



Courts Act 2003

2003 CHAPTER 39

PART 2

JUSTICES OF THE PEACE

Miscellaneous

41 Disqualification of lay justices who are members of local authorities

- (1) A lay justice who is a member of a local authority may not act as a member of the Crown Court or a magistrates' court in proceedings brought by or against, or by way of an appeal from a decision of—
- (a) that local authority,
 - (b) a committee or officer of that local authority, or
 - (c) if that local authority is operating executive arrangements (within the meaning of Part 2 of the Local Government Act 2000 (c. 22))—
 - (i) the executive of that local authority (within the meaning of that Part),
or
 - (ii) any person acting on behalf of that executive.
- (2) A lay justice who is a member of the Common Council of the City of London may not act as a member of the Crown Court or a magistrates' court in proceedings brought by or against, or by way of an appeal from a decision of—
- (a) the Corporation of the City,
 - (b) the Common Council, or
 - (c) a committee or officer of the Corporation or the Common Council.
- (3) A joint committee, joint board, joint authority or other combined body—
- (a) of which a local authority, the Corporation or the Common Council is a member, or
 - (b) on which the local authority, the Corporation or the Council is represented,

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is to be regarded for the purposes of this section as a committee of the local authority, Corporation or Common Council.

(4) Any reference in this section to an officer of—

- (a) a local authority,
- (b) the Corporation, or
- (c) the Common Council,

is to a person employed or appointed by, or by a committee of, the local authority, Corporation or Common Council in the capacity in which he is employed or appointed to act.

(5) No act is invalidated merely because of the disqualification under this section of the person by whom it is done.

(6) “Local authority” means—

- (a) a local authority within the meaning of the Local Government Act 1972 (c. 70),
- (b) a local authority constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39),
- ^{F1}(c)
- ^{F2}(d) the London Fire Commissioner,]
- (e) a joint authority established under Part 4 of the Local Government Act 1985 (c. 51),
- ^{F3}(ea) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009,
- (eb) a combined authority established under section 103 of that Act,]
- ^{F4}(ec) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023,]
- (f) a National Park Authority,
- (g) the Broads Authority, or
- (h) a housing action trust established under Part 3 of the Housing Act 1988 (c. 50).

^{F5}(7) In the application of this section to the London Fire Commissioner, the reference in subsection (1) to a member of the local authority is to the person who is for the time being the Commissioner.]

Textual Amendments

- F1** S. 41(6)(c) repealed (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 189](#); S.I. 2013/1682, art. 3(v)
- F2** S. 41(6)(d) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 2 para. 109\(2\)](#); S.I. 2018/227, [reg. 4\(c\)](#)
- F3** S. 41(6)(ea)(eb) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 119, 148, [Sch. 6 para. 118](#); S.I. 2009/3318, [art. 2](#)
- F4** S. 41(6)(ec) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 153](#) (with s. 247)
- F5** S. 41(7) inserted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 2 para. 109\(3\)](#); S.I. 2018/227, [reg. 4\(c\)](#)

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42 Effect of Act of Settlement on existing justices of the peace

Nothing in section 3 of the Act of Settlement (1700 c. 2) (certain persons born outside the United Kingdom) invalidates—

- (a) any appointment, whether made before or after the passing of this Act, of a justice of the peace, or
- (b) any act done by virtue of such an appointment.

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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](#))