule and in Part 1 of this Act have the same meanings in this Schedule as in that Part.
- 9 For the purposes of this Schedule, each of the provisions of this Act specified in the following table (including any amendment, repeal or revocation made by such a provision) is a “relevant NCA provision”.

THE RELEVANT NCA PROVISIONS

Section 3	— subsection (2)(a) so far as it requires consultation with the Department of Justice in Northern Ireland
Section 4	— subsection (6)(a) so far as it requires consultation with the Department of Justice in Northern Ireland — subsection (7)(b) — subsection (8)(c)
Section 11	— subsection (8)
Schedule 1	— paragraph 7(1)(b) — paragraph 8(3)(b)
Schedule 2	— paragraph 5(b) — paragraph 6(2)(b)(ii), (4) and (5) — paragraph 8(4) and (5)
Schedule 3	— paragraph 1(2) so far as it imposes a duty on: (a) a member of the Police Service of Northern Ireland, or (b) a person operating in Northern Ireland who falls within paragraph 1(3)(f) — paragraph 3 so far as it relates to the Chief Constable of the Police Service of Northern Ireland — paragraph 14 — paragraph 15 — paragraph 25 — paragraph 26(3)(b)
Schedule 5	— paragraph 11(1)(c) — paragraph 11(6) to (8) — in paragraph 11(9), the definitions of “Northern Ireland general authorisation” and “Northern Ireland operational authorisation” — paragraph 13 — in paragraph 30, the definition of “powers and privileges of a Northern Ireland constable”
Schedule 6	— paragraph 19
Schedule 8	— the provisions of Part 2 and Part 3 so far as they relate to transferred matters

- 10 In this Schedule—
“ancillary” has the meaning given in section 6(3) of the Northern Ireland Act 1998;

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“excepted matter”, “reserved matter” and “transferred matter” have the meanings given by section 4(1) of the Northern Ireland Act 1998.

SCHEDULE 25

Section 61(19)

PROCEEDS OF CRIME PROVISIONS: NORTHERN IRELAND

PART 1

CIVIL RECOVERY PROVISIONS

Meaning of “relevant civil recovery provision”

- 1 For the purposes of this Part of this Schedule, each of the following is a “relevant civil recovery provision”—
- (a) section 48(2), (3), (5) and (6);
 - (b) section 48(7) so far as it relates to amendments made by section 48(2), (3) and (5) and Part 2 of Schedule 18;
 - (c) each provision in Schedule 18;
 - (d) each amendment or repeal made by the provisions mentioned in paragraphs (a) and (c).

Relevant civil recovery provisions not to extend to Northern Ireland unless order made

- 2 (1) The relevant civil recovery provisions do not extend to Northern Ireland.
- (2) But that is subject to paragraph 3.

Power to provide for relevant civil recovery provisions to extend to Northern Ireland

- 3 The Secretary of State may, by order, provide for one or more of the relevant civil recovery provisions to extend to Northern Ireland.

Relevant civil recovery provision extending to Northern Ireland

- 4 (1) The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate in consequence of, or in connection with, a relevant civil recovery provision extending to Northern Ireland.
- (2) An order under this paragraph may, in particular—
- (a) provide for section 282A of the Proceeds of Crime Act 2002 to have effect in relation to orders made by the High Court in Northern Ireland;
 - (b) provide for an enforcement authority in relation to Northern Ireland to make requests for assistance under section 282B of that Act;
 - (c) provide for a receiver appointed under an order made by the High Court in Northern Ireland to make requests for assistance under section 282C of that Act;

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- (d) provide for the High Court in Northern Ireland or a receiver appointed by an order made by that court to make requests for assistance under section 282D of that Act;
- (e) provide for an enforcement authority or trustee for civil recovery to make a request for assistance under section 282F of that Act where a recovery order has been made by the High Court in Northern Ireland;
- (f) provide for section 316(8B) of that Act to have effect in relation to an enforcement authority in relation to Northern Ireland.

Relevant civil recovery provision not extending to Northern Ireland

- 5 The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate in consequence of, or in connection with, a relevant civil recovery provision not extending to Northern Ireland.

Consent of Northern Ireland Assembly to transferred provision

- 6 (1) The Secretary of State may not make an order under this Part of this Schedule which makes transferred provision unless the Northern Ireland Assembly consents to the making of that provision.
- (2) In this paragraph “transferred provision” means provision which, if it were contained in an Act of the Northern Ireland Assembly—
- (a) would be within the legislative competence of the Assembly, and
 - (b) would deal with a transferred matter without being ancillary to other provision (whether in the Act or previously enacted) which deals with an excepted or reserved matter.
- (3) In sub-paragraph (2)—
- “ancillary” has the meaning given in section 6(3) of the Northern Ireland Act 1998;
 - “excepted matter”, “reserved matter” and “transferred matter” have the meanings given by section 4(1) of the Northern Ireland Act 1998.

Orders under this Part of this Schedule: particular provision

- 7 (1) The provision that may be made by an order under paragraph 3, 4 or 5 (whether by virtue of that paragraph or section 58(12)) includes—
- (a) provision conferring, removing or otherwise modifying a function (whether or not exercisable in, or in relation to, Northern Ireland);
 - (b) provision amending, repealing, revoking or otherwise modifying any enactment (including an enactment contained in, or amended by, this Act).
- (2) Such an order may provide for provision amending, repealing or otherwise modifying Chapter 2 or 4 of Part 5 of the Proceeds of Crime Act 2002 to have retrospective effect.
- (3) The making of an order under any provision of this Part of this Schedule does not prevent—
- (a) a further order from being made under that provision, or
 - (b) an order from being made under any other provision of this Part of this Schedule.

Status: *Point in time view as at 25/04/2013. This version of this Act contains provisions that are not valid for this point in time.*

Changes to legislation: *Crime and Courts Act 2013 is up to date with all changes known to be in force on or before 24 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) An order under paragraph 3 or 4 may modify or reverse the effects of an order made under paragraph 5.
- (5) Sub-paragraphs (1) to (4) do not limit the powers conferred by paragraphs 3, 4 and 5.
- (6) In this paragraph—
- “enactment” means any enactment, whenever passed or made, contained in—
- (a) an Act of Parliament;
 - (b) an Act of the Scottish Parliament;
 - (c) Northern Ireland legislation;
 - (d) a Measure or Act of the National Assembly for Wales;
 - (e) an instrument made under any such Act, legislation or Measure;
 - (f) any other subordinate legislation (within the meaning of the Interpretation Act 1978);
- “function” means a function of any description, including a power or duty (whether conferred by an enactment or arising otherwise).

PART 2

INVESTIGATION PROVISIONS

Meaning of “relevant investigation provision”

- 8 For the purposes of this Part of this Schedule, each of the following is a “relevant investigation provision”—
- (a) each provision in paragraphs 2 to 13, 25 to 27, 29 and 30 of Schedule 19 (including each amendment or repeal made by those provisions), and
 - (b) section 49 so far as it relates to each of those provisions.

Relevant investigation provisions not to extend to Northern Ireland unless order made

- 9 (1) The relevant investigation provisions do not extend to Northern Ireland.
- (2) But that is subject to paragraph 10.

Power to provide for relevant investigation provisions to extend to Northern Ireland

- 10 The Secretary of State may, by order, provide for one or more of the relevant investigation provisions to extend to Northern Ireland.

Relevant investigation provision extending to Northern Ireland

- 11 The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate in consequence of, or in connection with, a relevant investigation provision extending to Northern Ireland.

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Changes to legislation: Crime and Courts Act 2013 is up to date with all changes known to be in force on or before 24 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Relevant investigation provision not extending to Northern Ireland

- 12 The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate in consequence of, or in connection with, a relevant investigation provision not extending to Northern Ireland.

Consent of Northern Ireland Assembly to transferred provision

- 13 (1) The Secretary of State may not make an order under this Part of this Schedule which makes transferred provision unless the Northern Ireland Assembly consents to the making of that provision.
- (2) In this paragraph “transferred provision” means provision which, if it were contained in an Act of the Northern Ireland Assembly—
- (a) would be within the legislative competence of the Assembly, and
 - (b) would deal with a transferred matter without being ancillary to other provision (whether in the Act or previously enacted) which deals with an excepted matter or a reserved matter.
- (3) In sub-paragraph (2)—
- “ancillary” has the meaning given in section 6(3) of the Northern Ireland Act 1998;
 - “excepted matter”, “reserved matter” and “transferred matter” have the meanings given by section 4(1) of the Northern Ireland Act 1998.

Orders under this Part of this Schedule: particular provision

- 14 (1) The provision that may be made by an order under paragraph 10, 11 or 12 (whether by virtue of that paragraph or section 58(12)) includes—
- (a) provision conferring, removing or otherwise modifying a function (whether or not exercisable in, or in relation to, Northern Ireland);
 - (b) provision amending, repealing, revoking or otherwise modifying any enactment (including an enactment contained in, or amended by, this Act).
- (2) The making of an order under any provision of this Part of this Schedule does not prevent—
- (a) a further order from being made under that provision, or
 - (b) an order from being made under any other provision of this Part of this Schedule.
- (3) An order under paragraph 10 or 11 may modify or reverse the effects of an order made under paragraph 12.
- (4) Sub-paragraphs (1) to (3) do not limit the powers conferred by paragraphs 10, 11 and 12.
- (5) In this paragraph—
- “enactment” means any enactment, whenever passed or made, contained in—
- (a) an Act of Parliament;
 - (b) an Act of the Scottish Parliament;
 - (c) Northern Ireland legislation;
 - (d) a Measure or Act of the National Assembly for Wales;

Status: Point in time view as at 25/04/2013. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: Crime and Courts Act 2013 is up to date with all changes known to be in force on or before 24 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (e) an instrument made under any such Act, legislation or Measure;
 - (f) any other subordinate legislation (within the meaning of the Interpretation Act 1978);
- “function” means a function of any description, including a power or duty (whether conferred by an enactment or arising otherwise).

Status:

Point in time view as at 25/04/2013. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation:

Crime and Courts Act 2013 is up to date with all changes known to be in force on or before 24 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.