



Courts Act 2003

2003 CHAPTER 39

PART 1

MAINTAINING THE COURT SYSTEM

The general duty

1 The general duty

- (1) The Lord Chancellor is under a duty to ensure that there is an efficient and effective system to support the carrying on of the business of—
 - (a) the [^{F1}Senior Courts]
 - [^{F2}(aa) the Court of Protection,]
 - (b) [^{F3} the county court],
 - [^{F4}(ba) the family court, and]
 - (c) magistrates' courts,and that appropriate services are provided for those courts.
- (2) In this Part—
 - (a) “the [^{F1}Senior Courts]” includes the district probate registries, and
 - (b) “magistrates' court” includes a committee of justices.
- (3) In this Part references to the Lord Chancellor’s general duty in relation to the courts are to his duty under this section.
- (4) The Lord Chancellor must, within 18 months of the coming into force of this section, and afterwards annually, prepare and lay before both Houses of Parliament a report as to the way in which he has discharged his general duty in relation to the courts.

Textual Amendments

- F1** Words in s. 1 substituted (1.10.2009) by [Constitutional Reform Act 2005](#) (c. 4), ss. 59, 148, [Sch. 11 para. 4](#); {S.I. 2009/1604, art. 2(d)}

Changes to legislation: Courts Act 2003, Part 1 is up to date with all changes known to be in force on or before 19 April 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) View outstanding changes

- F2** S. 1(1)(aa) inserted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), ss. 67(1), 68(1)-(3), [Sch. 6 para. 47\(2\)](#) (with ss. 27, 28, 29, 62); S.I. 2007/1897, [art. 2\(d\)](#)
- F3** Words in s. 1(1)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 40\(a\)](#); S.I. 2014/954, [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F4** S. 1(1)(ba) substituted for word in s. 1(1)(b) (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 84](#); S.I. 2014/954, [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Court staff and accommodation

2 Court officers, staff and services

- (1) The Lord Chancellor may appoint such officers and other staff as appear to him appropriate for the purpose of discharging his general duty in relation to the courts.
- (2) The civil service pension arrangements for the time being in force apply (with any necessary adaptations) to persons appointed under subsection (1) as they apply to other persons employed in the civil service of the State.
- (3) “The civil service pension arrangements” means—
 - (a) the principal civil service pension scheme (within the meaning of section 2 of the Superannuation Act 1972 (c. 11)), and
 - (b) any other superannuation benefits for which provision is made under or by virtue of section 1 of the 1972 Act for or in respect of persons in employment in the civil service of the State.
- (4) Subject to subsections (5) and (6), the Lord Chancellor may enter into such contracts with other persons for the provision, by them or their sub-contractors, of officers, staff or services as appear to him appropriate for the purpose of discharging his general duty in relation to the courts.
- (5) The Lord Chancellor may not enter into contracts for the provision of officers and staff to discharge functions which involve making judicial decisions or exercising any judicial discretion.
- (6) The Lord Chancellor may not enter into contracts for the provision of officers and staff to carry out the administrative work of the courts unless an order made by the Lord Chancellor authorises him to do so.
- (7) Before making an order under subsection (6) the Lord Chancellor must consult—
 - (a) the Lord Chief Justice,
 - (b) the Master of the Rolls,
 - [^{F5}(c) the President of the Queen's Bench Division,
 - (d) the President of the Family Division, and
 - (e) the Chancellor of the High Court.]

as to what effect (if any) the order might have on the proper and efficient administration of justice.
- (8) An order under subsection (6) may authorise the Lord Chancellor to enter into contracts for the provision of officers or staff to discharge functions—
 - (a) wholly or to the extent specified in the order,

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- (b) generally or in cases or areas specified in the order, and
- (c) unconditionally or subject to the fulfilment of conditions specified in the order.

Textual Amendments

F5 S. 2(7)(c)-(e) substituted (1.10.2005) for s. 2(7)(c)(d) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 309\(1\); S.I. 2005/2505, art. 2\(c\)](#)

3 Provision of accommodation

- (1) The Lord Chancellor may provide, equip, maintain and manage such court-houses, offices and other accommodation as appear to him appropriate for the purpose of discharging his general duty in relation to the courts.
- (2) The Lord Chancellor may enter into such arrangements for the provision, equipment, maintenance or management of court-houses, offices or other accommodation as appear to him appropriate for the purpose of discharging his general duty in relation to the courts.
- (3) The powers under—
 - (a) section 2 of the Commissioners of Works Act 1852 (c. 28) (acquisition by agreement), and
 - (b) section 228(1) of the Town and Country Planning Act 1990 (c. 8) (compulsory acquisition),to acquire land necessary for the public service are to be treated as including power to acquire land for the purpose of its provision under arrangements entered into under subsection (2).
- (4) “Court-house” means any place where a court sits, including the precincts of any building in which it sits.

Courts boards

^{F6}4 Establishment of courts boards

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Textual Amendments

F6 S. 4 repealed (2.5.2012) by [The Public Bodies \(Abolition of Courts Boards\) Order 2012 \(S.I. 2012/1206\), art. 1\(2\), Sch. para. 4](#)

^{F7}5 Functions of courts boards

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Textual Amendments

- F7** S. 5 repealed (2.5.2012) by [The Public Bodies \(Abolition of Courts Boards\) Order 2012 \(S.I. 2012/1206\)](#), art. 1(2), [Sch. para. 5](#)

Abolition of magistrates' courts committees

6 Abolition of magistrates' courts committees, etc.

- (1) The Greater London Magistrates' Courts Authority (the magistrates' courts committee for Greater London) and all the magistrates' courts committees for areas of England and Wales outside Greater London are abolished.
- (2) In consequence of that—
 - (a) England and Wales outside Greater London is no longer divided into magistrates' courts committee areas, and
 - (b) the office of justices' chief executive is abolished.
- (3) Schedule 2 (abolition of magistrates' courts committees: transfers) has effect.
- (4) The Justices of the Peace Act 1997 (c. 25) ceases to have effect.

Commencement Information

- II** S. 6 wholly in force at 1.4.2005; s. 6 not in force at Royal Assent see s. 110(1)(2); s. 6(3) in force at 1.9.2004 by [S.I. 2004/2066](#), [art. 2\(a\)](#) (subject to [art. 3](#)); s. 6 in force at 1.4.2005 insofar as not already in force by [S.I. 2005/910](#), [art. 3\(d\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 75(6) inserted by [2022 c. 35 Sch. 4 para. 3\(2\)](#)
- s. 76(2B) inserted by [2010 c. 26 Sch. 3 para. 14](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 81(6) inserted by [2022 c. 35 Sch. 4 para. 3\(3\)](#)
- s. 85EA(5) words substituted by [2022 c. 32 Sch. 11 para. 29](#)
- Sch. 5 para. 13(1)(ca) inserted by [2013 c. 22 s. 26\(3\)](#)

Commencement Orders yet to be applied to the Courts Act 2003

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2005/547 art. 2](#) commences ([2003 c. 39](#))