



Courts Act 1971

1971 CHAPTER 23

PART VI

MISCELLANEOUS AND SUPPLEMENTAL

Merger or abolition of certain courts and offices

41 Merger of Palatine Courts with High Court.

- (1) On the appointed day—
 - (a) the Court of Chancery of the county palatine of Lancaster (in this Act referred to as “the Lancaster Palatine Court”), and
 - (b) the Court of Chancery of the county palatine of Durham and Sadberge (in this Act referred to as “the Durham Palatine Court”),shall be merged with the High Court and accordingly on and after that day no jurisdiction, whether conferred by statute or otherwise, shall be exercised by the Palatine Courts as such.
- (2) The provisions of Part I of Schedule 5 to this Act shall have effect with respect to certain transitional matters consequential on the provisions of this section.

42 Local court for City of London.

- (1) The Mayor’s and City of London Court, as constituted immediately before the commencement of this Act, is hereby abolished.
- (2) For the purpose of establishing a court to exercise so much of the jurisdiction previously exercised by the Mayor’s and City of London Court as is appropriate to a county court and for exercising any other jurisdiction which may hereafter be conferred on a county court, the City of London shall, by virtue of this section, become a county court district and accordingly the enactments relating to county courts shall apply in relation to the county court for the City of London as they apply in relation to a county court for any other county court district.

Status: Point in time view as at 01/02/1991.

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- (3) Without prejudice to subsection (1) above, the county court for the district constituted by subsection (2) above shall be known as the Mayor's and City of London Court and the Circuit judge assigned to that district under section 20(1) of this Act shall be known as the judge of the Mayor's and City of London Court.
- (4) The provisions of Part II of Schedule 5 to this Act shall have effect with respect to certain transitional matters consequential on the provisions of this section.

43 Abolition of certain other local courts.

- (1) There are hereby abolished the following local courts of record, being those which actively exercise a civil jurisdiction comparable to or greater than that of the county court for the district in which they are situated:—
 - (a) the Tolzey and Pie Poudre Courts of the City and County of Bristol;
 - (b) the Liverpool Court of Passage;
 - (c) the Norwich Guildhall Court; and
 - (d) the Court of Record for the Hundred of Salford.
- (2) The provisions of Part III of Schedule 5 to this Act shall have effect with respect to certain transitional matters consequential on the abolition of the courts specified in subsection (1) above.

44 Abolition of certain offices.

- (1) The following offices are hereby abolished:—
 - (a) chairman and deputy chairman of county quarter sessions; recorder, and deputy, assistant or temporary recorder, of a borough (but not the Recorder of London); clerk and deputy clerk of the peace;
 - (b) any judicial or other office in a court abolished or merged with the High Court by the preceding provisions of this Part of this Act, other than the office of Vice-Chancellor of the County Palatine of Lancaster;
 - (c) clerk of assize, circuit bailiff and any other office the duties of which relate exclusively to courts of assize.
- (2) The Lord Chancellor may, with the concurrence of the Minister for the Civil Service, by regulations provide for the payment out of money provided by Parliament of compensation to or in respect of persons who suffer loss of employment or loss or diminution of emoluments which is attributable—
 - (a) to the preceding provisions of this section, or
 - (b) to the abolition or merger of any court (including courts of assize, courts of quarter sessions and Palatine courts) by this Act, or
 - (c) to the transfer by this Act of any function to the Lord Chancellor or to any other Minister.
- (3) Regulations under this section may—
 - (a) include provision as to the manner in which and the person to whom any claim for compensation under the regulations is to be made, and for the determination of all questions arising under the regulations,
 - (b) make special provision for persons who, but for any national service, would be holders of any office or engaged in any employment,

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- (c) make different provision for different classes of persons and for other different circumstances, and make, or authorise the Lord Chancellor to make, exceptions and conditions,
- (d) be framed so as to have effect from a date earlier than the making of the regulations,

but so that regulations having effect from a date earlier than their making shall not place any individual in a worse position than he would have been in if the regulations had been so framed as to have effect only from the date of their making.

- (4) Regulations under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

45 F1

Textual Amendments

F1 S. 45 repealed by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), s. 46(3), **Sch. 3**

46 F2

Textual Amendments

F2 S. 46 repealed by [Patents Act 1977 \(c. 37\)](#), **Sch. 6**

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